

MANAGEMENT BOARD DECISION (2022/10)

Rules of Procedure of the Management Board and of the Executive Board of the European Agency for Safety and Health at Work

The Management Board of the European Agency for Safety and Health at Work,

having regard to Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94 ('the Agency Regulation') and in particular Article 5 (1) (i) and (n) thereof,

Has adopted the following rules of procedure:

10 June 2022

Chairperson and Deputy Chairpersons

Article 1

1. In performing their role, the Chairperson shall act objectively and impartially.
2. When chairing the meeting of the Management Board or Executive Board, the Chairperson shall facilitate the debate and shall ensure that all groups and members have an equal opportunity to express their views. The Chairperson shall faithfully summarise conclusions of the debate, reflecting as necessary divergences of opinions.
3. When representing the Management Board or the Executive Board, the Chairperson shall express positions that have been agreed upon by the respective Boards or that are in line with previous decisions of the Management or Executive Board.

Article 2

1. If the Chairperson is not in a position to perform his or her duties, these shall be performed by one of the Deputy Chairpersons, taken in descending order of seniority in their current position as Deputy Chairperson. Where Deputy Chairpersons have equal seniority, they will be taken in descending order of seniority as member of the Management Board.
2. If the Chairperson and the Deputy Chairpersons are not in a position to perform their duties, these shall be performed by a member selected by simple majority of those present at the meeting.

Article 3

The Chairperson and Deputy Chairpersons shall take up their duties on the day following their election.

Exercise of appointing authority powers regarding the Executive Director

Article 4

1. With the exception of the decisions referred to in article 19 (7) of the Agency Regulation and in article 17 of these Rules of Procedure, the powers of the appointing authority empowered to conclude contracts of employment regarding the Executive Director shall be exercised by the Chairperson of the Management Board.
2. Unless decided otherwise by the Management Board, the Chairperson together with the three Deputy Chairpersons, acting on behalf of the Management Board, shall exercise the powers of the appointing authority and the authority empowered to conclude contracts of employment for requests and complaints pursuant to Article 90 (1) and (2) of the Staff Regulations, where these are lodged by the Executive Director. The Executive Director will not participate in the discussions and decisions on these issues.

Convening and venue

Article 5

1. The Executive Director shall, on behalf of the Chairperson, notify the members, alternates and other participants as defined in accordance with article 7 of the date of the meeting not less than 30 working days before.
2. The Executive Director shall prepare the draft agenda comprising the items to be addressed together with the Chairperson and the Deputy Chairpersons and send it to the group defined in paragraph 1, 10 working days before the meeting together with any supporting documents.
3. The Management Board shall hold at least one ordinary meeting a year. The Chairperson shall convene additional meetings on his or her own initiative, at the request of the Commission or at the request of at least one-third of the members of the Management Board. If the Commission or at least one-third of the members of the Management Board request that the Management Board be convened, the Chairperson shall comply with the request within one month following the procedure described in paragraph 1.
4. Management Board and Executive Board meetings may be face-to-face, virtual or hybrid.

Agenda

Article 6

1. At the beginning of a meeting, the Management Board or the Executive Board shall adopt the agenda by simple majority of those present. The Agenda shall consist of the items included in the draft agenda referred to in article 5 (2) and any other items falling within its competence proposed by the Chairperson or, in accordance with paragraphs 2 and 3, by one or more members, or by the Executive Director.
2. Any request by one or more members of the Management Board or Executive Board or by the Executive Director for inclusion of an item on the agenda or its deletion shall state the reasons on which it is based and shall be communicated to the Chairperson at least 10 working days before the meeting. The Chairperson shall bring such requests to the notice of the other members of the Management Board or Executive Board.
3. At the discretion of the Chairperson, urgent matters may be raised at the beginning of the meeting by one or more members or by the Executive Director and be added to the Agenda.

Attendance at meetings

Article 7

1. Besides the persons referred to in articles 4 (1) and (6), and 8 (1) and (4) for the Management Board) and article 10 (4) of the Agency Regulation as well as article 20 (3)

of these Rules of Procedure (for the Executive Board), the following may attend meetings of the Management and Executive Boards without being entitled to vote:

- Heads of Unit at EU-OSHA;
 - The Secretariat of the Management Board and Executive Board;
 - Additional Commission staff in charge of EU-OSHA matters or matters relevant to EU-OSHA;
 - A member of the Staff Committee;
 - Other members of EU-OSHA's staff on invitation from the Executive Director
2. In accordance with article 8 (4) of the Agency Regulation, the following persons may attend meetings of the Management Board as observers:
- Representatives of EFTA countries, which are parties to the EEA Agreement and where the EEA Agreement provides for their participation in EU-OSHA's activities
 - Persons qualified on matters which are included in the agenda of the meeting concerned, if agreed by the Chairperson and the Deputy Chairpersons.
 - Representatives from other agencies with whom an agreement on mutual representation at the Management Boards has been reached.

Article 8

1. Members of the Management and Executive Board shall notify the Management Board Secretariat of their intention to attend the meeting or be represented by their alternate before the start of the meeting.
2. Members who do not intend to attend the meeting shall inform the alternate without delay. The alternate shall inform the Executive Director of their intention to attend the meeting as soon as possible.
3. Members and alternates shall not participate together in meetings, except where something else is explicitly decided due to nature of the meeting.

Proceedings

Article 9

1. The quorum is constituted by:
 - a. For the Management Board: The presence of more than half of the members of each of the interest groups as well as the presence of at least one of the Commission representatives. When counting the number of members present, the votes delegated to members present in accordance with article 13 shall be included
 - b. For the Executive Board: The presence of at least one member from each of the interest groups and at least one Commission representative.
2. In the absence of a quorum, the Chairperson shall close the meeting and convene another one as soon as possible or shall hold a meeting without taking any decisions.

3. The Chairperson shall direct the proceedings in accordance with the principles laid down in article 1 of these Rules of Procedure.
4. At the beginning of each meeting, the Chairperson shall ask if any participant is in a situation of conflict of interests with regards to any of the topics on the agenda. If any participant declares to be in such a situation, the participant shall not participate in the discussions and decisions on the concerned topic.¹
5. If a speaker departs from the subject and has already been called to order twice by the Chairperson, the Chairperson may, if the speaker's remarks are still not to the point, withdraw the permission to speak.
6. If the Chairperson or any member disputes the admissibility of a motion proposed by a member during the proceedings of the Management Board or the Executive Board, the matter shall be put to vote. The substance of such a motion may be discussed only with the assent of a simple majority of members present. In the case of a tie, the Chairperson will take the final decision.
7. If the Chairperson considers that a motion may impede the Management Board or Executive Board's proceedings, he or she shall forthwith put it to the vote without debate.

Adoption of decisions

Article 10

1. As a rule motions for decisions will be presented with four options only, i.e. 'in favour', 'not in favour', 'abstain' and 'blank', unless the nature of the decision justifies other options.
2. Decisions proposed to the Management Board shall indicate which decision-making procedure will be used (simple majority or two-thirds majority of members). If a Management Board member disputes the procedure proposed and if no consensus can be reached on the procedure to be used, the question about the correct procedure shall be decided by the Chairperson after consulting the Deputy Chairpersons.
3. Motions that the Management Board or the Executive Board should not express an opinion on a question or that consideration of a question should be postponed, shall be voted on before any motion dealing with the substance of the question.
4. A motion dealing with several issues shall be divided into its several parts if this is requested.
5. Where several motions are tabled on the same issue, the most far-reaching among them shall be put to a vote first. In the case of amendments, that amendment which departs the furthest from the basic text shall be put to the vote first.
6. The final vote shall be taken on the version of the text resulting from the previous votes.

¹ The Management Board has adopted a separate policy on management of conflict of interests for the Management Board and Executive Board.

7. Decisions may be taken in any form respecting these rules of procedure, e.g. face-to-face, virtual or hybrid meetings, or written procedures.

Article 11

1. The voting results shall be stated for each decision adopted by the Management Board. The decision shall be accompanied by a written statement of the views of the minority where the latter so requests.
2. The Executive Director shall, where necessary, inform the Management Board of the decisions adopted, in particular those adopted by written procedure, within 5 working days.

Method of voting

Article 12

1. If there is consensus among the members present on an issue, no vote is required.
2. Voting shall be by show of hands or by roll call. If the result of a vote by show of hands is disputed, the Chairperson shall proceed to a vote by roll call.
3. By derogation to paragraph 2, the vote shall be secret if the Chairperson thinks it is necessary, or if it is so requested by one third of the members present, or if the issue addressed concerns an individual.
4. In face-to-face voting sessions, the Chairperson shall count the votes in the presence of three scrutineers appointed by the Management Board each time a vote is taken. The Chairperson shall announce the results immediately. In electronic voting sessions, the Chairperson shall announce the results immediately after they become available.
5. Where a motion is put to the vote, members shall, if they so wish, be authorised by the Chairperson to give a brief explanation of the reasons for their vote

Delegation of vote

Article 13

1. When members or their alternates are unable to attend a Management Board meeting, the members may authorise any other member in their group to vote on their behalf. Members so doing must inform the Management Board Secretariat, the Chairperson and the member to whom the vote is delegated. If the member to whom the vote is delegated does not object, the member has accepted the delegation. This applies by analogy to the members representing the European Commission.
2. A delegated vote is only valid for the meeting for which it has been given. The delegation authorises the member who receives the delegation to vote on behalf of the member delegating his/her vote on all agenda items without limitations on the positions the

delegated member may take on the agenda items, unless specific voting instructions are provided where the nature of the decision so allows.

3. One member cannot be delegated more than three votes from other members.
4. At the beginning of Management Board meetings, the attendees shall be informed whether any of the members present have been delegated the vote of another member.

Closure of debates

Article 14

1. The Chairperson may move for the closure of the debate when he or she considers that all members have had an opportunity to express their views. Members may also move for closure.
2. Any member asking to speak on the subject of closure shall be given precedence.
3. Any motion to close the debate shall be put to a vote.

Written procedures

Article 15

1. The schedule of Management and Executive Board meetings shall be organised with a view to ensuring that substantial decisions can be taken in meetings to the extent possible.
2. Written procedures can be organised in the following cases:
 - (a) When a decision of the Management or Executive Board is required before a deadline that is not compatible with the scheduled meetings;
 - (b) When a decision of the Management Board is required following a failure of the Executive Board to reach a decision (article 20 (2) of these rules of procedure);
 - (c) To adopt minutes of a meeting of the Executive and Management Boards if the next meeting of the Board concerned is scheduled more than four months after the meeting concerned by the minutes.
3. The Executive Director shall submit the motion for decision to the members by appropriate electronic means and allowing sufficient time for replies, as a rule 10 working days. In exceptional and duly justified circumstances, a fast-track procedure may be applied.
4. In a written procedure, the submitted proposal shall not be subject to amendment; it shall be approved or rejected in its entirety. Members may vote for, against, blank or abstain, except where the nature of the decision justifies other options.
5. If the required majority is not reached, the Chairperson, in consultation with the Executive Director, may decide to relaunch the written procedure or bring it to the next meeting. If the response rate is below 50 percent of the members, the Chairperson may also decide to extend the deadline.

6. Comments or objections to the written procedure must be brought to the knowledge of the Chairperson who, in consultation with the Executive Director, decide on the reaction.

Minutes of meetings

Article 16

1. Minutes shall be taken at each meeting and shall include:
 - (a) The list of those present and, if applicable, of delegated votes;
 - (b) A record of the proceedings;
 - (c) The decisions adopted, with, in the case of the Management Board, a record of the voting figures for each vote taken
2. The Management and Executive Boards shall receive draft minutes within 25 working days of the relevant meeting.
3. The minutes shall be adopted at the next meeting or by written procedure in accordance with article 15 (2) (c) of these Rules of Procedure.
4. The Executive Director shall transmit the minutes of the meeting of the Executive Board to the members of the Management Board and their alternates, as soon as they are adopted.

Appointment of the Executive Director²

Article 17

1. In accordance with articles 5 (1) (I) and 19 (2) of the Agency Regulation, the Management Board appoints the Executive Director of the Agency on the basis of a shortlist adopted by the European Commission for a period of five years, which shall be renewable. The procedure under the Management Board's responsibility ('the appointment procedure') has two main steps: The selection and the appointment.
2. While respecting the Management Board's role as appointing authority, the Chairperson together with the deputy Chairpersons shall have a coordination role throughout the appointment procedure and help prepare Management Board decisions in relation to the appointment procedure.
3. In the appointment procedure, equal treatment of all shortlisted candidates must be ensured and all involved parties shall respect data protection and confidentiality requirements.
4. Where the shortlist includes more than two candidates, voting is organised as follows to select a candidate:

² In an Annex I there is a graphical illustration of the process for the selection of the Executive Director. Please note that if there is any inconsistency between the text in this chapter and the graphical illustration in the annex, the text in this chapter shall prevail.

- (a) Voting takes place in successive rounds;
 - (b) In each round, each Management Board member can vote on one candidate;
 - (c) When one of the candidates receives a minimum of two thirds of the votes of the members ('the selection threshold'), he or she is selected and the voting procedure ends;
 - (d) In the first voting round, members can vote on any of the short-listed candidates; if no candidate reaches the selection threshold, the two candidates with the highest number of votes will be subject to the third voting round;
 - (e) The second voting round applies where three or more candidates receive the highest number of votes in the first voting round or more than one candidate receive the second highest number of votes in the first voting round; all candidates ranked first or second in terms of number of votes in the first voting round participate in the second voting round; members can vote on any of these candidates; if no candidate reaches the selection threshold, the two candidates with the highest number votes will be subject to the third voting round; the second voting round is repeated until either a candidate reaches the selection threshold or until there are only two candidates ranked first and second in term of number of votes; the Chairperson may decide on 'cooling off periods' between votes; these two candidates go to the third voting round;
 - (f) In the third voting round the members have one vote which they can give to one of the two candidates chosen for the third voting round; if no candidate reaches the selection threshold, the candidate with most votes will be subject to a fourth voting round; in the case of a tie, the third voting round is repeated until either one candidate reaches the selection threshold or has more votes than the other candidate; the Chairperson may decide on cooling off periods between votes;
 - (g) In the fourth voting round, the candidate with most votes from the third voting round participates; members can vote in favour, not in favour, blank, or abstain; the fourth voting round may be repeated until the candidate reaches the selection threshold; the Chairperson may decide on cooling off periods between votes and will encourage dialogue within and between groups when relevant; the Chairperson after consulting with the Deputy Chairpersons may also decide on ending the vote after reasonable attempts have been tried to reach a selection or postpone further voting to another day if there are reasonable expectations that this may allow the Management Board to take a decision;
5. If only two candidates are included on the shortlist, voting is organised as follows:
- (a) Voting takes place in successive rounds;
 - (b) In each round, each Management Board member can vote on one candidate;
 - (c) When one of the candidates receives a minimum of two thirds of the votes of the members ('the selection threshold'), he or she is selected and the procedure ends;
 - (d) The voting procedure to be applied is defined in article 17 (4) (f-g).
6. If following the steps under (4) and (5) does not lead to any candidate obtaining two-thirds of the votes of the members, the procedure ends without the selection of a candidate.
7. The Management Board shall decide on the appointment of the selected candidate, after the selected candidate's statement before the European Parliament and his or her answers to questions from Members of Parliament and after the Management Board has received the opinion of the European Parliament on the selected candidate. To be appointed, at least two thirds of the members of the Management Board must vote in favour of the appointment. .

8. The decision on appointment will in general be taken in a face-to-face meeting, but may also be taken in a virtual or hybrid meeting, or by written procedure. This is decided by the Chairperson after consulting the Deputy Chairpersons.
9. If the selected candidate is not appointed (or does not take up duties for other reasons), the Management Board shall decide whether to organise a new selection procedure and subsequently follow the steps outlined in paragraphs 6, 7, and 8, with the remaining candidates. If this option is not supported by at least half of the Management Board members entitled to vote, the procedure is closed as the Management Board has decided not to appoint any of the shortlisted candidates.
10. A Management Board Committee in charge of exercising the Appointing Authority Powers in relation to requests and complaints under article 90 of the Staff Regulations in the context of the appointment of the Executive Director ('the requests and complaints committee') shall be established to ensure that requests and complaints can be treated with urgency and the utmost confidentiality. The mandate of the requests and complaints committee is included in Annex II which forms an integral part of these rules of procedure.
11. Members of the Management Board shall pay particular attention not to bring themselves into a situation of conflict of interests in the selection and appointment procedure.

Confidentiality

Article 18

1. Meetings of the Management and Executive Boards shall not be public, but the final minutes of the meetings will be published indicating anonymised group/role interventions, save those parts that relate to issues that were treated as confidential pursuant to paragraph 2 or that could harm the interest of the public, the EU, EU-OSHA or any individual.
2. The Management and Executive Board may determine certain parts of a meeting to be treated as confidential. This duty of confidentiality shall apply to the members of the Board concerned and to any other person present at the meeting. If deemed necessary by the Chairperson, persons who are not members of the Management Board or Executive Board may be requested to leave the room during the deliberations on the confidential matter.
3. The Management or Executive Board can decide at a later moment that certain information is no longer to be considered as confidential following which it shall be published or disseminated in the appropriate form.

Secretariat

Article 19

1. The Executive Director shall prepare and organise the work of the Management and Executive Boards and shall provide the secretariat for the two bodies. The secretariat shall,

inter alia, assist the Management and Executive Boards in preparing decisions for adoption in the meetings or via written procedure.

2. Correspondence intended for the Management Board, the Executive Board, the Chairperson or the Executive Director shall be addressed to EU-OSHA.

Specific Provisions related to the Executive Board

Article 20

1. The provisional decisions referred to in article 10 (3) of the Agency Regulation shall not concern matters covered by points (b) and (c) of article 5 (1), the second subparagraph of article 7 (1) and article 19 (7) of the Agency Regulation.
2. Decisions of the Executive Board shall be taken by consensus among those present. If no consensus can be reached, the Executive Board shall refer the matter to the Management Board.
3. The composition of the Executive Board and the attendance at its meetings are defined in article 10 (4) of the Agency Regulation. Besides the persons mentioned in article 10 (4) of the Agency Regulation, the following may take part in meetings without being entitled to vote:
 - The Secretariat of the Management and Executive Boards
 - Other members of EU-OSHA's staff on the invitation from the Executive Director
 - Up to one observer from each of the Interest Groups and the Commission if the agenda items so require
 - Additional persons, other than those listed above, upon agreement by the Chairperson as appropriate.

The Executive Board may at any moment restrict attendance to its members.

4. The Executive Director shall inform the Management Board of the decisions taken by the Executive Board within 20 working days³. Decisions taken by the Executive Board under article 10 (3) of the Agency Regulation must be communicated to the Management Board as soon as possible.
5. After each meeting of the Executive Board, the interest group coordinators shall inform members of their own group of the discussions in the Executive Board in a transparent and timely manner.
6. The Executive Board may adopt provisional decisions at a meeting or by written procedure.
7. The Executive Board shall meet three times a year. Additional meeting(s) shall be held at the initiative of the Chairperson or at the request of one of the Deputy Chairpersons. If an additional meeting is requested, the Chairperson shall comply with the request within one month in accordance with the procedure described in article 5 (1).

³ Where 'working days' are mentioned in these Rules of Procedure, reference is made to EU-OSHA's calendar of working days.

Repeal

Article 21

The Rules of Procedure of the Governing Board of the European Agency for Safety and Health at Work adopted on 13 December 2005 shall be repealed with effect from the date of entry into force of the present Rules of Procedure.

Revision

Article 22

These rules of procedure may be revised if a simple majority of the members of the Management Board so decide.

Entry into force

Article 23

These Rules of Procedure shall enter into force immediately after their adoption.

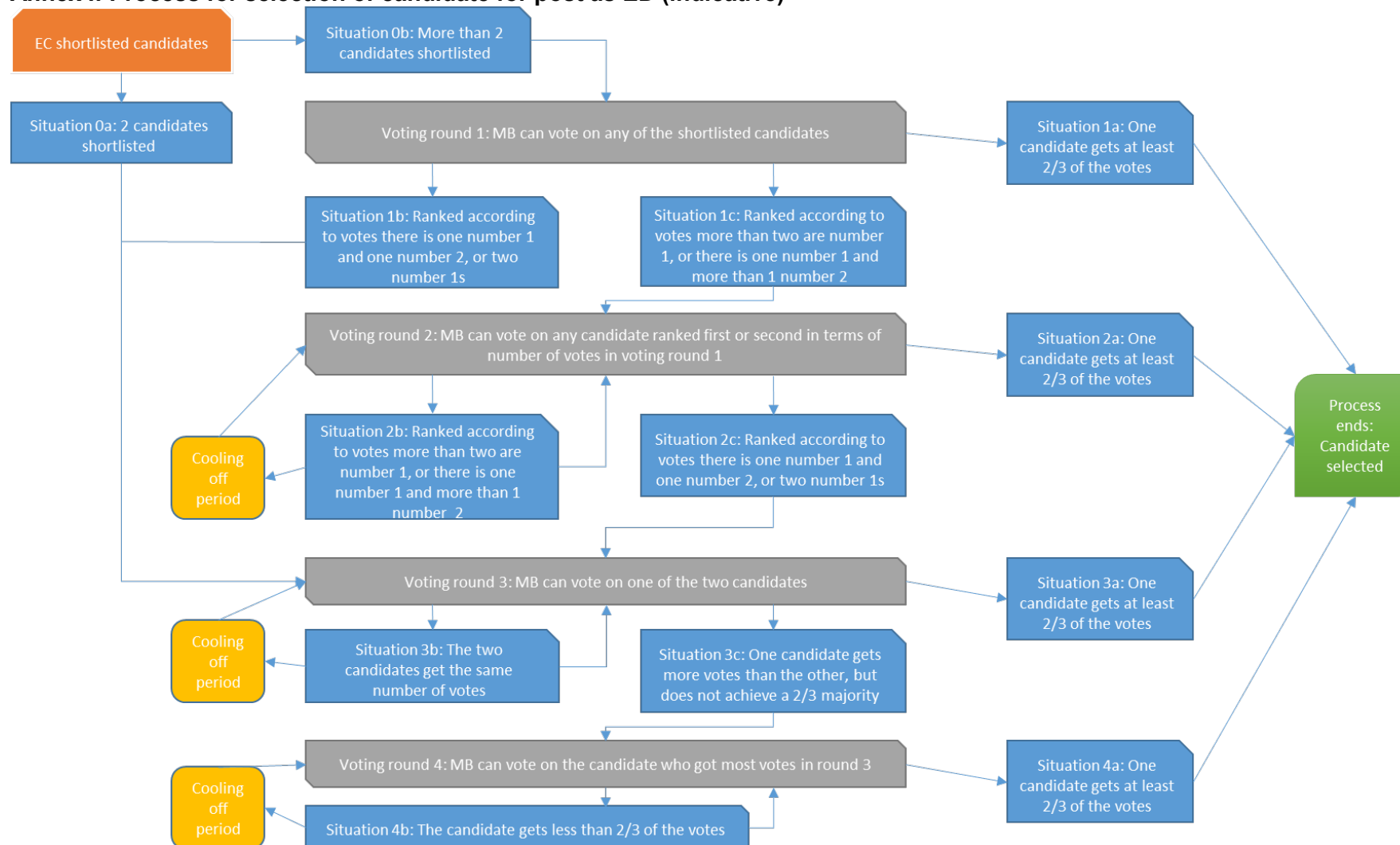
Done in Bilbao, 10 June 2022

For the Management Board

(signed)

Michael Gillen
Chairperson of the Management Board

Annex I: Process for selection of candidate for post as ED (indicative)



Annex II: Management Board committee in charge of exercising the appointing authority powers in relation to requests and complaints under the Staff Regulations in the context of the appointment of the Executive Director

Article 1 – Establishment

For each appointment procedure, the Management Board establishes a Committee with the mandate defined in this Annex. The Committee shall deal with requests and complaints submitted to the Management Board under Article 90 of the Staff Regulations in the context of the appointment of the Executive Director as laid down in Article 4 of this decision.

Article 2 — Composition

1. The Committee is established before the adoption of the shortlist of candidates by the European Commission and shall be composed of eleven representatives. The members shall be:
 - The Chairperson and the deputy Chairpersons from the interest groups and from the European Commission at the Management Board.
 - Two additional members appointed by each of the interest groups and communicated to the Chairperson of the Management Board by the interest groups coordinators.
 - One additional member appointed by the Commission and communicated to the Chairperson of the Management Board.

Changes in the functions of Chairperson and deputy Chairpersons of the Management Board after the establishment of the Committee but before the end of the mandate, shall not affect the composition of the Committee.

2. Each interest group and the European Commission designate up to two alternate members who will replace the members in the Committee in case these are unavailable or unable to attend in case of conflicting interests.
3. The Management Board shall be informed about the composition of the Committee and any changes thereto.
4. When the shortlist of candidates adopted by the Commission is known, the Management Board revises if necessary the composition of the Committee to avoid that any member may be in a situation of conflict of interests.

Article 3 - Term of Office

The term of office of a member of the Committee shall terminate under one of the following circumstances:

- a. On the date on which his or her membership of the Management Board ends, or;

- b. On the date on which the Management Board decides on his/her replacement.
- c. On the date where the work of the Committee has been completed further to the administrative closure of the complaints or requests linked to the appointment procedure of the Executive Director.

Article 4 — Mandate and termination of the Committee

The Committee shall analyse, discuss and reply to requests and complaints submitted to the Management Board under Article 24 and Article 90 of the Staff Regulations in the context of the appointment of the Executive Director.

Article 5 – Operating methods and rules of procedure

1. The Committee shall be chaired by the deputy chairperson from the European Commission.
2. The Committee shall aim at reaching decisions by consensus. Each member of the Committee shall have one vote and in case a consensus cannot be reached, decisions shall be taken by absolute majority of its members.
3. The Chairperson of the Committee shall regularly inform the Management Board on the process related to the cases under analysis and discussions as well as about the decisions taken by the Committee.
4. Meeting proceedings and communication amongst the Committee members are confidential.
5. Minutes shall be taken at each meeting and shall include:
 - (a) The list of those present;
 - (b) A record of the proceedings;
 - (c) The decisions adopted, with a record of the voting figure.

The minutes shall be adopted at the next meeting or by written procedure by the members of the Committee and shall remain confidential meaning they can only be shared with Management Board members who have signed the declaration of absence of conflict of interests and confidentiality.

Article 6 — Support provided by EU-OSHA

EU-OSHA shall provide support to the members of the Committee by making available legal expertise and administrative assistance. EU-OSHA may avail itself of the expertise of the European Commission's Directorate General for Human Resources by virtue of a Service Level Agreement to deal with these matters.