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## TEXTS ADOPTED

*Provisional edition*

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### **P8\_TA-PROV(2018)0158**

#### **Discharge 2016: European Agency for Safety and Health at Work (EU-OSHA)**

##### **1. European Parliament decision of 18 April 2018 on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2016 (2017/2152(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2016,
- having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2016, together with the Agency's reply<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 20 February 2018 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0062/2018),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work<sup>4</sup>, and in particular Article 14 thereof,

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<sup>1</sup> OJ C 417, 6.12.2017, p. 201.

<sup>2</sup> OJ C 417, 6.12.2017, p. 201.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 216, 20.8.1994, p. 1.

- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>1</sup>, and in particular Article 108 thereof,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0084/2018),
1. Grants the Director of the European Agency for Safety and Health at Work discharge in respect of the implementation of the Agency's budget for the financial year 2016;
  2. Sets out its observations in the resolution below;
  3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

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<sup>1</sup> OJ L 328, 7.12.2013, p. 42.

**2. European Parliament decision of 18 April 2018 on the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2016 (2017/2152(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2016,
  - having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2016, together with the Agency's reply<sup>1</sup>,
  - having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
  - having regard to the Council's recommendation of 20 February 2018 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0062/2018),
  - having regard to Article 319 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
  - having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work<sup>4</sup>, and in particular Article 14 thereof,
  - having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>5</sup>, and in particular Article 108 thereof,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0084/2018),
1. Approves the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2016;
  2. Instructs its President to forward this decision to the Director of the European Agency

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<sup>1</sup> OJ C 417, 6.12.2017, p. 201.

<sup>2</sup> OJ C 417, 6.12.2017, p. 201.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 216, 20.8.1994, p. 1.

<sup>5</sup> OJ L 328, 7.12.2013, p. 42.

for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

### **3. European Parliament resolution of 18 April 2018 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2016 (2017/2152(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2016,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0084/2018),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
- B. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Agency for Safety and Health at Work (the ‘Agency’) for the financial year 2016 was EUR 16 673 153,98, representing a decrease of 1,06 % compared to 2015; whereas the budget of the Agency derives mainly from the Union budget;
- C. whereas the Court of Auditors (the ‘Court’) in its report on the Agency’s annual accounts for financial year 2016 (the ‘Court’s report’), states that it has obtained reasonable assurances that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular;

#### ***Budget and financial management***

1. Notes that the budget monitoring efforts during the financial year 2016 resulted in a budget implementation rate of 96,31 %, representing a decrease of 1,22 % compared to the previous year (97,53 %), and that the payment appropriations execution rate was at 70,35 %, representing a decrease of 1,70 % compared to the financial year 2015;
2. Welcomes the Agency’s follow-up measures in relation to the comments of the discharge authority made regarding the implementation of the budget of previous years; further welcomes the Agency’s rapid application of the Court’s advice regarding ICT and consultancy framework contracts as an area to improve in the discharge for 2016;

#### ***Commitments and carryovers***

3. Notes that, according to the Court’s report, the level of committed appropriations carried over to 2017 was high for Title II (administrative expenditure) at EUR 417 279, i.e. 30 % (compared to EUR 364 740, i.e. 26 %, in 2015); notes that those carry-overs mainly concern IT services which had not been fully delivered or invoiced by the end of the year; notes, moreover, that the committed appropriations carried over under Title III amounted to EUR 3 370 616, i.e. 43 % (compared to EUR 3 383 052, i.e. 41 %, in

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<sup>1</sup> OJ C 12, 13.1.2017, p. 9.

2015); notes that those carry-overs mainly concern research projects and studies with a duration of more than one year; notes that, according to the Court, the Agency may consider introducing differentiated budget appropriations to better reflect the multi-annual nature of operations and unavoidable delays between the signature of contracts, deliveries and payments; notes from the Agency's reply that it will study this possibility in order to see if the budget management can be improved;

4. Notes that carry-overs may often be partly or fully justified by the multiannual nature of the agencies' operational programmes, do not necessarily indicate weaknesses in budget planning and implementation and are not always at odds with the budgetary principle of annuality, in particular if they are planned in advance by the Agency and communicated to the Court;

### ***Transfers***

5. Notes that during the financial year 2016, 11 budgetary transfers, totalling EUR 319 240, were carried out in order to reallocate resources from areas where budgetary savings were identified towards areas of scarce resources, to ensure the achievement of the year's objectives;

### ***Procurement***

6. Notes that the Agency contracted out goods and services for a total amount of EUR 8 492 938,92 of which EUR 930 240,32 were awarded through 41 negotiated procedures, EUR 580 926,16 through interinstitutional contracts or service-level agreements and EUR 6 981 772,44, correspond to 155 specific contracts or order forms under framework contracts which resulted from awards in open procedures;
7. Notes with satisfaction that a procurement team has been established to ensure harmonisation across the Agency concerning all procurement procedures carried out at the Agency – from conception to conclusion - which are subject to supervisory measures and mitigating controls, including formal opening and evaluation processes, declarations of absence of conflict of interest undersigned by the members of the committees, assessment of exclusion, selection and award criteria documented in writing;
8. Notes that, according to the Court's report, the Agency signed a framework contract in 2014 for the provision of IT consultancy services during the period 2014 to 2017 for a total amount of EUR 1 100 000; notes with regret that although specific contracts signed in 2016 to implement that framework contract clearly define project deliverables, consultants were engaged on an open "time-and-means" basis where price is not fixed and directly linked to the delivery, but instead results from the number of working days spent; notes moreover that in 2016 some 50 % of the IT consultancy services were carried out offsite the Agency's premises, limiting the Agency's means to monitor the efficient implementation of the contracts; notes that payments made under that framework contract in 2016 amounted to some EUR 400 000; acknowledges from the Agency's reply that it applies the Court's advice to its new ICT and consultancy framework contracts by making use of specific "Quoted Times and Means" contracts when appropriate;

### ***Staff policy***

9. Observes from the establishment plan that 39 posts (out of a total of 41 posts authorised under the Union budget) were occupied on 31 December 2016, compared to 40 in 2015;
10. Regrets that among the number of posts occupied on 31 December 2016 gender balance has not been achieved, with a ratio of over two to one, 72 % female to 28 % male; notes that this issue needs to be addressed as a matter of urgency; notes, however, that there is gender balance (50:50) at senior management level;
11. Stresses that work-life balance should be part of the staff policy of the Agency; notes that the budget spent on well-being activities amounts to approximately EUR 194 per staff corresponding to three days per staff; observes that the average number of sick leave is 11 days per staff;
12. Recalls that the Agency adopted a decision concerning psychological and sexual harassment in 2007; suggests organising training and information sessions to increase the awareness of staff; notes that an administrative enquiry was carried out in 2016; requests more explanations on the conclusions of the inquiry while respecting the data protection regulations;
13. Notes with satisfaction the fact that the Agency did not receive any complaints, lawsuits or reported cases linked to hiring or dismissal of staff in 2016;
14. Notes that the Agency continued adopting implementing rules further to the reform of the Staff Regulations that came into force on 1 January 2014;

***Prevention and management of conflicts of interests, transparency and democracy***

15. Notes that the new conflicts of interests declarations and summaries of CVs are in the process of being collected and analysed, since a new board has been in place from late 2016; notes, moreover, that the Agency collected 131 complete files, corresponding to 70 from board members (80 %), 52 from board member alternates (60 %) and 12 from observers and observer alternates (48 %); welcomes the fact that none of the files assessed demonstrates any situation that could qualify as a conflict of interests within the meaning of the Agency's policy;
16. Notes with satisfaction that the Agency has in place an anti-fraud strategy, established on the basis of the guidelines issued by the European Anti-Fraud Office (OLAF) for Union Agencies; notes that the strategy covers a three-year timespan (2015 to 2017) and its implementation is monitored regularly by the Agency's bureau; notes, furthermore, that an internal procedure for reporting and handling potential fraud cases and their outcomes was adopted and made available to the staff on the intranet;
17. Strongly regrets the fact that the Agency has yet to implement internal rules on whistleblowing; notes that the Agency is awaiting guidelines from the Commission; notes, moreover, that, in the meantime, the Agency refers to the Commission's guidelines on whistleblowing of 2012; urges the Agency to report to the discharge authority when its whistleblowing rules have been established and implemented;
18. Expresses the need to establish an independent disclosure, advice and referral body with sufficient budgetary resources, in order to help whistleblowers use the right channels to disclose their information on possible irregularities affecting the financial interests of the Union, while protecting their confidentiality and offering needed support and

advice;

### ***Main achievements***

19. Welcomes the three main achievements identified by the Agency in 2016, namely that:
  - it completed the three-year pilot project ‘Safer and healthier work at any age — occupational safety and health in the context of an ageing workforce’, initiated by Parliament and the launch of the Healthy Workplaces Campaign 2016-2017 on ‘Healthy Workplaces for All Ages’;
  - it presented at a high level seminar the first report from a major research project on ‘Health and Safety in Micro and Small Enterprises’;
  - it implemented, together with the European Union Intellectual Property Office (EUIPO) and the Translation Centre For the Bodies of the European Union (CdT), a new tool to manage multilingual websites – winner of an EU Ombudsman Award for excellence in public administration in 2017;

### ***Internal audit***

20. Notes that in 2016 the Internal Audit Service (IAS) carried out a strategic risk assessment with the main objective to draw a new multi-annual Strategic Internal Audit Plan for the period 2017-2019;
21. Welcomes that, by the end of 2016, the Agency had neither critical nor very important open recommendations; notes that, throughout that year, the Agency worked towards the implementation of the action plan related to the four important recommendations from the IAS 2015 audit on “Tools for OSH management”; observes that the IAS reviewed the work done on the four recommendations and recommended them for closure at the beginning of 2017;

### ***Performance***

22. Notes with appreciation the important steps the Agency took to support its activity based management system with an IT system; welcomes the new digital tools implemented for managing time spent on the different project and activities and for managing tenders and procurement;

### ***Other comments***

23. Observes that, according to the Court’s report, Council Regulation (EC) No 2062/94<sup>1</sup>, the Agency’s founding regulation, does not explicitly require external evaluations of its activities; notes with satisfaction that the Commission’s proposal for a new founding regulation (COM(2016)0528) includes the obligation to perform an evaluation every five years and to use external audit reports;
24. Appreciates the Agency’s activities and analysis on occupational safety and health which contribute to Union policy-making aiming to promote healthy and safe

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<sup>1</sup> Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1).

workplaces across the Union; notes its on-going work packages on supporting medium, small and micro enterprises (MSEs), with MSE-specific tools and guidelines to address knowledge gaps and facilitate better OSH compliance;

25. Welcomes the good cooperation among the Agencies working in the field of employment, social affairs and inclusion and particularly the cooperation between the Agency, Eurofound, Cedefop and EIGE regarding the report 'Towards age-friendly work in Europe: a life course perspective on work and ageing from EU agencies'.

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26. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 18 April 2018<sup>1</sup> on the performance, financial management and control of the agencies.

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<sup>1</sup> Texts adopted, P8\_TA-PROV(2018)0133.