

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

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

Having regard to Council Regulation (EC) 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at work¹ (hereafter, the “Regulation (EC) No 2062/94”), as amended by Regulation (EC) No 1643/95², 1654/2003³ and 1112/2005⁴, and in particular Article 8 (7) thereof,

Has adopted the following rules of procedure:

¹ OJ L 216 of 20.8.1994, page 1.

² OJ L 156 of 7.7.1995, page 1.

³ OJ L 245 of 29.9.2003, page 38.

⁴ OJ L 184 of 15 July 2005, page 5.

Article 1

Chair and vice-chairs of the Governing Board

- (1) The election of the Chair and the 3 vice-chairs (one from each of the groups referred to in article 3 (11) and one from the Commission) shall take place at the Governing Board (hereafter, the Board) meeting in accordance with article 8 (4) of Regulation (EC) No 2062/94.
- (2) The new Chair and vice-chairs shall take over their duties when the meeting at which they are elected finishes.
- (3) The Chair and vice-chairs shall serve for a period of one year, which may be renewed bearing in mind the rotating of the chair-function.
- (4) If the Chair is absent or unable to attend, his/her duties shall be performed by one of the vice-chairs.
- (5) If the Chair resigns, a new Chair shall be elected for the rest of the term of office from the same group. The election will take place by written procedure as defined in article 10 following a recommendation by the Bureau.

Article 2

Responsibilities of the Board

- (1) The Board may delegate any matter, which is not expressly excluded according to article 8 (9) of Regulation (EC) No 2062/94, to the Bureau.
- (2) In accordance with article 11 (1) of Regulation (EC) No 2062/94, the Board appoints the Director of the Agency on a proposal from the Commission for a period of five years, which shall be renewable.
- (3) The Bureau organizes the procedure according to which the Board appoints the Director mentioned in paragraph 2 respecting the following conditions:
 - (a) only Board members or, in the absence of the Board members, their alternates entitled to vote, are allowed to be present during the Board's appointment of the Director;
 - (b) each Board member or alternate has one vote;
 - (c) a candidate is considered as appointed as Director when the candidate has obtained more than half of all votes (absolute majority).

Article 3

Operation and decision-making of the Board

- (1) All Members of the Board shall have one vote each and decisions shall be taken by an absolute majority.
- (2) However, decisions in the framework of the annual work programme and with budgetary consequences for the national focal points shall also require the consent of the majority of the government group.
- (3) Decisions proposed to the Board shall indicate which decision making procedure will be used. If a 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 in accordance with paragraph 1.
- (4) Motions to exclude questions from the Board opinion or to postpone consideration of a matter shall be subject to a vote before dealing with the substance of the matter.
- (5) A motion which deals with several questions shall be divided into its individual parts if this is requested.
- (6) Motions to amend the draft decisions shall in principle be submitted in writing to the Chair. Where several motions are tabled on the same question, the most far-reaching motion among them shall be put to the vote first. If amendments are moved, that amendment which departs furthest from the basic text shall be put to the vote first, beginning with the most far-reaching. The final vote shall be taken on the version of the text which resulted from the previous vote.
- (7) Voting shall be by show of hands, or by roll call in cases of dispute in a vote by show of hands.
- (8) By derogation to paragraph 7, the vote shall be secret on the initiative of the Chair or at the request of one third of the Members or if the issue discussed concerns an individual.
- (9) The result of the vote shall be recorded for each decision adopted by the Board. The decision shall be accompanied by a written statement of the minority view, where the latter so requests.
- (10) The Chair may authorise a Member to give a brief explanation of the reasons for his vote.
- (11) Within the Board, the representatives of governments, employees' organisations and employers' organisations shall each form a group. Each group shall designate a coordinator who will take part in the meetings of the Board. The coordinators of the employees' and employers' groups shall be representatives of their respective organisations at European level. Coordinators who are not appointed Board Members will take part in the meeting without the right to vote.

Article 4

Convocation of Board meetings

- (1) The Chair shall convene the Board at least once a year.
- (2) The Chair shall convene additional meetings at the request of at least one-third of the Members of the Board.
- (3) The Director shall be, in consultation with the Chair, responsible for the preparation of the draft agenda of the Board meetings.
- (4) For each convocation the Chair shall notify each Member of the date of a meeting not less than twenty-one days in advance. The draft agenda comprising the items to be examined and any preparatory documents shall be sent to the Members and the alternate Members not less than fifteen days in advance.

Article 5

Agenda

- (1) At the beginning of a meeting, the Board shall adopt the agenda, which shall comprise the items included in the draft agenda referred to in article 4 (3), and any other item proposed by the Chair or, in accordance with paragraphs 2 and 3, by one or more Members of the Board.
- (2) Any request by one or more Members of the Board for the inclusion, deletion or substitution of an item on the agenda shall state the reasons on which it is based and shall be sent in writing to the Chair at least five working days before the date of the meeting. The Chair shall immediately bring any such request to the notice of the other Members.
- (3) Urgent matters may, with the consent and the discretion of the Chair, be introduced at the beginning of each meeting by one or more of the Members of the Board.
- (4) During a meeting, any Member may propose the inclusion of an item on the agenda for the subsequent meeting.

Article 6

Attendance at Board meetings

- (1) In addition to the Members (or alternates in the absence of the Members) referred to in article 8 (1) and the coordinators referred to in article 8 (4) of Regulation (EC) No 2062/94 the following persons may attend meetings of the Board without being entitled to exercise vote:

- (a) Representatives of non-member countries, of Community institutions and bodies and of international organisations on the invitation from the Board and after consulting the Commission,
 - (b) the Chair of the Governing Board and the Director of the European Foundation for the Improvement of Living and Working conditions,
 - (c) the Director of the Agency and
 - (d) members of the staff at the Agency at the invitation of the Director.
- (2) On a proposal from the Chair, persons particularly qualified in matters, which are to be discussed under certain items of the agenda may be invited to attend Board meetings for those items, without being entitled to vote.
 - (3) Full Members of the Board shall inform the Director whether they propose to attend a meeting in person or to be represented by their alternates. Alternate Members shall be entitled to exercise a vote and to reimbursement of travel and subsistence expenses only when they replace the full Members.

Article 7

Proceedings (Meetings)

- (1) The presence of a majority of the Members of the Board or of persons validly representing them shall constitute a quorum.
- (2) The Chair shall direct the proceedings, giving precedence to those who wish to raise a point of order or a preliminary matter.
- (3) If a speaker departs from the subject, and has already been called to order twice by the Chair, the Chair may, if the speaker's remarks are still not to the point, withdraw permission to speak.
- (4) If the Chair or any Member disputes the admissibility of a motion proposed by a Member during the proceedings, the matter shall be put to the vote. The substance of such a motion may be discussed only with the consent of the majority, in accordance with article 3(1) - (6).
- (5) If the Chair considers that a motion may impede the proceedings, the Chair shall forthwith put the matter to a vote without debate.
- (6) The Board may set up ad hoc groups or task forces to address specific questions on the basis of suitable terms of reference which it shall lay down. It shall be possible for each group referred to in article 3 (11) and the Commission to have at least one Member of such ad hoc groups or task forces.
- (7) In carrying out the obligations for the preparation of the Board meetings, the Director shall provide the necessary support (e.g. secretarial service) for meetings of the Bureau, ad hoc groups and task forces mentioned in paragraph 6, and for preparatory meetings organised between the Board meetings.

Article 8

Closure of debates

- (1) The Chair may move the closure of the debate when he/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 closure shall be given precedence.
- (3) Any motion to close the debate shall be put to a vote.

Article 9

Minutes of meetings

- (1) Minutes shall be taken of each meeting of the Board and shall include:
 - (e) the list of those present,
 - (f) a record of the proceedings and
 - (g) the decisions adopted along with a record of the result of each vote taken.
- (2) The draft minutes shall be submitted for approval by written procedure in accordance with article 10.
- (3) Motions to amend the draft minutes shall be submitted in writing to the Chair no later than the deadline given in the written procedure.

Article 10

Written Procedure

- (1) The Board may also adopt decisions by means of a written procedure in accordance with article 8 (6) of Regulation (EC) No 2062/94.
- (2) The decision-making procedures in article 3 (1) - (3) shall apply to decisions submitted by written procedure as well. If a decision is not approved it shall be submitted to the next Board meeting.
- (3) If time does not permit to wait until the next Board meeting before taking a decision, the Chair may decide to launch a new written procedure after consulting with the Bureau Members. If an objection is raised by one or more Bureau Members, the matter shall be submitted to the next Board meeting.
- (4) The Board Members shall be given at least two weeks to consider the decision.
- (5) The Chair may decide to derogate from paragraph 4 due to the urgency of the matter.

Article 11

Responsibilities of the Bureau

- (1) A Bureau shall be established by the Board in accordance with article 8 (8) of Regulation (EC) No 2062/94.
- (2) Without prejudice to the responsibilities of the Director as set out in Article 11 of Regulation (EC) No 2062/94, the Bureau shall, as delegated by the Governing Board, take all necessary measures for the proper governing of the Agency between the Board meetings, except those referred to in article 8 (9) of Regulation (EC) No 2062/94.

Article 12

Composition

- (1) The Bureau shall be made up of the Chair and the three vice-chairs of the Board, one coordinator per group referred to in article 3 (11) and one more representative of each group and of the Commission. Each group may designate up to 3 alternates to attend meetings in the absence of the full Members.
- (2) The Bureau is established once a year together with the election of the Chair and the three vice-chairs.

Article 13

Preparation and planning of meetings of the Bureau

- (1) The annual number of meetings of the Bureau shall be decided by the Board. The Chair shall convene additional meetings of the Bureau at the request of its Members.
- (2) The Director shall be, in consultation with the Chair, responsible for the preparation of the draft agenda of the Bureau meetings.
- (3) For each convocation the Chair shall notify each Member of the date of a meeting not less than twenty-one days in advance. The draft agenda comprising the items to be examined and any preparatory documents shall be sent to the Members and the alternates not less than fifteen days in advance.

Article 14

Chairing of meetings

The Bureau shall be chaired by the Chair of the Board, or if the Chair is absent, or unable to attend, by one of the vice-chairs of the Board.

Article 15

Agenda of Bureau meetings

- (1) At the beginning of a meeting, the Bureau shall adopt the agenda, which shall comprise the items included in the draft agenda referred to in article 13 (2), and any other item proposed by the Chair or, in accordance with paragraphs 2 and 3, by one or more Members.
- (2) Any request by one or more Members of the Bureau for the inclusion, deletion or substitution of an item on the agenda shall state the reasons on which it is based and shall be sent in writing to the Chair at least seven days before the date of the meeting. The Chair shall immediately bring any such request to the notice of the other Members.
- (3) Urgent matters may, with the consent and the discretion of the Chair, be introduced at the beginning of each meeting by one or more of the Members of the Bureau.
- (4) During a meeting, any Member may propose the inclusion of an item on the agenda for the subsequent meeting.

Article 16

Attendance at Bureau meetings

- (1) In addition to the Bureau Members (or alternate in the absence of the Member) the following may also take part in the Bureau meetings as observers:
 - (a) the Director of the Agency and
 - (b) members of the Agency staff at the invitation of the Director.
- (2) On a proposal from the Chair, persons particularly qualified in matters, which are to be discussed under certain items of the agenda may be invited to attend Bureau meetings for those items, without being entitled to participate in decisions.
- (3) Full Members of the Bureau shall inform the Director whether they propose to attend a meeting in person or to be represented by their alternates. Alternate Members shall be entitled to the same rights as the full Members and to reimbursement of travel and subsistence expenses only when they replace the full Members.

Article 17

Proceedings (Bureau Meetings)

- (1) The presence of at least half the Members of the Bureau, including at least one representative from each of the groups referred to in article 3 (11) and the Commission (or of persons validly replacing them) shall constitute a quorum.

- (2) The Chair shall direct the proceedings, giving precedence to those who wish to raise a point of order or a preliminary matter.
- (3) If a speaker departs from the subject, and has already been called to order twice by the Chair, the Chair may, if the speaker's remarks are still not to the point, withdraw permission to speak.
- (4) If the Chair or any Member disputes the admissibility of a motion proposed by a Member during the proceedings, the matter shall not be discussed. The substance of such a motion may be discussed only with the consent of the rest of the Bureau Members present, in accordance with article 18.
- (5) If the Chair considers that a motion may impede the proceedings, the Chair shall forthwith ask the other Bureau Members present whether they consider that the motion may impede the proceedings. If the Chair or any other Bureau Member present considers that the motion may impede the proceedings the motion shall not be discussed.

Article 18

Decisions

Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Board for decision.

Article 19

Closure of debates of the Bureau

- (1) The Chair may move the closure of the debate when he/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 closure shall be given precedence.
- (3) Any motion to close the debate shall be considered immediately.

Article 20

Minutes of Bureau meetings

- (1) Minutes shall be taken of each meeting of the Bureau and shall include:
 - (a) the list of those present,
 - (b) a record of the proceedings and
 - (c) the decisions adopted.

- (2) The draft minutes shall be submitted for approval by written procedure in accordance with article 21.
- (3) Motions to amend the draft minutes shall be submitted in writing to the Chair no later than the deadline given in the written procedure.

Article 21

Written Procedure of the Bureau

- (1) The Bureau may also adopt decisions within the areas delegated to it by means of a written procedure on condition that no Member objects to that procedure.
- (2) In a written procedure, the decision made shall be considered as adopted by the Bureau unless an objection is raised by one or more Members. In that case, the matter shall be submitted to the Board for decision.
- (3) If time does not permit to wait until the next Board meeting before taking a decision, the Chair may decide to launch a written procedure among the Board Members in accordance with article 10 after consulting with the other Bureau Members.
- (4) The Bureau Members shall be given at least two weeks to consider the decision.
- (5) The Chair may decide to derogate from paragraph 4 due to the urgency of the matter.

Article 22

Information to the Board

The Bureau and the Director shall take all necessary measures to ensure that the Members of the Board are fully and promptly informed of the work of the Bureau.

Common provisions

Article 23

Venues

The Chair decides on the venue for the Board and Bureau meetings after consultation of the Bureau.

Article 24

Access to information

- (1) Deliberations of the Board and Bureau shall be considered as being of a confidential character if the Board or Bureau so decides in the course of its deliberations, subject

to the provisions of article 16 of Regulation (EC) No 2062/94. This constraint shall apply to Members and to any other person present at the meetings of the Board or the Bureau.

- (2) The approved minutes of the Board and Bureau meetings shall be considered as public documents unless covered by the paragraph 1, or if harm would be done to the interests of the public, the Community, the Agency or any individual or if so decided by the Chair.

Article 25

Revision of the rules of procedure

- (1) The Board shall after a reasonable period examine the need for a revision its rules of procedure in the light of their practical application.
- (2) The Board, having received an opinion from the Commission, shall decide on revision of its rules of procedure by an absolute majority in accordance with Article 3 (1). Revised rules of procedure shall be transmitted for information to the European Parliament and to the Council. Within a period of three months of a revision of the rules of procedure being transmitted to it, and acting by a simple majority, the Council may modify the revised rules of procedure.
- (3) Changes which are adopted shall take effect from the date of the meeting where the changes are approved.

Article 26

These rules of procedure replace the “Rules of Procedure of the Administrative Board of the European Agency for Safety and Health at Work” of 4 September 1996 (aess/96/33-2.en).

Article 27

Entry into force

This Regulation shall enter into force on the day after the Board’s adoption of the rules in accordance with article 8 (7) of the Regulation (EC) No 2062/94.