

MINUTES

Meeting:	MEETING OF THE BUREAU OF THE GOVERNING BOARD
Date:	Tuesday, 23 January 2019 (Bureau meeting) Thursday, 24 January 2019 (wrap-up Bureau meeting)
Venue:	Hotel Meliá Bilbao – Meeting room Pelli I+II Leizaola Lehendakariaren Kalea, 29, Bilbao, Bizkaia

These notes include the comments made by the different groups and the Commission both at the official Bureau meeting and the informal wrap-up meeting which takes place after the interest group meetings with the view of consolidating positions and views for the plenary session. As much as possible they are meant to complement the discussions, viewpoints and decisions as these are reported in the Governing Board meeting minutes.

1. Adoption of the Draft Agenda

The Chair welcomed the attendees and introduced the timeline and the agenda arrangements for the Board meeting.

She explained that the meeting would be spread across two days. The first day would start with this Bureau meeting and will then continue with a meeting of the interest groups of the Board. The second day will start with an informal wrap-up meeting of the Bureau, following the discussion in the interest groups, and then the Board will continue in the Plenary and work through the whole Agenda.

The Chair introduced the draft Agenda and asked whether there would be any items under “Any other business”. The Government group will raise an issue related to Focal Points exchange in the framework of Focal Point meetings. The Commission asked to add under “Any other business” the reclassification of the Director of the Agency.

The Chair then asked the attendees whether they might have a potential conflict of interests with any of the items to be discussed, in compliance with the Agency’s policy on management of conflict of interest. No Board member declared any. The Director declared that she would leave the room when the Commission would present the item on her reclassification.

CONCLUSION: The draft agenda was adopted.

2. Adoption of Draft Minutes

The Draft Minutes from the November meeting have been circulated previously. No comments had been received.

CONCLUSION: The draft minutes were adopted

3. Staff Implementing Rules

The Agency submitted to the Bureau a decision on the application by analogy of the Commission Decision on outside activities and assignments and on occupational activities after leaving the service. This item was for adoption.

The Agency explained that these Implementing Rules introduce a series of clarifications in comparison to previous rules and simplify processes taking into account experience gained from the practical application of the current rules as well as changing circumstances.

The EU-OSHA Staff Committee have been consulted prior to the present EU-OSHA decision and had no substantial comments.

The Commission welcomed the proposed decision and had no further comment.

CONCLUSION: the Bureau adopted decision on the application by analogy of the Commission Decision on outside activities and assignments and on occupational activities after leaving the service.

4. Revised Multi-Annual Strategic Programme 2018-2023

The Chair explained that, at the last Bureau meeting in November, the Agency had presented a revised draft of the MSP further to discussions held with both the Board and the Bureau, but there were diverging views within the social partners over the formulation and identification of certain OSH challenges under chapter 2.

The Agency invited Bureau members to send further comments in writing and with those further comments, it launched a written procedure with the Bureau. However, a consensus could not be reached either. The Agency invited the social partners – employers and workers – to discuss and agree on a version that could be submitted for adoption to the Bureau at this meeting.

As a result of a further exchange within the social partners, the Bureau could agree on the final text.

CONCLUSION: The revised MSP 2018-2023 was adopted pending the inclusion of the final sentence to be agreed by the social partners¹.

5. Governing Board Meeting Preparation

Whereas the Bureau worked through all the agenda, the main discussions focussed on the following items:

- Item 3 – Workers' exposure survey;
- Item 4 – Draft Programming Document 2020-2022;
- Item 6 – Draft budget 2020;
- and finally Item 8 – Implementation of the new Founding Regulation.

¹ The Agency circulated the final version of the MSP 2018-2023 on 12 February 2019 and received no further comments.

Workers' exposure survey to cancer risk factors

Further to the Board decision at their last meeting in June 2018 not to include an activity on the development of a workers' exposure survey to cancer risk factors in the work programme 2018, the Government group asked the Agency to re-open the discussions on this at the last November Bureau meeting. At that meeting, the Agency provided further information especially in relation to the financial and human resources needed to implement the activity. The Government group requested the Agency to take this again as an item for decision at the Board meeting in January.

At the interest groups meeting, the Agency would provide in-depth information on the planned activity – including a comprehensive a feedback on the requests for clarifications put forward by the Bureau.

The positions of the three groups as a result of the interest group meetings were as follow: The Workers supported the Agency's proposal and the inclusion of the activity into the draft Programming Document 2020-2022; the Governments also agreed with the above, but asked for an-in-depth analysis to be carried out after the implementation of the first phase of the activity; the Employers reiterated their concerns about the methodology of the survey and the actual need for it as alternative channels for data collection could have been further explored. The Commission confirmed their support to this Agency endeavour.

Both Workers and Employers agreed on the Employers' proposal to set up an advisory group composed of experts from the three interest group to provide advice and discuss key issues with the Agency.

Draft Programming Document 2020-2022

After discussions with the Bureau in November on the preliminary draft (multi-annual part), the Agency is now presenting an almost complete draft document for the Board's adoption. As already stated in November, the Commission mentioned their opinion on the Agency's programming document 2019-2021, which encouraged the Agency to take up actions, then included in the 2019 work programme, such as a review of the practices related to bio-monitoring in the Member States with information relevant for the development a guidance document. This will also have an impact on the work programme 2020. The other Bureau members took note to inform their interest group accordingly.

Draft budget and establishment plan 2020

The Agency explained that the draft budget and establishment plan would be presented to the Board for adoption, and then it will be sent to the Commission as an input to the EU budgetary procedure.

There were concerns amongst the Bureau over the simultaneous increase for staff expenditure under Title 1 and decrease in operational expenditures under Title 3.

However, the Agency explained that the increase in Title 1 was mainly due to the salary indexation, which increased as a result of the recovery of the Spanish economy. As two new recruitment procedures are expected to be launched in 2019, reserve in the budget has been made to foresee for possible reinstatement and other family allowances for prospective staff members.

The Agency also stressed that Title 1 at EU-OSHA has been historically very low as compared to Title 2 and 3.

The Agency has already been undertaking many initiatives to reduce the non-operational expenditure. With the change of premises in 2014, there has been a significant decrease in Title 2. As it comes to Title 1, the Agency would propose to the Board the outsourcing of the accounting officers' function to the Commission, which would allow the Agency to free up an AST post to be devoted to operations.

Implementation of the new Founding Regulation

The Chair explained that the EU-OSHA's new founding regulation is expected to enter into force on 20 February 2019. There are a number of actions that the Board would need to adopt in order to ensure a smooth transition to the new regulation.

There were two issues in particular which required a discussion – the re-appointment of coordinators, Chairs and Vice-Chairs who would compose the Executive Board; and the delegation of appointing authority powers from the Management Board to the Executive Director.

Regarding the appointment of the to-be-members of the Executive Board under the 2019 regulation, there was agreement that the Bureau (Executive Board) should work in the current configuration and following the current rules of procedure until their next meeting in June. The Employers in particular observed that the new composition of the Executive Board could be challenging – especially in the case of holding the Chairmanship – with the same member who would find him/herself to act as Chair and simultaneously as spokesperson of the interests of his/her group. This stance was also supported by the Workers.

With the 2019 regulation, the powers of appointing authority would need to be delegated by the Management Board to the Executive Director. This would enable the Executive Director to carry out her daily management duties in relation to staff matters. The 2019 regulation foresees that under exceptional circumstances such a delegation may be suspended. The Bureau was invited to discuss, in preparation of the Board plenary, a draft decision by the Board in relation to such a delegation. The decision will be adopted only after the 2019 regulation comes into force and once it has been successfully cleared by the relevant Commission services.

The Agency' Staff Committee was consulted over the draft decision. The main comments focussed on the need to define the scope of such "exceptional circumstances" under which the delegation may be suspended; and on ensuring that social dialogue through the Management Board is maintained in case of suspension.

The Bureau had a lively discussion on the draft decision. In particular, they discussed over the scope of such exceptional circumstances and whether a reference should be made to recital (12) of the 2019 regulation which describes in greater details which these can be – such as conflicts of interests or serious failure to comply with obligations under the Staff Regulations. The Commission discouraged the Bureau to propose amendments to the draft decision as this could entail a delay in the clearance process by the Commission without providing any substantial added value.

The Agency also remarked that there could be the case that there is a gap between the moment the 2019 regulation enters into force and the draft decision receives the clearance from the Commission. To this purpose, the Agency has prepared a contingency measure which foresees that the Management Board would appoint the Chairperson to exercise the appointing authority powers *ad interim*.

6. Any Other Business

Focal Points exchange

A proposal was put forward by the Government Group to foster peer learning across Focal Points. In particular, the Government suggested the Agency consider dedicating half a day to exchanging experiences and practices amongst the Focal Points without the Agency's moderation. This would be of great added value.

The Agency will consider this proposal.

Reclassification of the post of the Director

At this moment of the meeting, the Director left the room so as not to take part in a discussion that was directly affecting her.

The Commission informed the Bureau that based on the very positive assessment of the performance of the Agency's Director as evidenced by her appraisal reports of the past few years, the Commission would propose to the Board the reclassification of her post from the current AD 14 to AD 15. Asked by the Bureau whether the upgrade of the post is linked to the person in the post or to the post in general, the Commission confirmed the former hypothesis.

The Commission will formalise their proposal for the next Board meeting in June, where the Board will have to take a decision on this matter. If agreed, the post will be included in the 2020 establishment plan, so her promotion shall be effective as from 2020.

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The Chair thanked the Bureau members and closed the meeting.

ANNEX – LIST OF PARTICIPANTS

Name	Representing
Christa SCHWENG	Employers
Jessie FERNANDES	Employers
Kris DE MEESTER	Employers
François ENGELS	Employers
Jesús ALVAREZ	European Commission
Charlotte SKJOLDAGER	Government
Gertrud BREINDL	Government
Renārs LŪSIS	Government
Andreas STOIMENIDIS	Workers
Ben EGAN	Workers
Károly GYÖRGY	Workers
Viktor KEMPA	Workers
Christa SEDLATSCHKE	EU-OSHA
Andrea BALDAN	EU-OSHA
Jesper BEJER	EU-OSHA
William COCKBURN	EU-OSHA
Petya KIRTCHEVA	EU-OSHA
Birgit MÜLLER	EU-OSHA Staff Committee
Brenda O'BRIEN	EU-OSHA
Ilaria PICCIOLI	EU-OSHA
Luca RAPONE	EU-OSHA Trainee
Andrew SMITH	EU-OSHA
Alberto SOCCOL	EU-OSHA Trainee