

## MINUTES

<b>Meeting:</b>	49 <sup>th</sup> MEETING OF THE GOVERNING BOARD
<b>Date:</b>	Thursday, 24 January 2019
<b>Venue:</b>	Hotel Meliá Bilbao Leizaola Lehendakariaren Kalea, 29, Bilbao, Bizkaia

### 1. Adoption of the Draft Agenda

The Chair welcomed the attendees. Before starting the meeting, she asked for a minute of silence *in memoriam* of Eyjólfur Sæmundsson, the Icelandic Government observer to the Agency's Governing Board, who passed away last autumn.

The Chair welcomed to the Board the newcomers. These included the Governments members from Portugal, Spain, Slovakia, Czech Republic and Finland; the Workers' representative from Norway; the Employers' representative from the Czech Republic and finally, the new Employers' coordinator from Business Europe.

The Director, in turn, welcomed the attendees and introduced the new EU-OSHA colleague who was attending the Board meeting for the first time – the Head of the Resource and Service Centre.

The Chair introduced the draft Agenda. She asked all Board members 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 Chair asked whether there would be any items under "Any other business". The Commission would update the Board on several topics of interest under Item 3 - Director's progress report; and so would the Finnish Government representative with an update on the EU Roadmap for carcinogens. No further items were raised.

CONCLUSION: The revised draft agenda was adopted.

### 2. Director Progress Report

The Chair gave the floor to the **Commission**, and they provided an update on the following issues:

#### Commission's opinion on EU-OSHA's Draft Programming Document 2019-2021

The Commission recalled their opinion to the Agency's draft Programming Document 2019-2021 and highlighted in particular the Commission's request to include a review on biomonitoring, which would lead to a guidance document on the matter. The Agency followed up to the Commission's request, which will have an impact both on the 2019 and 2020 work programme.

#### Update on the Four-agencies' Evaluation

The Commission is currently preparing the Staff Working Document to outline how the evaluation will be followed up. It is expected that the document will be finalised before the end of the current Commission's mandate.

### Amendments to the carcinogens directives

With regard to the carcinogens directives, the Commission recalled that the first package had been adopted; an agreement had been reached on the second package as well as a general approach for the third one. For the fourth package, work is still in progress.

### New Multi-annual Financial Framework

There are not any substantial updates on the Multi-annual Financial Framework beyond 2020. In the view of implementing the principles of the Social Pillar, the Commission has included in their proposal 101 billion over seven years for the European Social Fund.

### Updates on the European Pillar of Social Rights

The Commission submitted a number of concrete initiatives to implement the European Pillar of Social Rights. These include a proposal on work-life balance and transparent and predictable working conditions (in particular for vulnerable workers), aiming at ensuring access to social protection. The European Accessibility Act, aimed at reducing social exclusion of people with disabilities will most probably be adopted before the end of the Commission's mandate.

### Updates on the European Labour Authority

A tri-logue meeting is expected to take place very soon.

### Updates on Brexit

The Commission informed that whereas there had been important developments, yet the situation is still not clear. At this stage, the Commission considers that with or without an agreement on the United Kingdom's withdrawal, the UK shall in principle be regarded as a third country as of 30 March 2019. The Agency, like other institutions and bodies, should refrain from taking any direct contact or initiative to discuss a possible post-Brexit scenario or arrangements with UK authorities.

The Commission acknowledged that the Brexit may have an important financial impact on EU finances – but much will depend on the terms of the agreement, if any. As a technical precautionary measure, DG BUDG has instructed all institutions and bodies to inscribe only 85% of their budget for 2019. EU-OSHA was instructed accordingly.

The Chair gave the floor to the **Director**, who thanked the Commission for their updates, and referred to the Director's Progress Report previously circulated to the Board Members.

In addition, she provided an update on the following issues:

### Presidency Conference – Vienna (24-25 September)

The Austrian Presidency of the Council of the EU hosted a high-level conference, 'Fight against Occupational Cancer', in Vienna. A range of speakers and participants, including politicians, social partners and experts in the field explored ways of protecting Europe's workers from exposure to carcinogens at work.

EU-OSHA chaired a session that looked at good practice, policy and awareness raising initiatives such as the EU Roadmap on Carcinogens and presented the 2018-19 Healthy Workplaces Campaign in the plenary.

### Advisory Group for the European Labour Authority (ELA) (Brussels 9-10 October)

EU-OSHA is part of the Advisory Group of ELA. At the meeting on 9-10 October, the Director presented EU-OSHA and its way of working closely with Member States.

### European Week for Safety and Health at Work – 22-26 October 2018

Each year, EU-OSHA and its partners mark the European Week for Safety and Health at Work with awareness-raising events across the EU and beyond. This year, the theme, in accordance with the campaign, has been “managing dangerous substances in the workplace”.

### National conference on dangerous substances – Belgrade (30-31 October)

In the framework of the Agency’s activities with candidate countries, the Director opened the conference and presented the 2018-19 Healthy Workplaces Campaign in the plenary. She also met the Minister for Employment, the social partners and national network members.

### Situation regarding implementation of 2018 work programme

Overall, 2018 has been a very positive year for EU-OSHA. The Agency was able to deliver its ambitious work programme almost in its entirety and above the established target (93% vs 90%), which resulted in a full budget implementation, rounding 100%.

For 2018, there were 135 Annual Work Programme committed outputs due to be delivered in 2018. It is on the basis of the actual delivery of these outputs that the overall work programme implementation was calculated.

### Stakeholders’ survey

The Agency commissioned a stakeholders’ survey in mid-2018. According to the survey, stakeholders’ overall satisfaction with the Agency’s work is high across all dimensions and target groups, consistently higher than the targets. There will be a presentation outlining the main results later in the day.

### Internal and external audits

In December 2018, the Internal Audit Service carried out a preliminary visit related to the audit on Planning, Budgeting, Implementation, Monitoring and Reporting; the next stage – the actual audit visit - is scheduled on early February 2019.

Also in December 2018, the European Court of Auditors visited EU-OSHA for one week and no major findings were reported.

### Agency’s new financial regulation

Further to the adoption of a new Financial Regulation applicable to the EU budget in mid-2018 and of new Framework Financial Regulation at the end of last year, EU-OSHA will have to adopt its own financial regulation within the first semester of 2019. Most probably, the Board will be expected to adopt the new regulation at their next meeting in June.

Most of the changes fall within three areas.

Firstly, for optimisation of resources and performance – evaluations shall be based on significant spending and a more focused approach to performance in relation to the effectiveness and efficiency of the internal control systems should be developed.

Secondly, regarding planning obligations – the Commission now has a deadline to return their opinion to the agencies on the draft programming document (1 July). As from 2020, the programming document shall also include new sections - a strategy for cooperation with third countries and/or international organisations; a strategy for achieving efficiency gains and synergies; and strategy for the management and internal control systems including an indication of measures to prevent recurrence of cases of conflict of interest, irregularities and fraud. The Agencies shall also argue the extent to which their work is contributing to EU political priorities.

Finally, another set of arrangements relate to technical financial aspects, including streamlining budget management and processes.

*Internal issues at the Agency:*

The new of Head of Resource and Service Centre, Andrea Baldan, took office in mid-October 2018.

*Update on the EU Roadmap on carcinogens*

Finally, the Chair passed the floor onto the **Finnish Government representative** for an update on the EU roadmap on carcinogens. This initiative dates back to 2016 when it kicked off under the auspices of the Dutch Presidency. Further to the Austrian Presidency, the Finnish Government announced that they intend to prolong it under their own Presidency. The Roadmap's website includes a broad range of resources and tools. Many factsheets on different substances were already produced – and the Member States are responsible for translating the factsheets into the relevant EU language. There are also template presentations that could be adapted and perused – the Focal Points will be informed accordingly.

The Finnish Government representative also introduced the OSH-related priority under the upcoming Finnish Presidency – being “growth and safety”. A new holistic approach is required to build up an economy of well-being.

COMMENTS BY THE BOARD:

The Board in general congratulated the Agency on the work done in 2018 and in particular on a very high work programme implementation. There were some remarks about a relatively high carry-over of financial resources to the following financial year as well as delays in the delivery of some outputs.

*The Agency explained that the carry-overs and the delays in the delivery of some outputs were to some extent due to the quality of the outputs as they were received by the contractors which required more internal work than expected. Identifying good researchers in the area of OSH has been a long-standing challenge for the Agency. In other cases, outputs were cancelled as a result of an internal review of the range and type of products to be produced so as to optimise resources and ensure higher impact of the Agency's work – this was the case, for example, for some of the outputs under the OSH overview on Musculoskeletal disorders. For the carry-overs it should be kept in mind that these to a large extent are planned as part of multiannual projects.*

*In response to Board members' concerns about the state of health of social dialogue in some Member States, the Agency reiterated the commitment to contributing to the enhancement of social dialogue at the national level via the Focal Point networks.*

*The Agency also clarified that cooperation with other actors engaged in policy areas related to OSH is a high priority. In particular, the cooperation with Eurofound remains very important. The Agency's commitment is to keep on creating synergies in addition to avoiding overlaps.*

CONCLUSIONS: The Board took note of the Director's progress report.

### **3. Workers' Exposure Survey**

In June 2018, in the framework of the discussions around the Programming Document 2019-2021, the Agency presented a proposal to include as a new activity a workers' survey on exposure to carcinogens. Following a comprehensive ex-ante evaluation, further evidence regarding the utility and reliability of the survey was gathered via an expert meeting and information on the survey as it was carried out in Australia was provided to the Board.

However, at that time, there was not a majority in the Board in favour of including this activity for the 2019 work programme.

The Governments requested that the Board be given a further opportunity to discuss the activity proposal following an initial Bureau discussion in November 2018. The proposal was consequently on the agenda of this meeting with a view to its inclusion in the work programme 2020.

At the last Bureau in November, the Agency clarified some concerns raised in relation to the survey – in particular its financial impact.

In terms of operational budget over the duration of the survey activity, financial resources were estimated at approximately €3 million plus promotion activities and evaluation in the subsequent years. For reference, this compares to a cost of approximately €2 million to carry out an OSH Overview over a similar period consisting of three years' research, a year's preparatory work and a year of promotion actions and evaluation. Further to more careful estimations, it was possible to reduce the costs further on the basis of an accurate selection of countries to be covered – which would lead to an overall cost of approximately two million euro, distributed as follows:

- EUR 1 million (preparatory work, analysis, promotion and evaluation) – fixed costs
- EUR 1.2-2 million depending on the number and selection of countries – fieldwork cost

When it comes to staff resources - in terms of research staff, 4.5 full time equivalents are estimated for the entire period of the activity. Staff resources will be allocated as follows:

- 0.5 FTE for preparatory work and a pilot survey in 2020;
- 1.5 FTE per year for contracting fieldwork in 2021 and 2022 (total 3.0 FTE);
- 0.5 FTE per year for promotion and evaluation actions in 2023 and 2024 (total 1.0 FTE).

The Bureau agreed to include the activity in the draft programming document 2020-2022 pending the Board's decision. In parallel, they requested the Agency to provide more details regarding availability of workplace exposure measurement data, on the substances to be covered in the survey and proposals on the follow-up actions that could be carried out based on the data collected via the survey.

For the Board's decision, the Agency put forward a single proposal for implementing the survey with appropriate justification for its choice of approach. In particular, it recommends a phased approach that could lead to complete coverage of participating countries across more than one survey round. The proposal refers to a partial coverage (6-8 representative countries) at full depth (comprehensive sample sizes).

With an appropriate selection of countries, the results would be relevant for all Member States and would provide a solid basis for a future decision on whether to carry out the survey in further countries as part of a subsequent phase.

The Agency had presented the proposal in full details – including methodological issues, substances to be tackled and possible follow-up actions, in a comprehensive presentation (available [here](#)) during the interest groups meetings.

#### COMMENTS FROM THE BOARD:

There was a majority in the Board that supported the inclusion of this activity in the draft Programming Document 2020-2022.

In particular, the Governments expressed their support to the Agency's proposal but requested a full evaluation to be carried out upon completion of the first phase of the survey. Based on the outcome of such evaluation, the Board would then be able to take a decision on whether or not to move to the next phase. They also stressed the importance of making concrete use of the data resulting from the survey via follow-up studies.

The Workers confirmed their support to the survey, adding that the previous week ETUC stressed the importance of the survey in a letter to Commissioner Thyssen. The survey will provide a more precise

estimation of exposure to cancer risk factors. However, there were some concerns relating to the expected benefits, the methodology – including how the sample of the countries will be selected and how data will be used. Finally, the Workers would support the idea of establishing an advisory group for the activity – to advise on a number of issues, including methodology, and to ensure a direct access from the Board.

The Employers, while stressing their strong commitment to prevent and fight against occupational cancer and the importance of gathering reliable data on the matter, could not support the Agency's proposal. Their concerns focussed mainly on the methodology of the survey, which, in their view, left too much room to workers' perception of the risks they experience at the workplace rather than assessing the actual exposure. They nevertheless acknowledged that there was a majority in the Board that would support this activity. They suggested, like the Workers, that an advisory group to this activity be established – but rather than at the level of the Board it should be within the Advisory Committee for Safety and Health in Luxembourg. The main task of such advisory group would be to come up with an appropriate methodology for the survey. Another aspect that should be considered is whether other alternatives could be explored on how to obtain relevant data.

Finally, The Commission confirmed their support. There have been exchanges of views with the Agency in the weeks before the Board meeting to clarify some points. The Commission acknowledged the efforts made to better outlining the scope of the project as well as to addressing the issues raised during the last Bureau meeting. In particular, and in the light of the feasibility study related to the survey, the Commission appreciated the Agency's commitment to improve the methodology from the original Australian survey and to overcome some methodological flaws – linked to the relevance of the respondents and the frequency and duration of exposure. The Commission welcomed the establishment of an advisory group with participation of all the groups and the Commission to guide the preparation of the first phase of the survey, as suggested by the Workers and the Employers. The proposed revised survey could provide useful information contributing to improve knowledge regarding cancer risk factors. This is in line with the priority attached by the EU OSH Communication of 2017 to the prevention of risks due to exposure to carcinogens.

*The Agency thanked the Board for a rich and important discussion around this activity. The Agency will follow-up on the suggestion to set up an advisory group within the Board to assist the preparation of this activity but also to ensure uptake of the data once these are made available.*

*The Agency also clarified that this is intended as a long-term initiative and investment and there is a strong commitment to take it forward. As for alternatives, the Agency examined these in the framework of the ex-ante evaluation to the survey where reasons for disregarding them were explained. In addition, the Board examined the possibility for the Agency to develop and host the HazChem database. The Board, however, defined the role to be played by EU-OSHA in this project as facilitator in the light of the results of the feasibility study, which concluded that this undertaking would be very challenging for a small-sized Agency like EU-OSHA.*

CONCLUSION: The Board agreed to include the Agency's proposal on the development of an activity related to a workers' survey on exposure to cancer risk factors in its work programme for 2020. The Agency will set up an advisory group with members from the Board.

#### **4. Draft Programming Document 2020-2022**

The Chair recalled that the Bureau discussed a preliminary draft which included the multi-annual part. A full draft document was presented to the Board for adoption, which also includes all annexes.

Two new activities shall be initiated in 2020: the exposure survey, further to the Board's decision on this matter (cf. item 3); and the preparatory work for the HWC 2023-2024/2025 whose precise scope shall be decided by the Board during 2019.

The Programming Document 2020-2022 also includes a new section as foreseen in the soon-to-be new Founding Regulation (section on international relations, Annex XI). Other sections that may be included

for the final version relate to: strategy for efficiency gains and synergies, strategy for the management and internal control systems, measures to prevent conflict of interest, irregularities and fraud, demonstration of the Agency's contribution to EU political priorities, amount of financial and human resources, reporting on the resource consumption (budget and staff) by activity for year N-1.

The draft Programming Document 2020-2022 was drafted assuming continuity of resources as advised by the Commission. However, it should be acknowledged that a few framework conditions are unknown at the moment, which may have an impact on the final draft. These include the resources available after 2020 (the last year of the current Multi-annual Financial Framework), the direction of the EU policy on OSH after 2020 (the strategic framework ends in 2020) and the implications of the four agencies' evaluation (pending the Commission Staff Working Document).

Further to the Board's adoption of the draft document, the Agency will send it for external consultation to the Commission and other agencies – as well as to the Parliament and the Council. The Board will be requested to adopt the final version by written procedure at the end of 2019.

#### COMMENTS FROM THE BOARD:

The Board welcomed the draft Programming Document 2020-2022 and the groups had already provided some input to improve the document during the interest group meetings to Agency's staff.

In particular, the Workers asked to emphasise EU-OSHA's cooperation with Eurofound and the important role played by tripartism also by providing concrete examples. Commission stated that they will launch an internal consultation to provide the Agency with an informed opinion. The Government asked the Agency to look into the possibility of foreseeing the adoption by the Board for the June Board meeting. The Employers reiterated their disagreement on the inclusion of the workers' exposure survey to cancer risk factors, but respected the decision taken by the Board on this matter.

As mentioned by the Agency, there could be a need to revise the document in the light of possible EU policy developments and further to the appointment of the new Commission in November 2019.

CONCLUSION: The draft Programming Document 2020-2022 was adopted.

### **5. Healthy Workplaces Campaign Theme for 2023-2024/2025**

At their June 2018 meeting, the Board discussed over OSH and digitalisation being a potential theme for the next Healthy Workplaces Campaign. This theme was also considered a good match with EU wider objectives – cf. European Pillar for Social Rights – and other organizations/institutions' initiatives in the field, cf. Nordic group, ILO, Eurofound, Member States, Global Coalition on OSH.

The challenge of delivering a successful campaign on this theme – being it relatively new and broad – should be acknowledged. Given such broad scope, there will be extensive discussions with the OKAG and the TARAG to narrow it down and shape it around a workable concept.

To inform discussions under this agenda item, the Agency had prepared a background document and included the ex-ante evaluation on OSH and digitalisation for reference. The ex-ante evaluation had already been submitted to the Board at the June meeting in 2018.

At the present meeting, the Board was invited to confirm this choice and their agreement to the next steps. Furthermore, the Campaign strategy is expected to be presented to the Board for adoption in January 2021.

#### COMMENTS FROM THE BOARD:

The Board overall confirmed their support to OSH and digitalisation as the theme for the campaign starting in 2023.

The Employers, however, observed that in the view of the development of the campaign strategy, the Agency should emphasise the positive aspects of digitalisation as well as define which groups of workers will be primarily addressed, in particular when it comes to the psychosocial dimension, and which sectors. The concept of “digital natives” and methodological issues such as data collection on the phenomenon should also be further explained.

The Workers, for their part, remarked that the emphasis should also be placed on the risks – and in particular on the psychosocial risks. Furthermore, they stated that this is another area on which a strengthened cooperation with Eurofound would be beneficial.

The Governments added that they would like platform economy aspects to be reflected in the campaign. In addition, they asked the Agency to reconsider communication methods and tools currently used to reach out to audiences and move towards a “digital approach” – in general, but even more importantly for this specific Campaign.

The Commission supported the proposed theme and mentioned that digitalisation being a critical matter with broad implications on OSH, this is certainly a relevant and timely theme for the Campaign, also in the context of on-going discussions on the future of work.

CONCLUSION: OSH and digitalisation was agreed as the theme for the Healthy Workplaces Campaign 2023-2024/2025.

## **6. Draft budget and the establishment plan 2020**

The draft budget 2020 was prepared in accordance with the Commission’s budget circular 2020: as a “cruising-speed” Agency, EU-OSHA is expected to maintain the staff population at 40 Temporary Agents and request as a maximum EU subsidy of € 15,579,000 (+2% compared to 2019). The final EU subsidy 2020 to EU-OSHA will become definitive after final adoption of the European Union’s budget.

An additional contract agent post function group IV has been requested as already agreed in 2018 by the Board.

The final budget will be presented to the Board for adoption by the end of 2019 by written procedure.

### COMMENTS FROM THE BOARD:

The Commission remarked that depending on the conditions of the Brexit, readjustments to the he budget would be needed.

The Workers expressed concern over the increase of expenditure in Title 1 and decrease in Title 3.

*The Agency explained that the increase in Title 1 was mainly due to the salary indexation, which went up 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 3. In comparison to the other Agencies within the remit of DG EMPL, EU-OSHA has a significantly larger operational budget and a higher operations/staff expenditure ratio.*

*The Agency has already been undertaking many initiatives to reduce the non-operational expenditure. As an example, with the change of premises in 2014, there has been a significant decrease in Title 2. The Agency’s main concern is to ensure that as much budget as possible is allocated to deliver for the core business of the Agency.*

CONCLUSION: The draft budget and establishment plan 2020 were adopted.

## 7. Monitoring and Evaluation Framework for the Campaign Cycle 2020-2022

In June 2018, the Board agreed to pilot a three-year campaigning cycle for the 2020-2022 Healthy Workplaces Campaign on Musculoskeletal Disorders. The Board mandated the Bureau at its November 2018 meeting to discuss how best to evaluate the effects of the change in the length of the cycle with a view to the Board itself defining evaluation criteria at the present meeting.

The Agency's initial proposal to the Bureau was based on the evaluation criteria as defined in the Commission's "Better Regulation package" - relevance, coherence, effectiveness, efficiency and EU added value. The campaign cycle shall be evaluated in the broader framework of the ex-post evaluation of the HWC on Musculoskeletal disorders but in the proposal the Agency emphasised the need to identify other indicators to be monitored by the Bureau all the way through.

The Bureau welcomed the proposal for the Campaign monitoring and evaluation framework, but had some remarks and recommendations – including the need to keep the focus on assessing the impact that the change from a two year to a three year cycle would entail for the campaign – in particular regarding stakeholders' engagement with the campaign theme.

EU-OSHA engaged an experienced contractor to help with the definition of the framework, which will include extensive consultations with the Tools and Awareness Raising Advisory Group and Focal Point representatives in the first half of 2019. The Agency will take all these recommendations into account in the development of the framework.

In the second semester for 2019, the Agency will come up with a final proposal for adoption.

At this meeting, the Board was invited to give feedback to the proposed process and adopt it.

### COMMENTS FROM THE BOARD:

The Board agreed on the process and had some remarks.

The Employers observed that it is important to keep the focus of the evaluation and monitoring framework on how the effects on the target audiences change under the two year and the three year cycles. What needs to be drawn from the evaluation is whether there is any loss in the momentum with an extended campaign cycle – or not.

The Workers stressed that the evaluation and comparison of the cycle length should be performed from the perspective of the end-users of the campaign. They also asked for more flexibility under the FAST scheme and, in the light of the practices already in place in some Member States, they advocated for some resources to be allocated directly to social partners to carry out their own campaign actions – these would enable to have a better outreach of the main beneficiaries.

The Governments highlighted that the workload on the Focal Points shall be taken into account when evaluating the cycle and the Board should be closely involved in the development of the framework.

The Commission expressed their support to the Agency's proposal and welcomed the involvement of both the TARAG and the Focal Points.

CONCLUSION: The process for the development of the campaign cycle monitoring and evaluation framework was adopted.

## 8. Implementation of the New Founding Regulations

There was agreement between Parliament and Council on a new founding regulation for EU-OSHA. It is expected to be published on the Official Journal on 31 January 2019 and to enter into force 20 days after its publication, i.e 20 February. When the new founding regulation enters into force, the current founding regulation (Regulation (EC) No 2062/94) is repealed.

Under the new regulation, the Bureau becomes the Executive Board; the Governing Board becomes the Management Board and finally the Director becomes the Executive Director.

The 2019 regulation includes some provisional measures related to the transition period to ensure business continuity. In particular, article 32 provides that the Board members appointed under the 1994 regulation will remain in office until the appointment of the members of the Board under the 2019 regulation.

At the same time, a number of actions are required immediately after 20 February to ensure that the Agency can operate smoothly after the entry into force of the 2019 regulation. These include: delegating to the Executive Director the power of appointing authority; appointing the Chairs and vice-Chairs and the interest group coordinators; appointing the Executive Board (formerly Bureau) alternates; nominating EEA/EFTA countries as observers.

Other provisions which will have an impact on the current set-up are: possible new conflict of interest arrangements; new rules of procedures to be adopted; new majority rule for adoption of key documents (three third of the members entitled to vote).

The 2019 regulation does not foresee any delegation to the Bureau in terms of decision-making. Therefore, items that have been typically dealt with by the Bureau upon delegation by the Board under the 1994 regulation – e.g., adoption of Staff Regulations implementing rules; OiRA business plan and other ad-hoc decisions, would now require adoption by the Management Board.

Finally, the Agency tabled two documents at the interest groups meetings.

One is the draft decision of delegation of appointing authority powers from the Management Board to the Executive Director. This draft decision is based on a model shared by the Commission and defines the scope of the delegation. It should be adopted by the Board as soon as the 2019 regulation enters into force. However, considering that there could be gap in time between the entry into force of the regulation and the clearance from the Commission services on the draft decision agreed by the Board (as per article 110 Staff Regulations) – the Agency prepared a contingency measure. This foresees that the power of appointing authority shall be exercised by the Chairperson of the Management Board until the decision can be formally adopted.

The Agency will launch a written procedure after 20 February to ensure a smooth functioning of the Agency as soon as the new regulation applies.

#### COMMENTS FROM THE BOARD:

There was consensus in the Board about keeping the current Bureau participation unaltered until the next meeting in June, where new rules for procedure would be adopted based on the 2019 regulation.

However, the Employers, supported by the Workers, observed that the provisions of the 2019 regulation about the Executive Board composition – which reduces from 3 to 2 the interest group membership – may be problematic and asked the Agency to look into how to minimise the negative impact.

Regarding the draft decision on delegating appointing authority powers from the Management Board to the Executive Director - in the Bureau there had been a lively discussion about defining the scope of the exceptional circumstances under which the Management Board could suspend such delegation.

The Board was initially oriented to include a reference to recital (12) of the 2019 regulation, which outlines examples of what may constitute an exceptional circumstance. However, further to having considered the concerns of the Commission and the Agency related to the fact that any amendment, albeit small, to the decision might lead to a delay in the clearance by the Commission services and may result into a delay in the adoption by the Board, they reconsidered their position.

The Board agreed over the Agency's proposal to clarify in a separate explicatory note the conditions under which such delegation may be suspended. The Agency's Staff Committee also agreed with this approach and expressed their wish to give their input to the note.

Finally, the Board also agreed on the contingency measure designed by the Agency in case the draft decision could not be adopted right after the 2019 regulation would enter into force.

CONCLUSION: The Board agreed to maintain the current rules for procedure until their next meeting in June; they agreed on the draft decision on delegating appointing authority powers from the Management Board to the Executive Board as proposed by the Agency; and finally they agreed on the contingency measure delegating appointing authority powers to the Chairperson of the Management Board.

## **9. Internal Control Framework**

EU-OSHA is required to adopt an Internal Control Framework in line with the revised Internal Control Framework of the Commission.

The Internal Control Framework proposed for adoption by the Board consists of five Internal Control Components and 17 Internal Control Principles. There has been a clear move from a compliance-based approach to a risk-based approach. There is also greater flexibility in defining indicators for these internal control principles so that these are fit for the context in which the Agency operates.

At the moment, the Board is required to adopt the new framework, which would repeal the one currently in place. The Agency will then define indicators for measuring the implementation of these principles. The Chair referred to the new framework presented by the Agency on the basis of the Commission's for adoption and invited comments from the Board.

CONCLUSION: The new Internal Control Framework was adopted.

## **10. Anti-fraud Strategy**

In 2014, the Commission adopted its Anti-Fraud Strategy. As part of its action plan, the European Anti-Fraud Office of the Commission (OLAF) provided a methodology and guidance for Anti-Fraud Strategies for EU Agencies and other EU entities.

Back in 2015, EU-OSHA developed a first strategy on the basis of the OLAF's guidelines which included an action plan. Having that strategy come to an end, the Agency submitted for the Board's adoption a revised version which builds on an assessment of the implementation of the previous strategy; internal and external audits, and a risk assessment related to fraud risks linked to the Agency's operational and regulatory contexts. An action plan was also included.

According to the risk assessment the Agency would benefit from strengthening the existing measures and establishing new specific ones where needed in particular in the recruitment, procurement and reimbursement of missions.

The action plan devises concrete measures to achieve the identified control objectives. The implementation of the action plan shall be monitored regularly by the Bureau.

### COMMENTS FROM THE BOARD:

The Commission had only a few remarks raised by OLAF, mainly about the need of reflecting more accurately the outcome of the risk assessment performed by the Agency in relation to fraud risks and to emphasize the link between the identified risks and the action plan.

CONCLUSION: The Anti-fraud Strategy and the action plan were adopted with the amendments proposed by the Commission.

## 11. Outsourcing of the Accounting Function

Following an internal review and assessment of the different alternatives, carried out in 2018, the Agency suggests that the accounting officer of the Commission (DG BUDG) act as accounting officer for EU-OSHA as from 1 July 2019 with the current EU-OSHA accountant retiring on the 1 August 2019.

The externalisation of this function goes in line with the Agency's efforts to exploit synergies and reduce the administrative burden. It would allow for a more efficient allocation of human resources across the Agency.

CONCLUSION: The Board adopted the Agency's proposal to outsource the Accounting Officer's function.

## 12. Board and Bureau Working Methods

At the last Bureau meeting in November, the Agency initiated a debate on possible measures that would complement the current working arrangements. The measures discussed included:

- Strengthening the role of the Bureau via an earlier involvement in the preparation of the Board meetings to ensure a shared understanding of the items to be discussed in Board meetings and an earlier input from the Bureau in the preparation of the Board meetings
- Set-up of Board meetings - whether it would be best to organise Board meetings as plenary-interest groups-plenary or as interest groups-plenary.
- The timing of the preparatory Bureau meeting and whether to explore possible virtual platforms to hold the meeting some time before the Board

At that time, the Bureau suggested that this is an issue the Board should discuss. To this purpose, the Agency invited the Board - via groups discussions and in the plenary – to propose any improvement if deemed necessary.

### COMMENTS FROM THE BOARD:

The Board concluded that the current working arrangements are meeting the expectations and at the moment there is no unmet need.

CONCLUSION: The current arrangements, including meeting set-ups, shall remain unvaried.

## 13. EU-OSHA's 25<sup>th</sup> Anniversary

On the occasion of EU-OSHA's 25<sup>th</sup> anniversary since its establishment in 1994, the Agency put in place an ambitious programme of communication actions which it will implement throughout 2019.

The main objective is to celebrate 25 years of building and mobilising a pan-European network of partners committed to making Europe's workplaces safer, healthier and more productive and to look forward to the next 25 years.

With the present Board meeting, the communication programme would kick off. The Agency made the Board acquainted of the programme in greater details, see presentation (available [here](#)). In a video-message, Commissioner Thyssen also emphasised the importance to celebrate a 25 years old success story of working together to improve occupational safety and health across Europe.

The main celebration event will take place during a busy yet exciting week in Bilbao that will bring together many stakeholders engaged with OSH across the EU. The schedule of the week is foreseen as follows:

- On 3 June (all day) and 4 June (am), the Advisory Committee on Health and Safety will meet.
- On 4 June (pm) and 5 June (am), the Focal Point meeting will be held.

- On June 5 (pm), the Anniversary event will take place.
- Finally, the Governing Board meeting will be held on 6 and 7 June.

CONCLUSION: This item was for information.

#### **14. Stakeholders' Survey**

As part of its performance monitoring framework, during 2018 the Agency commissioned a stakeholders' survey to get a feedback on the stakeholders' perception on the Agency's work – overall and in relation to specific activities.

Whereas the results from the survey are used to feed the quality performance indicators attached to the Agency's work programme, these also serve as interesting learning point for future planning of the activities. The feedback from the stakeholder is encouraging and confirm an overall high satisfaction with the Agency's work.

The main findings were presented at the Bureau meeting last November. The Bureau suggested that the Agency should present these to the Board, see presentation (available [here](#)).

CONCLUSION: This item was for information.

#### **15. Election of Chair, Vice Chairs and Bureau**

As every year at the first meeting of the year, the Board had to elect a new Chair and the Vice-Chairs as well as appoint interest groups' coordinators and Bureau members and alternate.

According to the rotation system, the Chair for the next term had to emanate from the Employers' group. The group designated Ms Christa SCHWENG for the role. The vice-Chairs will be Mr Károly GYÖRGY (Workers' group), Ms Gertrud BREINDL (Governments) and Mr Francisco Jesús ALVAREZ HIDALGO (Commission).

With regard to interest group coordinators and the composition of the Bureau, there will be no change apart from the Workers' group – where the alternate member will be the representative from Denmark taking over from the representative from Finland.

CONCLUSION: The Board elected a new Chair – Ms Christa SCHWENG (Employers), and vice-Chairs. The composition of the Bureau shall remain unchanged.

#### **16. Any other business**

##### Departure of UK

Before closing the meeting, the Chair recalled that this would be the last meeting where UK representatives were participating in their full capacity being UK still a EU member State.

Both the Chair and the Director bid farewell to the UK Governments representative (the only UK representative present at the plenary meeting) and thanked for all the contributions and valuable OSH knowledge that the UK has brought into the Agency's network.

In return, the UK Government representative thanked the Chair and the Agency for a very fruitful cooperation and exchange in the past years and emphasised the UK's unchanged commitment to keeping on improving occupational health and safety.

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Finally, The Chair thanked the Agency's Director and the staff, the interpreters and closed the meeting.

## ANNEX – LIST OF PARTICIPANTS

NAME	INTEREST GROUP	REPRESENTING
Christa SCHWENG	Employers representative	AUSTRIA
Gertrud BREINDL	Government representative	AUSTRIA
Julia NEDJELIK LISCHKA	Workers representative	AUSTRIA
Herman FONCK	Workers representative	BELGIUM
Kris DE MEESTER	Employers representative	BELGIUM
Véronique CRUTZEN	Government representative	BELGIUM
Aleksandar ZAGOROV	Workers representative	BULGARIA
Darina KONOVA	Government representative	BULGARIA
Jessie FERNANDES	Employers representative	BUSINESSEUROPE
Jesús ALVAREZ	European Commission	COMMISSION
Admira RIBIČIĆ	Employers representative	CROATIA
Gordana PALAJSA	Workers representative	CROATIA
Stelios CHRISTODOULOU	Workers representative	CYPRUS
Václav PROCHÁZKA	Workers representative	CZECH REPUBLIC
Renáta ZBRANKOVÁ	Employers representative	CZECH REPUBLIC
Pavel FOŠUM	Government representative	CZECH REPUBLIC
Lena SØBY	Employers representative	DENMARK
Nina Hedegaard NIELSEN	Workers representative	DENMARK
Charlotte SKJOLDAGER	Government representative	DENMARK
Maret MARIPUU	Government representative	ESTONIA
Aija MAASIKAS	Workers representative	ESTONIA
Ben EGAN	Workers representative	ETUC
Viktor KEMPA	Workers representative	ETUI
Erika MEZGER	Eurofound	EUROFOUND
Hannu STÅLHAMMAR	Government representative	FINLAND
Erkki AUVINEN	Workers representative	FINLAND
Abderrafik ZAIGOUCHE	Workers representative	FRANCE
Patrick LÉVY	Employers representative	FRANCE
Sonja KÖNIG	Workers representative	GERMANY
Eckhard METZE	Employers representative	GERMANY
Kai SCHÄFER	Government representative	GERMANY
Ioannis KONSTANTAKOPOULOS	Government representative	GREECE
Andreas STOIMENIDIS	Workers representative	GREECE

NAME	INTEREST GROUP	REPRESENTING
Katalin BALOGH	Government representative	HUNGARY
Károly GYÖRGY	Workers representative	HUNGARY
Björn Ágúst SIGURJÓNSSON	Workers representative	ICELAND
Dessie ROBINSON	Workers representative	IRELAND
Marie DALTON	Government representative	IRELAND
Fabiola LEUZZI	Employers representative	ITALY
Romolo DE CAMILLIS	Government representative	ITALY
Renārs LŪSIS	Government representative	LATVIA
Ziedonis ANTAPSONS	Workers representative	LATVIA
Vaidotas LEVICKIS	Employers representative	LITHUANIA
Aldona SABAITIENĖ	Government representative	LITHUANIA
Inga RUGINIENE	Workers representative	LITHUANIA
Francois ENGELS	Employers representative	LUXEMBOURG
John SCHNEIDER	Government representative	LUXEMBOURG
Lawrence MIZZI	Employers representative	MALTA
Anthony CASARU	Workers representative	MALTA
Rob TRIEMSTRA	Government representative	NETHERLANDS
Rik VAN STEENBERGEN	Workers representative	NETHERLANDS
Mario VAN MIERLO	Employers representative	NETHERLANDS
Ann Toril BENONISEN	Employers representative	NORWAY
Yogindra SAMANT	Government representative	NORWAY
Wenche Irene THOMSEN	Workers representative	NORWAY
Danuta KORADECKA	Government representative	POLAND
Rafal HRYNYK	Employers representative	POLAND
Fernando GOMES	Workers representative	PORTUGAL
Luísa GUIMARÃES	Government representative	PORTUGAL
Marcelino PENA COSTA	Employers representative	PORTUGAL
Ovidiu NICOLESCU	Employers representative	ROMANIA
Anca Mihaela PRICOP	Government representative	ROMANIA
Silvia SUROVÁ	Employers representative	SLOVAKIA
Martina DULEBOVÁ	Government representative	SLOVAKIA
Peter RAMPÁŠEK	Workers representative	SLOVAKIA
Nikolaj PETRIŠIČ	Government representative	SLOVENIA

NAME	INTEREST GROUP	REPRESENTING
Lučka BÖHM	Workers representative	SLOVENIA
Igor ANTAUER	Employers representative	SLOVENIA
Javier PINILLA	Government representative	SPAIN
Mercedes TEJEDOR AIBAR	Government representative	SPAIN
Laura CASTRILLO NÚÑEZ	Employers representative	SPAIN
Bodil MELLBLOM	Employers representative	SWEDEN
Boel CALLERMO	Government representative	SWEDEN
Karin FRISTEDT	Workers representative	SWEDEN
Hugh ROBERTSON	Workers representative	UNITED KINGDOM
Terry WOOLMER	Employers representative	UNITED KINGDOM
Clive FLEMING	Government representative	UNITED KINGDOM
Christa SEDLATSCHKE	EU-OSHA	
Jesper BEJER	EU-OSHA	
Andrea BALDAN	EU-OSHA	
William COCKBURN	EU-OSHA	
Andrew SMITH	EU-OSHA	
Ilaria PICCIOLI	EU-OSHA	
Maurizio CURTARELLI	EU-OSHA Staff Representative	
Philippe BAILLET	EU-OSHA	
Petya KIRTICHEVA	EU-OSHA	
Brenda O'BRIEN	EU-OSHA	