

MINUTES

Meeting:	1 st MEETING OF THE MANAGEMENT BOARD
Date:	Thursday, 7 June 2019
Venue:	Hotel Meliá Bilbao Leizaola Lehendakariaren Kalea, 29, Bilbao, Bizkaia

1. Adoption of the Draft Agenda

The Chairperson welcomed the attendees to the first Management Board meeting under the new founding regulation. She recalled that the Management and Executive Boards are still working under the rules of procedures adopted under the previous founding regulation.

She then introduced the draft Agenda and asked Management Board members to declare 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 member declared any.

The Chairperson had some remarks on the agenda. She informed that, further to discussions within the Executive Board, item 5 – 2019 Financial Regulation would be for discussion and not for adoption; item 11 – Rules for procedure for the Executive and Management Board would be for discussion and not for adoption; and finally item 9 – Reclassification of the Executive Director would be for adoption and not for information. This last item would be postponed to the end of the meeting and will be discussed “*in camera*” with neither the Executive Director nor any EU-OSHA staff members present and the discussions would be introduced by the Commission.

The Chairperson asked whether there would be any items under “Any other business”. The Governments informed that there would be an update on the work carried out in the framework of the Roadmap on Carcinogens and the Commission will give their usual update – both under Item 3. No additional items were raised.

CONCLUSION: The revised draft agenda was adopted.

2. Adoption of the Draft Minutes

The Chairperson referred to the minutes of the Governing Board meeting held in January, which were circulated before the meeting and asked whether there were questions or comments.

COMMENTS BY THE MANAGEMENT BOARD:

The Workers asked for clarifications about the timeline for the establishment of the advisory group for the workers' exposure survey to dangerous substances. They also asked to clarify in the minutes that in June 2018 no final decision was taken on the theme on the Healthy Workplaces Campaign 2023/2024-2025 but there was a general discussion about it.

In relation to the advisory group to the workers' exposure survey, the Agency clarified that in 2019 some preparatory work would take place under the existing activity on work-related diseases. In particular, two experts meetings shall be organised. The establishment of the advisory group is expected for early 2020 – as the survey would kick off as a new activity in the framework of the 2020 work programme.

The Agency will take on board the request for amendments related to the minutes from the previous meeting.

CONCLUSION: The Management Board adopted the minutes with the requested changes.

3. Executive Director Progress Report

The Executive Director opened her intervention by thanking all those present for taking part in the celebration of EU-OSHA's 25th anniversary two days earlier. She recalled that the objective was to celebrate 25 years of building and mobilising a pan-European network of partners committed to making Europe's workplaces safer and healthier. The values that underpin the work of the Agency and its network are diversity, tripartism, partnership and, above all, a shared commitment to safe and healthy work as a fundamental right and a core value of the European project.

The celebratory event took place in the framework of a busy and exciting week, where the EC Advisory Committee on Safety and Health at Work, the Focal Points and the Executive Board and the Management Board would hold their meetings. Many other partners and stakeholders from the national and EU level as well as representatives from the Parliament's Employment Committee have joined.

The Executive Director referred to the report on the work programme implementation. She stressed that the work programme is being implemented according to the plans. There are just a few delays within the year and one output delayed to 2020. Two more outputs had to be cancelled and the details and reasons were included in the report. In addition, she gave an update on several issues.

New founding regulation

The Agency has been operating based on a new founding regulation¹ as from 20 February 2019. The Agency circulated a note which outlined the main changes in the functioning and the steps needed to ensure that the new regulation is fully operational.

One of the first decisions that the Management Board was required to take under the new regulation was to delegate the powers of appointing authority (powers related to staff management matters) to the Executive Director to ensure a smooth running of the Agency. The Executive Director took the opportunity to thank the Management Board for the swift approval by written procedure in particular in the light of the short deadline to reply.

EU-OSHA's regulation has been discussed, revised and adopted together with the ones of the other tripartite Agencies –Eurofound and Cedefop and there are obvious similarities. To this reason, EU-OSHA is working closely with the other Agencies – and with the Commission – to ensure a coordinated implementation of the provisions of the regulation.

Focal Points meeting on 4-5 June 2019

The Focal points had met earlier the same week in Bilbao. On the agenda, there was the draft programming document 2020-2022 – in particular the work programme 2020, and the definition of the focal point tasks with the project managers in charge of the activities. In addition, as per the Management

Board's request further to the interest expressed by the focal points, a session for peer exchange had been organized. Some concerns were raised by some focal points in relation to the support provided by the Agency, which the Agency committed to further analyse and follow up.

¹ Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0126>

IAS audit on Planning, Budgeting, Implementation, Monitoring and Reporting (February 2019)

An internal audit report from an audit which took place earlier this year on planning, budgeting, Monitoring and Reporting is under preparation. The draft report shows that the Agency has sound processes and procedures in place in this area and these are consistently followed and implemented. The recommendations included in the draft reported pointed out only minor improvements. Further to the finalization of the report by the IAS and the Agency's analysis of the recommendations, an action plan shall be presented to the Management Board in January.

ECA audit on performance

The Court of Auditors informed the Agencies that they are planning an audit on performance whose scope covers both executive and regulatory agencies. The audit will be based on a combination of desk reviews and interviews. There are three main clusters of questions that the audit will address:

- Is the creation of EU Agencies based on a valid rationale?
- Are there effective performance accountability arrangements?
- Is the rationale of setting up the agencies periodically reassessed?

Whereas the first and third questions shall be addressed to a large extent to the institutional stakeholders, the input on the second one is expected to be provided by the Agency and its Management Board – on how and how often the Agency monitors its performance; if there is an effective internal performance monitoring; how the management uses the feedback from stakeholders to improve performance etc.

The ECA already asked for a list of the main stakeholders as it is their intention to launch a stakeholders' survey on the matter. From EU-OSHA we will follow a coordinated approach with the other Agencies under DG EMPL and share the contacts of our primary stakeholders which include Management Board members, focal points as well as other institutional stakeholders. The Executive Director stressed that Management Board members shall be expected to be contacted soon and it is important that they provide their input. She also recalled the main features of the Agency's performance management framework.

A draft report is expected to reach the Heads of Agencies' network and the Commission in October. The ECA is working towards an adoption of the report in November.

Discharge 2017

The Parliament granted the discharge in respect to the 2017 budget to the Executive Director on 26 March 2019. The discharge resolution was overall very positive and appreciative of the work of the Agency. The main recommendations were in the area of procurement – regarding the need to introduce e-procurement; and on the need to link the provision of IT services to delivery of products rather than on time spent on the delivery of the work. The Agency has already launched its first e-tender at the end of last year and has amended its contracting arrangements in line with the audit recommendations. Another recommendation was about the need to strengthen the accounting officer's independence – and this is something that the Agency has already anticipated by outsourcing the accounting function to the Commission.

Further to that, the **Commission** gave a short report on the situation regarding to Brexit and the appointment of the new Commission as a result of the new Parliamentary elections.

Regarding Brexit, there were no major developments to report at that point in time. The new Commission is in principle expected to be in place as of November this year.

Finally, the Government representative from The Netherlands gave an update on the work that is being carried out in the framework of the **Roadmap on Carcinogens**. The Government representative from Finland informed that under the Finnish presidency of the EU a conference shall be organised on 27-28 November under the slogan “Working together to eliminate occupational cancer”. The Government representative from Germany confirmed that the Roadmap would be continued under their presidency in 2020, which the Management Board welcomed.

COMMENTS BY THE MANAGEMENT BOARD:

The Management Board took note of the progress report and put forward some questions and comments.

The Workers asked whether it would be possible to add an indicator on occupational diseases to the set covered in the EU-OSH barometer. They also enquired whether the timeline for the translation process of the country versions of the e-tools could be aligned to the actual needs at the national level.

Regarding the support received by the focal points, the Employers observed that it would be useful to assess the actual functioning of the funding scheme in order to identify opportunities for improvement, if any.

Regarding the EU OSH barometer, the Agency clarified that the indicators currently included in the set are based on the possibility to rely on sound and reliable data sources. When it comes to occupational diseases, data of the sufficient quality is not readily available. Reliability and availability of the data sources is an important issue to be taken into account when defining possible new indicators. As for the e-tools, the Agency took up the point on the timeline of the translation and will follow up accordingly.

There would be an internal discussion to analyse how to follow up on the issues that emerged from the focal points meeting. However, in many cases the national level is the determinant driver – there are limitations in what the Agency can do.

CONCLUSIONS: The Management Board took note of the Executive Director’s progress report.

4. Findings and Recommendations from evaluations, audits etc.

The new founding regulation provides that the Management Board shall monitor adequate follow-up to findings and recommendations from internal and external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF).

The Executive Director gave an update on this item based on the note circulated before the meeting.

Regarding follow-up to accepted *evaluation recommendations* – the action plan is well on track. For ESENER-2, there are a few recommendations that remain open but are being implemented according to the schedule. Such recommendations refer, in particular, to the definition of areas where follow-up studies may be desirable; and to the need to increase communication and dissemination actions to improve visibility.

The Agency carried out a cross-activity evaluation addressing the communication, networking and engagement actions with its stakeholders. The results of this evaluation are very positive and clearly show that the Agency has a sensible and effective approach towards its stakeholders. The findings and recommendations of this evaluation, as well as the action plan to meet the recommendations will be presented to the Executive Board in November.

Regarding follow up to *recommendations from internal and external audits* – the Agency has no open recommendations in relation to internal audits carried out by the Internal Audit Service. A report on the recent IAS audit on planning, budgeting, monitoring and reporting is under preparation and it seems likely that four ‘important’ recommendations will result from this audit in a framework of general appreciation of the Agency’s work in the area, cf. Executive Director’s report under item 3.

On the other hand, when it comes to external audits, the Court of Auditors' draft report for 2018 pointed out to the high amount of carry-overs in titles II and III of the Agency's budget. The Court acknowledged, however, that these were mainly planned carry overs. In particular, in relation to title III, such carry overs are linked to the multiannual character of the Agency's activities. The Agency will see to ensuring that such planned carry forwards foreseen in the procurement plan shall be more clearly flagged and further justified in the Agency's future reporting on budget implementation,

Finally, regarding follow up to *OLAF findings and recommendations* – there is no action pending implementation for 2019.

CONCLUSIONS: The Management Board took note of the item.

5. 2019 Financial Regulation

Further to the adoption of a new general financial regulation, in 2018 the Commission adopted a Delegated Regulation on the framework financial regulation (FFR) for the bodies referred to Article 70 of Regulation (EU, Euratom) 2018/1046, which include decentralised agencies.

The Agency requested some derogations to the Commission, mainly to make sure that the provisions in the financial regulations would be well aligned to the provisions in the new founding regulation as there were some minor yet material inconsistencies (e.g., provisions related to Management Board members and declaration of interests vs absence of conflict of interest).

However, since a feedback from the Commission's inter-service consultation had not arrived on time for the present Management Board meeting and considering that the Agency had an obligation deriving from the framework financial regulation to ensure that the new rules would be in place as from 1 July 2019, the Agency suggested that the Management Board could adopt its financial rules by analogy based on the framework financial regulation. Once the feedback from the Commission on the requested derogation would be available, the Management Board could adopt the final regulation by written procedure.

This was the approach that had been followed in other Agencies.

During the discussions at the Executive Board meeting, the Commission recommended waiting for the outcome of the inter-service consultation before adopting any new rules. The outcome of the consultation should be available in a matter of weeks. A written procedure could then be organised for the adoption of the final rules. In the meantime, the 2014 regulation would remain in force.

CONCLUSIONS: The Management Board took note of the status of the adoption of the new financial regulation and agreed to follow the approach suggested by the Commission.

6. Analysis and assessment of the Consolidated Annual Activity Report 2018

The Annual Activity Report 2018 has been prepared based on the guidelines and the template issued by an *ad hoc* working group established within the EU agencies' network in cooperation with the Commission.

Overall, 2018 has been a very positive year for EU-OSHA.

A number of research activities were in the completion phase, which have allowed the Agency to provide policy makers, researchers and intermediaries with reliable and comprehensive overviews on state-of-the-art research of various important OSH topics. The Healthy Workplaces manage dangerous substances Campaign kicked off, addressing one of the main challenges identified in all relevant EU policy documents. With a view to ensure sustained support to medium, small and micro enterprises, the Agency has continued to develop practical tools and guidance to enable them to comply with OSH legislation in their countries and carry out good quality risk assessment through the OiRA (Online interactive risk assessment) tool while identifying good practices and promoting their exchange. With its enterprise survey ESENER, EU-OSHA has been contributing to the challenge of gathering comparable and reliable OSH data across Member States and has produced valuable secondary analytical studies on that basis.

Furthermore, the Agency has supported the European Commission on a variety of tasks, including the process aimed at the establishment of an EU OSH info system – which EU-OSHA will take over as from 2019 as a separate activity. EU-OSHA has also been deeply involved in the consultation meetings regarding the amendments to the carcinogens and mutagens directives.

The Activity Report is a key document for the discharge procedure. It is the report where the Executive Director of the Agency, in her capacity as Authorising Officer, gives an account of the activities of the Agency while providing assurance that the resources were spent for the intended purposes.

This is a requirement from the financial regulation (Article 47). By 1 July, the Activity report shall be sent to Parliament, Council, Commission, Court of Auditors and Internal Audit Service, together with an analysis and assessment of the report agreed by the Management Board.

COMMENTS BY THE MANAGEMENT BOARD:

The Management Board agreed on a positive analysis and assessment of the report, pointing out at the Agency's high quality contribution to the EU policy priorities on OSH and the high implementation of the work programme and the budget.

The Governments asked the Agency to consider outlining the “gender and OSH” aspect of the Agency's work in a separate section as from the next issue. There was also an inconsistency related to the Icelandic representation to the Management Board, which the Agency should address.

The Workers asked the Agency to explore the possibility of being involved in the validation of the content of the report at an earlier stage.

The Employers mentioned that when necessary divergences of opinions within the Management Board should be acknowledged – as it was the case for the inclusion of a new activity on a workers' exposure survey to dangerous substances in the work programme 2019, to which the employers were not favourable.

The Agency took note of the comments and suggestions by the Management Board and will follow up.

CONCLUSION: The Management Board took note of the Annual Activity Report 2018 and agreed on its analysis and assessment.

7. Annual Report 2018

Under the 1994 founding regulation, together with the annual activity report (cf. item 6), the Agency was required to produce a complementary but distinct annual report with an account of the implementation of the activities carried out during the previous year, to be disseminated to various stakeholders. With the new regulation, this requirement is not there any longer – so this would be the last issue to be produced.

Regarding the implementation of the activities in the work programme 2018, the content of the annual report matches the annual activity report.

COMMENTS BY THE MANAGEMENT BOARD:

The comments on the content of the report expressed by the Management Board in relation to the annual activity report (cf. item 6) also apply to the annual report.

The Agency shall follow up accordingly.

CONCLUSION: Management Board adopted the Annual Report 2018.

8. Opinion on Final Accounts for the Financial Year 2018

According to the founding and financial regulation, the Executive Director shall send the final accounts to the Management Board, who shall give an opinion on these accounts before they are submitted together with the Annual Activity Report to the Parliament and Council as an input to the discharge procedure related to the 2018 budget.

The European Court of Auditors delivered its observations based on the report from the external auditor stating that, in their opinion, the Agency's accounts present fairly, in all material respects, its financial position as of 31 December 2018.

CONCLUSION: The Management Board adopted a positive opinion on the Agency's final accounts for 2018.

9. Reclassification of the Executive Director

This item was discussed "*in camera*", absent the Executive Director and all EU-OSHA staff members attending the meeting.

The objective of the discussion was to decide whether or not to support reclassification of the Executive Director from AD 14 to AD 15 as a result of her excellent performance in the post.. During the last Bureau meeting in January 2019 the Commission explained the process to be followed in this respect.

Her reclassification would depend on the outcome of the discussions around the 2020 EU budget. Should the proposal of AD 15 be included in the 2020 EU budget, the final draft of PD 2020-2022, Budget 2020 and its establishment plan will have to be amended accordingly before these are submitted to the Management Board for adoption.

CONCLUSIONS: The Management Board decided to reclassify the Executive Director from AD 14 to AD 15, pending the outcome of the budgetary procedure.

10. Reflection on impact on the Agency's work of the new Founding Regulations

The new founding regulation includes a rewording of some of the tasks and objectives of EU-OSHA.

The Agency carried out an assessment by mapping the tasks in the founding regulation versus the priority areas defined in the Multi-annual Strategic Programme 2018-2023 and the relevant activities in the programming documents.

The conclusion is that the Agency's mandate and tasks in the new regulation are well aligned to EU-OSHA's ongoing and planned activities. Whereas there is an additional emphasis on the fact that the Agency should be a source of qualified expertise, the tasks and the work that are being carried out under the current activities and planned for the future under the current strategy and programming documents are well aligned.

The only issue which qualifies as an additional requirement under the new regulation is the need to define a strategy for third countries and international organisations. This is also a requirement under the new financial regulation. The development of such strategy is seen as a formalisation of the relations that EU-OSHA has fostered over the years, mainly as part of its networking activities. Such strategy has already been defined and included in the draft programming document 2020-2022.

CONCLUSION: The Management Board agreed on the outcome of the assessment carried out by the Agency regarding the mandate and the tasks defined under the new founding regulation.

11. Rules of Procedures for the Management Board and the Executive Board

The new founding regulation foresees that the Management Board should adopt rules of procedure for the Management Board and for the Executive Board.

EU-OSHA prepared a draft based on the provisions included in the founding regulation, a dialogue with the Commission, and exchanges with the other agencies within DG Employment's policy area.

Together with the regulation, the rules of procedure are expected to guide the work of the two boards.

The main purposes behind the rules of procedure are:

- To ensure transparency on the work of the boards – both internally and externally.
- To ensure that the Boards operate in an effective and efficient way
- To ensure the legality and regularity of the boards' actions according to the provisions as laid out in the founding regulation.

Further to discussions at the Executive Board, the Chairperson explained that the recommendation was to postpone the adoption of the new rules based on the Commission's observation that it would be appropriate to ensure a harmonised approach across the tripartite Agencies on some aspects, including observers' attendance to Executive Board meetings.

The Commission stressed the importance to align the rules of procedures with the other tripartite agencies as much as possible to ensure consistency. To this purpose, it is important to get a comparative overview on the approach envisaged by the three Agencies before giving green light to the rules of an individual agency. As a result of the non-adoption of the new rules at this meeting, the current rules of procedure would continue to apply as long as these do not clash with the provisions in the new founding regulation, in which case the latter would prevail.

In addition, there were further issues that required some more in-depth discussion – including how votes can be delegated etc., so it was suggested that the Agency would get back to the Executive Board in November to allow such further discussions and then to the Management Board in January for the adoption of the rules. It is expected that by then an overview on the rules in the three Agencies would be available.

COMMENTS BY THE MANAGEMENT BOARD:

The Management Group overall agreed on the approach recommended by the Commission and discussed at the Executive Board, which implied postponing the decision on the rules of procedure. There were a few additional requests and comments from the groups. In particular, all groups welcomed the possibility foreseen in the Agency's proposal that the Chairperson may exceptionally invite additional members to the Executive Board as observers (article 4.3)

The Governments asked the Agency whether a comparative version reporting the main changes from the current rules versus the new proposed rules could be prepared. This would enable the Management Board to visualise the differences and figure out the implications. They also requested that in the structure of the proposal a chapter for "Management Board" should be considered in the same way as it had been foreseen for the Executive Board. They also asked clarifications as on article 4.6 – related to the fact that coordinators shall inform in a timely fashion their groups after each Executive Board meeting – in particular, which kind of reporting is expected from coordinators. The Agency should also include into the proposal provisions related to abstention in case of voting. Finally, in relation to the possibility of taking back the power of appointing authority from the Executive Director in exceptional circumstances – the procedure according to which this should be done should also be addressed in the rules.

The Workers asked that, under article 4.3, the reference to the exceptionality should be taken out. They also observed that in order to facilitate the flow of information it would be good if both the Management Board titular members and their alternates could be equally and timely informed about all matters concerning EU-OSHA (upcoming meetings, written procedures, information items etc.). They also had some observations regarding the provisions related to delegation of votes (article 14). The possibility, foreseen in the Agency's proposal, that up to three votes could be delegated to just one person was not favourably seen – being one delegated vote maximum the preferred option. In addition, they raised the issue on whether the delegation would be valid for the whole meeting or if it should be given item by item. Regarding written procedures, they added that they would like to have absence of reply not be considered as agreement and that they consider the system of reminders during written procedures to be particularly useful.

The Employers endorsed the Workers' and Governments' observations and suggestions and had two additional remarks, one on delegation of votes and another one on quorum. Regarding delegation of votes – they suggested that the Agency could look into alternatives such as the balanced voting system by group as it is implemented for example at the International Labour Organisation. Regarding the quorum, they observed that apart from a general quorum for the whole Management Board, the same quorum should be reached also in each of the groups for decisions to be made at meetings.

Finally, they remarked that the rules should also foresee the possibility of amending the minutes from the previous meetings orally at the next-in-time meetings as it is current practice.

The Agency took note of the decision of the Management Board to postpone the adoption of the rules of procedure based on the Commission's recommendation to ensure a harmonised approach across the three tripartite Agencies. The Agency will also analyse the comments, remarks and suggestions expressed by the Management Board in the view of a revised proposal that the Agency will submit for adoption at the next Management Board meeting in January 2020.

CONCLUSION: The Management Board decided to postpone the adoption of the rules of procedure to the next meeting in January 2020. The current rules for procedure shall apply as long as they do not contradict the founding regulation.

12. Policy on prevention and management of conflict of Interests

The new founding regulation foresees that the Management Board should adopt rules for the prevention and management of conflicts of interests in respect of its members and independent experts not employed by EU-OSHA. It also foresees that each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interest and that any further update shall be duly communicated. Declarations of absence of conflict of interests and any later updates shall be published on the Agency's website.

The Agency prepared a proposal taking into account these new requirements and in consultation with the other tripartite Agencies. The policy currently in place shall be repealed.

CONCLUSION: The Management Board adopted the new policy on prevention and management of conflict of interests.

13. Substantial and non-substantial amendments to the Annual Work Programme

In January 2017, the Governing Board had adopted a decision delegating the power of adopting non-substantial amendments to the annual work programme to the Director as foreseen in the financial regulation. The decision included a definition of what should constitute a non-substantial amendment based on monetary terms.

After having gained some experience with the decision from January 2017, it was concluded that the decision was difficult to implement and did not properly fulfil its purpose. In particular, given that the current

decision only takes into account the monetary impact of amendments to the work programme – it was observed that other important qualitative aspects would not be covered – such as the inclusion/withdrawal of a new activity, changing the objective of an activity etc.

The new founding regulation also refers to the distinction between substantial and non-substantial amendments to the annual work programme – which shows that there are even higher expectations that this provision becomes well operational.

The new proposal is based on the criteria indicated by the Commission in their Circular – Financing Decision and work Programme for Operational Expenditure under the Financial Regulation, October 2015 (chapter 6) and foresees that an amendment is to be considered substantial if at least one of the following conditions is met:

- The amendment significantly affects the nature of the activity or activities and the objective of the work programme, such as the inclusion of a new activity, the withdrawal of an activity, changing the objective of an activity significantly.
- The amendments since adoption of the work programme, or the last Management Board decision on amendment, lead to accumulated increases of more than 20 percent in the title 3 budget for the different operational activities - that is, once the sum of increases across all operational activities accumulate to 20 percent of the total amount adopted for title 3, the amendment becomes substantial.
- The total amount available for procurements in title 3 increases by more than 20 percent of the adopted title 3 budget.

All amendments which do not meet any of the criteria above would qualify as non-substantial, which means that the Executive Director could adopt them without prior approval by the Management Board. However, the Management Board would be informed in a timely way whenever a decision of this kind is taken.

The Agency has coordinated on this approach with the other tripartite Agencies. The current decision shall be repealed.

CONCLUSION: The Management Board adopted the new decision to delegate to the Executive Director powers to make non-substantial amendments to the annual work programme.

14. European Commission Staff Working Document on evaluation of EU-OSHA, ETF, CEDFOP and EUROFOUND

The Commission introduced this item. They recalled that the evaluation of the four agencies commissioned by DG EMPL finalised in March 2018.

Based on the evaluation report, the Commission drew up a Staff Working Document (SWD) outlining what they see as the main conclusions and which recommendations they consider relevant to follow up.

The SWD confirms the evaluation's findings that the four Agencies have successfully fulfilled their tasks following from their mandates, and that the Agencies have provided high value-for-money and added-value.

The work of the Agencies has been both relevant and useful for the stakeholders. However, areas were also identified where improvements may be possible.

The Commission observed that two areas were of particular relevance to EU-OSHA: the recommendations related to the reinforced cooperation with the other Agencies in the view of maximizing synergies and impact; and the ones related to the need to reach SMEs even more effectively.

Based on the SWD, the Agency has put together some reflections for the Management Board to consider and discuss – mainly to see how the recommendations could be followed up. A preliminary action plan shall be presented to the Executive Board at their meeting in November.

COMMENTS BY THE MANAGEMENT BOARD:

The Management Board welcomed the outcome of the evaluation and the analysis by the Commission.

In particular, the Workers stressed the importance of this exercise and suggested that the Management Board should take the time to reflect upon it carefully, for example in the form of future seminar. They highlighted the importance of the cooperation with the other Agencies, in particular with Eurofound, and the difficulties for the Agency to keep up doing such good work in a prospect of shrinking financial resources as seems likely under the new Multi-annual financial framework.

The Commission recalled that the new Multi-annual financial framework is discussed and negotiated by the European Parliament and the Member States in Council. OSH is a very important topic and it is important to work at different level to streamline it into other policy areas.

The Employers stressed the importance of reaching out to SMEs and to make sure that adequate support is provided to the focal points. They also acknowledged the disproportionate administrative burden on small Agencies.

The Agency reiterated the commitment to work together with the other Agencies in particular with regard to improve structured cooperation.

CONCLUSION: The item was for discussion. The Agency will prepare a preliminary action plan to present at the Executive Board meeting in November and work towards a Management Board seminar for January 2020.

15. Exceptional circumstances under which the powers delegated to the Executive Director on staff issues may be taken back by Management Board

The new founding regulation clearly establishes that the powers of appointing authority rest with the Management Board. However, to ensure a proper and smooth daily management of staff issues, the Management Board shall delegate such powers to the Executive Director. The regulation also foresees that delegation can be withdrawn under exceptional circumstances. Shortly after the entry into force of the new founding regulation, the Management Board adopted a decision in this respect.

Prior to its adoption, the Governing Board had discussed the text of the decision at their January meeting. The Governing Board asked for clarification on what may qualify as an exceptional circumstance. This was also a comment put forward by the Agency's Staff Committee.

To meet this clarification request, the Agency prepared a note referring to recital (12) of the new founding regulation where some examples are mentioned – such as serious failure to comply with obligations under the staff Regulations and conflict of interests. Other cases shall be decided on *ad hoc* basis by the Management Board.

CONCLUSION: The Management Board took note of the clarification provided by the Agency.

16. Implementing rules on types of posts & posts titles

The Commission gave their ex-ante agreement to the adoption by decentralised agencies and joint undertakings of the model decision of types of post and post titles – which was now submitted to the Management Board for adoption.

This Implementing Rule brings technical adaptations, as tailored to the Agencies' peculiarities. Those peculiarities concern in particular different terminology of post titles and ranges of grades within post titles

CONCLUSION: The Management Board adopted the implementing rules on types of posts & posts titles.

17. Designation of the reporting officers for the appraisal of the Executive Director

The Executive Director of the Agency shall be subject to an annual appraisal exercise.

According to Articles 2 and 3 of the Decision of the Governing Board 2014(08) on the appraisal for the Executive Director, her appraisal shall be carried out by the appraisers or "reporting officers" who shall draw up an appraisal report and sign it.

Four reporting officers should be appointed, representing each of the three interest groups and the Commission. In case of appeal, an appeal assessor takes the final decision on the appraisal report after consultation with the Management Board. The appeal assessor is the Chairperson of the Management Board.

The Governments designated Clive Fleming, Governments' representative from the United Kingdom.

The Workers designated Sonja König, Workers' representative from Germany

The Employers designated Kris de Meester, Employers' representative from Belgium.

For the Commission, the reporting officer shall be the Director of DG EMPL.B, Stefan Olsson.

COMMENTS FROM THE MANAGEMENT BOARD:

The Employers highlighted that the appraisal procedure does not include any concrete indicators or benchmarking, and that more precise and tangible criteria for assessment should be defined in the future.

CONCLUSION: The Management Board appointed the four reporting officers for the Executive Director's appraisal.

18. Presentation of literature review of specific work-related diseases due to biological agents based on desk research

The Agency presented the [outcome of an important piece of research that had just been completed under the OSH overview "Work-related diseases"](#) – namely, a desk research conducted on work-related diseases caused by biological agents.

CONCLUSION: The Management Board took note of the presentation and welcomed the Agency for the delivery of this important piece of work.

19. Any other business

The Workers informed that the coordinator of their interest group, Ben Egan, would leave the Executive and Management Board.

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The Chairperson thanked the attendees and closed the meeting.

ANNEX – LIST OF PARTICIPANTS

	NAME	INTEREST GROUP	REPRESENTING
1	Christa SCHWENG	Employers representative	AUSTRIA
2	Martina HÄCKEL-BUCHER	Government representative	AUSTRIA
3	Julia NEDJELIK-LISCHKA	Workers representative	AUSTRIA
4	Kris DE MEESTER	Employers representative	BELGIUM
5	Véronique CRUTZEN	Government representative	BELGIUM
6	Georgi STOEV	Employers representative	BULGARIA
7	Darina KONOVA	Government representative	BULGARIA
8	Aleksandar ZAGOROV	Workers representative	BULGARIA
9	Jessie FERNANDES	Employers representative	BUSINESSEUROPE
10	Ana AKRAP	Government representative	CROATIA
11	Gordana PALAJSA	Workers representative	CROATIA
12	Renáta ZBRANKOVÁ	Employers representative	CZECH REPUBLIC
13	Jaroslav HLAVÍN	Government representative	CZECH REPUBLIC
14	Václav PROCHÁZKA	Workers representative	CZECH REPUBLIC
15	Lena SØBY	Employers representative	DENMARK
16	Charlotte SKJOLDAGER	Government representative	DENMARK
17	Nina Hedegaard NIELSEN	Workers representative	DENMARK
18	Marju PEÄRNBERG	Employers representative	ESTONIA
19	Aija MAASIKAS	Workers representative	ESTONIA
20	Ben EGAN	Workers representative	ETUC
21	Per HILMERSSON	Workers representative	ETUC
22	Viktor KEMPA	Workers representative	ETUC
23	Juan MENÉNDEZ-VALDÉS	Eurofound	EUROFOUND
24	Charlotte GREVFORS ERNOULT	European Commission	EUROPEAN COMMISSION
25	Jesús ALVAREZ	European Commission	EUROPEAN COMMISSION
26	Auli RYTIVAARA	Employers representative	FINLAND
27	Liisa HAKALA	Government representative	FINLAND
28	Erkki AUVINEN	Workers representative	FINLAND
29	Patrick LÉVY	Employers representative	FRANCE
30	Lucie MEDIAVILLA	Government representative	FRANCE
31	Abderrafik ZAIGOUCHE	Workers representative	FRANCE
32	Eckhard METZE	Employers representative	GERMANY
33	Ellen ZWINK	Government representative	GERMANY

	NAME	INTEREST GROUP	REPRESENTING
34	Christos KAVALOPOULOS	Employers representative	GREECE
35	Georgios GOURZOULIDIS	Government representative	GREECE
36	Andreas STOIMENIDIS	Workers representative	GREECE
37	Katalin BALOGH	Government representative	HUNGARY
38	Károly GYÖRGY	Workers representative	HUNGARY
39	Jón R. PÁLSSON	Employers representative	ICELAND
40	Björn þór RÖGNVALDSSON	Government representative	ICELAND
41	Björn Ágúst SIGURJÓNSSON	Workers representative	ICELAND
42	Michael GILLEN	Employers representative	IRELAND
43	Marie DALTON	Government representative	IRELAND
44	Dessie ROBINSON	Workers representative	IRELAND
45	Fabiola LEUZZI	Employers representative	ITALY
46	Romolo DE CAMILLIS	Government representative	ITALY
47	Renārs LŪSIS	Government representative	LATVIA
48	Vaidotas LEVICKIS	Employers representative	LITHUANIA
49	Aldona SABAITIENĖ	Government representative	LITHUANIA
50	Inga RUGINIENE	Workers representative	LITHUANIA
51	Francois ENGELS	Employers representative	LUXEMBOURG
52	Bruno BARTH	Government representative	LUXEMBOURG
53	Patrice FURLANI	Government representative	LUXEMBOURG
54	Melhino MERCIECA	Government representative	MALTA
55	Anthony CASARU	Workers representative	MALTA
56	Mario VAN MIERLO	Employers representative	NETHERLANDS
57	Rob TRIEMSTRA	Government representative	NETHERLANDS
58	Ann Toril BENONISEN	Employers representative	NORWAY
59	Yogindra SAMANT	Government representative	NORWAY
60	Wenche Irene THOMSEN	Workers representative	NORWAY
61	Rafal HRYNYK	Employers representative	POLAND
62	Dariusz GŁUSZKIEWICZ	Government representative	POLAND
63	Stefan ŁUBNIEWSKI	Workers representative	POLAND
64	Marcelino PENA COSTA	Employers representative	PORTUGAL
65	Carlos PEREIRA	Government representative	PORTUGAL
66	Vanda CRUZ	Workers representative	PORTUGAL
67	Ovidiu NICOLESCU	Employers representative	ROMANIA

	NAME	INTEREST GROUP	REPRESENTING
68	Anca Mihaela PRICOP	Government representative	ROMANIA
69	Corneliu CONSTANTINOAIA	Workers representative	ROMANIA
70	Silvia SUROVÁ	Employers representative	SLOVAKIA
71	Martina DULEBOVA	Government representative	SLOVAKIA
72	Peter RAMPÁŠEK	Workers representative	SLOVAKIA
73	Igor ANTAUER	Employers representative	SLOVENIA
74	Nikolaj PETRIŠIČ	Government representative	SLOVENIA
75	Lučka BÖHM	Workers representative	SLOVENIA
76	Laura CASTRILLO NÚÑEZ	Employers representative	SPAIN
77	Mercedes TEJEDOR AIBAR	Government representative	SPAIN
78	Ana GARCIA DE LA TORRE	Workers representative	SPAIN
79	Bodil MELLBLOM	Employers representative	SWEDEN
80	Boel CALLERMO	Government representative	SWEDEN
81	Karin FRISTEDT	Workers representative	SWEDEN
82	Clive FLEMING	Government representative	UNITED KINGDOM
83	Christa SEDLATSCHKE	EU-OSHA	
84	Jesper BEJER	EU-OSHA	
85	Andrea BALDAN	EU-OSHA	
86	William COCKBURN	EU-OSHA	
87	Andrew SMITH	EU-OSHA	
88	Ilaria PICCIOLI	EU-OSHA	
89	Birgit MÜLLER	EU-OSHA Staff Representative	
90	Philippe BAILLET	EU-OSHA	
91	Petya KIRTCHEVA	EU-OSHA	
92	Brenda O'BRIEN	EU-OSHA	
93	Elke SCHNEIDER	EU-OSHA	