

MINUTES

Meeting:	43 rd MEETING OF THE GOVERNING BOARD
Date:	Thursday, 28 January 2016
Time:	10:00 – 13.00
Venue:	Hotel Melia Bilbao – Legorreta meeting room Calle Lehendakari Leizaola, 29, E - 48001 Bilbao

1. Adoption of the draft agenda (G/16/A1)

The Chair welcomed all participants to the 43rd meeting of the Governing Board of EU-OSHA and read out the administrative arrangements. The new Slovak member of the Employers' group was joining the meeting for the first time and was welcomed by the Chair.

Asked by the Chair, in compliance with the Agency's policy on management of conflict of interest, to declare whether they may have a potential conflict of interest with any of the items in the agenda, no Board member reported any.

The Chair asked whether there would be any item under "Any other business". The Director expressed the wish to explain how the Agency is intending to use Seconded National Experts to provide qualified expertise and support to the activities. The Workers' representatives wished to pay a tribute to the French colleague who is retiring.

In addition, under item 3 "Director's progress report", the Commission will give an update on the developments related to the revision of the founding regulation, a general overview on the OSH priorities at the moment as well as feedback on the renewal of the Director's mandate.

CONCLUSION: The draft agenda, together with the additional points proposed, was adopted.

2. Draft minutes (G/15/M2)

The draft minutes of the last meeting held in November 2015 were circulated in advance to the meeting. No comments were received and they were approved by the Board.

CONCLUSIONS: The draft minutes from the November 2015 meeting were adopted.

3. Director's progress report (G/16/01)

The Director's progress report was presented at the interest group meetings. Before giving the floor to the Director for some highlights, the Chair invited the Director of DG EMPL B from the Commission to introduce the items that were raised at the moment when the draft agenda was adopted.

Revision of Agency's founding regulation

The Commission updated the Board on the process related to the revision of the Agency's founding regulation. The politically most important point is that the size of the Board is not expected to be reduced as previously announced. The importance of ensuring tripartism for OSH prevailed and the Commission now seems to be oriented to keep the boards of tripartite agencies unaltered. There are other aspects of the regulation that need to be aligned to the common approach adopted by the inter-institutional working group and the future mandate of the Agency will also be addressed. No major changes can be foreseen. The Agency shall keep on providing information and data to assist the Commission in the preparation of legislative proposals. Another issue that needs to be amended is the legal basis – this should be changed into the "sector-specific" one (article 153(2)a of the Treaty). This will kick off another two-round consultation with the social

partners, which the Commission promised will be kept to the strictly necessary so as not to delay the process much further. In addition, changing the basis in the Treaty also implies the involvement of the Council and European Parliament in the process, via the co-decision procedure.

Commission's priorities on OSH

Ex-post evaluation on OSH directives

All relevant Commission services were involved in the evaluation of the OSH directives. The findings will be submitted to the Regulatory Scrutiny Board and, further to its feedback, the Commissioner will take a decision on any possible change in the current *aquis*. The first step is to carry out an impact assessment. The Advisory Committee will be closely involved.

Carcinogens and mutagens directive

Debate is underway regarding new limit values. The two stages consultation has been carried out and now the Commission is at the impact assessment stage. The Commission would like to have a proposal for the first revision in time for the Dutch Presidency conference in May, and for the second revision by the end of this year. There is an obvious and solid interface with the REACH directive as well as potential synergies with DG GROW.

Renewal of the Director's mandate

The Commission is positive towards renewing the Director's mandate for a further 5-year term. DG EMPL started off the procedure and an official notification should be dispatched shortly. Her appraisal is also about to be finalised.

The Director then presented some highlights from the Director's progress report.

New Staff Committee

At the end of 2015, the Agency's staff elected a new Staff Committee. The three representatives were attending the Board meeting. The Agency is eager to involve the staff representatives in the many issues where their feedback is required and welcomed.

Implementation of AMP 2015 and staff shortage

The unexpected staff shortage especially in the Prevention and Research Unit led to the cancellation of outputs and delays of some activities (cf. "Large-scale foresight", "Micro and small enterprises", "Other networking knowledge actions"). There has been a need to re-prioritise and re-organise the work.

In spite of that, the AMP 2015 has been largely implemented as foreseen. More than 100 outputs were included in the 2015 AMP and due in 2015. 83% of these were successfully implemented according to schedule and the overall budget commitment has reached 98%.

The Agency kept the Board and Bureau updated in due course about any deviations from plans throughout 2015.

EU budget 2016 – impact on Agencies

The budgetary authority adopted the EU budget 2016 at the end of November. This included the proposal from the Commission to cut the establishment posts of cruising speed Agencies by an additional 5% to cover for the staffing needs of the newly created and new tasks Agencies (redeployment pool). This means that for 2016 EU-OSHA can rely on one post less (an AST in the Communication and Promotion Unit). The other post will be cut in the period between 2017-2020 having regard to the Agency's contractual obligations.

Pre-Accession Instrument Programme (IPA)

The Agency signed the IPA contract at the end of last year. The Agency will be able to start working on the new project already at the beginning of February. The project manager for this project is expected to take up his duties on 1 February.

There are no further news from the Commission with respect to the European Neighbourhood Programme (ENP).

Court of Auditors

The next visit of the Court of Auditors is expected on the second week of February (8 – 12).

Focal points

For 2016, visits were planned in The Netherlands, United Kingdom, Poland and Slovakia.

Information on activity Costs and benefits of OSH

At the request of the Workers' representatives at the Bureau meeting, the Head of Prevention and Research Unit provided more information on "Costs and benefits of OSH".

The objective of this OSH overview is to produce an estimation of the costs of work-related injuries, illnesses and deaths at European level for use primarily by policy makers, researchers and intermediaries. The activity includes an overview about the availability and quality of necessary national and international data sources for a European level cost calculation, whose results are expected to be published in spring 2017; and is followed by the establishment of a European costing model on that basis, to be published at the end of 2017.

There is an important dimension that the Agency is still discussing – how to consider the value of non-financial human costs in the calculation. This would be addressed towards the end of the project.

COMMENTS FROM THE BOARD:

The Board congratulated the Agency on the good work done in 2015. The great success of the Healthy Workplaces Campaign on work-related stress and psychosocial risk is a good example on its achievements.

The Workers' representatives expressed their concern about the cuts in the establishment plan which led to delays and cancellations of planned outputs. Another issue they raised is about translation. They reiterated the fact that translations of Agency's product are sometimes sub-optimal and cannot always be used by the intended beneficiaries. The process by which decision upon translations is made – via the Focal Points through the portfolio offer – should also be addressed. This works fine in some cases, but not in all. This should deserve a dedicated discussion at a Focal Point meeting. Finally, they expressed satisfaction for the inclusion of IPA in the Annual management plan 2016 and regretted that this was not the case for ENP as no progress was done in that respect.

The Employers' representatives agreed with the Workers' concerns about translation.

The Director confirmed that translation has been an issue that the Agency is looking at more and more closely – also in the light of previous Board comments. Some measures are being discussed with the Commission in relation to the amendment of the founding regulation, including releasing the Agency from the legal obligation of resorting to the Translation Centre.

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

4. Amendment to the Annual Management Plan 2016 (G/16/02)

The Director explained that there was a need to prepare an amendment to the Annual management plan 2016 further to its adoption by written procedure in December 2015. In November, the Board had requested for further information to be included under the Healthy Workplaces Campaign 2018-2019 on dangerous substances (in particular, indicators, targets and outputs planned to be delivered). There were also a few changes in the outputs planned under the activity "Micro and small enterprises".

COMMENTS FROM THE BOARD:

The Board had no substantial comments on the Annual management plan 2016. The delay in the delivery of certain outputs under activity “Micro and small enterprises” raised some concerns.

CONCLUSION: The Board adopted the amendment to the Annual management plan 2016.

5. OiRA business plan (G/16/03)

The Internal Audit Service (IAS) had recommended that the business plan for OiRA should be adopted by the Board or Bureau and the Agency followed up on this. The business plan intends to give a comprehensive overview on OiRA’s mission, objectives and strategies during the period covered under the Multi-annual Strategic Programme. The Agency will adapt the business plan every year on the basis of the priorities identified for OiRA in the annual work programme.

This item was originally for adoption. Further to discussions with the Bureau, the Agency drafted a mandate for the Board to adopt. According to the mandate, the Bureau is given the responsibility to adopt the business plan, together with the need to oversee its implementation as well as ensure regular update to the Board. The role played so far by the OiRA steering committee plan should be taken over by the Bureau.

COMMENTS FROM THE BOARD:

The Board agreed with the mandate drafted by the Agency to define the role of the Bureau in the adoption and supervision of the OiRA framework. There was a general recommendation that the Bureau should be allocated the necessary time to discuss that.

Various comments were raised about the content and the scope of the document. These included the need to draw a mid and long-term overview on the objectives that the activity intends to achieve as well as a financial and human resources perspective; to include an analysis of the uptake by Member States and foresee a regular evaluation schedule. The Prevention and Research Advisory Group should be involved in the revision of the document.

The Commission acknowledged that the document is in line with the EU OSH strategic framework and recommended that the development of digital means to enhance OSH should be furthered.

The Agency will follow up on the comments received by the Board and revise the business plan accordingly. The Bureau will be called to discuss it and approve it every year and time will be allocated for that. The next opportunity will be at June meeting in Luxembourg.

CONCLUSION: The Board adopted the Bureau’s mandate related to adopting and overseeing the implementation of the OiRA business plan.

ACTION N.1
The Agency will revise the OiRA business plan for the next Bureau meeting in June. The comments by the Board will be taken into account.

6. Amendment I to Budget 2016 (G/16/04)

After the Board had adopted the final budget at the previous Board meeting, there has been a need to prepare an amended budget, which the Board was called to adopt. The main reasons for this are that the budgetary authority confirmed the cut by one post in the establishment plan; “Older Workers” was extended beyond 2015; and the IPA agreement was signed. In addition, the total appropriations for Title IV (carry-forwards / carry-overs) were known by now.

COMMENTS FROM THE BOARD:

The Board agreed on the amendment. The Workers' representatives expressed concern about the increasing expectations on the Agency's role and the shrinking resources. The Commission agreed in principle but would return to the Agency, after consultation with relevant services, if it had any objections on technical grounds.

CONCLUSION: The Board adopted the amendment I to budget 2016.

7. New activities 2017-2019 – ex-ante assessments (G/16/05)

The Programming Document (PD) covers a three year timeframe (2017-2019). There are activities that will come to an end in the meantime and there is the need to identify new activities within the strategic objectives defined in the Multi-annual Strategic Programme 2014-2020.

The Agency prepared two proposals for new OSH overviews to be initiated as of 2018: one on Musculo-skeletal disorders (MSDs) and another one on OSH in the healthcare sector. The proposals were presented in the form of ex-ante assessments. Several aspects were covered, including an explanation on the need to undertake the activity, purpose, assessment of the needs of beneficiaries and intermediaries, expected outcomes, estimation on human and financial resources needed to implement it. Regarding the performance indicators, the Agency proposed to follow the standard approach, work programme delivery (target: 100%) and quality (80%).

The usual methodologies used for OSH overviews will apply. A desk-research work to define the state of the art of the problem will be followed by an assessment of policies and practices across the EU and a case-study approach with a selection of countries will be carried for the fieldwork. It is expected to come up with policy pointers on success factors and barriers and input for further qualitative research.

If approved, the new activities will be included in the multi-annual part of the PD 2017-2019 and will be further developed in the PD 2018-2020.

COMMENTS FROM THE BOARD:

The Board regretted that the Bureau had not been involved in the selection of the topics before these were elaborated into ex-ante assessments.

The proposal on MSDs met the favour of all the groups and there was a general request to the Agency to work towards the identification of practical tools to tackle the phenomenon and that the output should be made available as soon as possible.

There was less support for an activity on OSH in the healthcare sector and a general reluctance to undertake sector-specific activities in the absence of a clear Board decision in this respect based on sound arguments. The Board stated that the Agency should refrain from undertaking sector-specific activities, unless there are good reasons for doing this. The resources planned for this activity could actually be allocated to MSDs so as to allow for a greater impact, already early in the activity. The decision on the OSH healthcare sector will be postponed.

The Agency apologised for not submitting the selection of the topic any earlier. Due to the exceptional and unexpected staff shortage in 2015, priority was given to the implementation of the Annual management plan. This disrupted the original plan, which included a prior consultation with the Bureau at the November meeting.

The Agency took note of the comments from the Board. In particular, it confirmed that practical solutions will be investigated as well as possible synergies with other activities (Large-scale foresight, E-tools etc.). The focus will be primarily on medium, small and micro enterprises.

CONCLUSION: The Board decided that an OSH overview on MSDs should be initiated as of 2018. The decision on the OSH overview on healthcare sector should be postponed.

ACTION N.2

The Agency will include the OSH overview on MSDs in the multi-annual section of the PD 2017-2019; more detailed planning will be available in the PD 2018-2020.

8. Draft Programming Document 2017-2019 (G/16/06)

As from 2017, the Programming Document will replace the Agency's Annual management plan as well as the multi-annual staff policy plan and the financial fiche. The Board had the opportunity to discuss the multi-annual section of the document at their meeting in November. This time, a complete draft is presented for adoption. The draft PD will have to reach the Parliament, the Council and the Commission by 31 January – as an input to the budgetary procedure. Any significant amendments will therefore need to be agreed at the meeting. The Board will be called to adopt the final draft in December by written procedure. Before that, a discussion with the Bureau is foreseen, around November.

COMMENTS FROM THE BOARD:

The Board welcomed the draft PD. They acknowledged that it was a good overview on a three year time span but at times lengthy and repetitive, which the Agency was called to improve for the next exercises. Comments on the content include: a reference to the Agency's role in facilitating exchange of good practices, including as regards policies and instruments, and to the impact of migrant workers on OSH should be included; the text of the Healthy Workplaces Campaign 2018 2019 on dangerous substances should be aligned to the wording agreed by the Board in the campaign strategy; the Agency's task of qualitative assessment of data should be better reflected. There was also a general agreement that an in-depth reflection on OSHwiki was needed. In particular, the business plan developed for OiRA could be considered for OSHwiki, too.

The Commission's representative from DG GROW highlighted the importance of coordinating actions with ECHA in relation to the Agency's work on dangerous substances, in particular in the view of the campaign.

The Workers' representatives expressed their dissatisfaction with the process outlined by the Agency in relation to the final adoption of the PD. Adopting such document by written procedure is, in their opinion, not desirable.

The Commission abstained in the vote as it will issue a formal opinion by 1 July 2016, after consulting relevant services.

The Agency will follow up on the comments by the Board. In particular, amendments were included under "Other networking knowledge" – to emphasise the Agency's role in facilitating exchange of good practices; and under "OSH overview", the reference to OSH in the healthcare sector was deleted. With regard to the 2017 work programme, the outputs listed in the draft programming document may also be subject to consolidation and revision.

CONCLUSION: The Board adopted the draft Programming Document 2017-2019.

ACTION N.3

The Agency will include the comments agreed with the Board into the PD 2017-2019 before it is sent for external consultation.

9. Draft budget and establishment plan 2017 (G/16/07)

The draft budget and establishment plan 2017 were prepared in line with the Commission's budget circular for 2017. As a "cruising speed" Agency, EU-OSHA is expected to request the same EU

subsidy as in 2016 – amounting to € 14,679,000 – and maintain the staff population at 41 Temporary agents, 24 Contract agents and 1 Local staff.

The Communication from the Commission on programming of human and financial resources for decentralised agencies 2014-2020 (COM(213) 519 final) indicated that the number of temporary workers in the Agency should be reduced from 41 to 40 in 2017 and this will be addressed by the Agency.

The total revenues are estimated at € 15,239,000, corresponding to:

- Direct EU subsidy: € 14,515,000 + 164,000 reuse of budget outturn
- EEA-EFTA funds estimated at € 400,500
- Subsidies from national and local authorities estimated at € 160,100.

The total expenditures match with the revenues and no significant change is expected in comparison with the budget 2016. Expenditures by budget title are foreseen as follows:

- Title 1: € 5,705,100
- Title 2: € 1,375,310
- Title 3: € 8,159,190
- Title 4: € not yet known at this stage (earmarked funds, whose amount can be calculated on the basis of the carry-over – carry forward from the previous year).

Regarding the establishment plan, it shall remain stable for 2017. The Agency will implement any further cut as foreseen in the Commission's programming document for human and financial resources in EU decentralised Agencies and at the request of the budgetary authority between 2018 and 2020.

The final budget shall be submitted to the Board for adoption at the end of 2016 by written procedure and will become definitive after the adoption of the EU budget.

The Commission abstained in the vote as it will issue a formal opinion, after consulting relevant services.

CONCLUSION: The Board adopted the draft budget and establishment plan 2017.

10. Election of Chair, Vice-Chairs and Bureau (G/16/08)

As every year at the first meeting of the year, the Board shall elect a new chair and the vice-chairs. According to the rotation system, the next chair will be from the Employers' group. The group designated Ms Christa SCHWENG for the role. The vice-Chairs will be Ms Gertrud BREINDL (Governments' group), Mr Francisco Jesús ALVAREZ HIDALGO (Commission), Mr Károly GYÖRGY (Workers' group).

With regard to the Bureau members, coordinators will remain the same for all but for the Workers, where Esther LYNCH will replace Józef NIEMIEC from the European Trade Union Confederation. The composition will remain unchanged with respect to the Commission and the Employers' group; whereas, for the Workers, there will be two new alternate members, Andreas STOIMENIDIS from Greece and Sonja KÖNIG from Germany. For the Government, the new member will be Charlotte SKJOLDAGER from Denmark replacing Jan BATEN from Belgium. The two new alternate members are Yogindra SAMANT from Norway and Rob TRIEMSTRA from The Netherlands.

The Director thanked the current Chair for her work and support throughout the year and welcomed the new Chairmanship from the Employers' group.

CONCLUSIONS: The Board elected a new Chair

11. Any other business

Use of Seconded National experts (SNEs) at the Agency

Following up on her suggestion for “Any other business”, the Director explained how she intended to use of Seconded National Experts (SNEs) at the Agency.

The Agency already had the opportunity to employ SNEs, which turned into a positive experience both for the individuals concerned and for the organisations they were proceeding from. For the Agency, they were also a great asset – and in the current circumstances they would bring in qualified expertise while partially compensating for the staff cut that the Agency has been suffering from in the past few years. The SNEs shall remain employees of their own organisation, which continues to pay for their salaries; the Agency would pay allowances for accommodation and travel. The intention is to start with requesting one post for 2017. The Board and the Commission would need to be involved as this should be reflected in the establishment plan.

Another mutually beneficial formula that the Agency would like to extend further is the Focal Point in-house training. There has been a recent success story related to the new member of the Swedish Focal Point. It was a mutual learning and paved the way for an even more successful cooperation. Differently from the SNEs, Focal Points training is cost-free for the Agency.

COMMENTS FROM THE BOARD

The Board reacted positively about this proposal. The Workers’ representatives observed that the Agency should define the areas of work where SNEs should be employed. The Board should be involved in the definition of the profiles. There will be also financial implications as the Agency will bear the cost for the allowances. Where will the resources proceed from? The opinion of the staff should also be taken into account as this would be a change in the organisation of the work. The Commission remarked their experience with SNEs is very positive.

The Director explained that a proposal for the profiles would be discussed internally on the basis of the needs and the Board would be certainly involved. The financial resources needed to cover for the allowances are available – with the staff cuts, there are spare funds under Title 1. The Staff Committee representatives informed that the staff cuts and its consequences of the work organisation – including the adoption of a stress management policy – are on the agenda of the forthcoming meeting with the Management Group.

Mr Gilles SEITZ (Workers’ representative from France)’s retirement

The Workers’ representatives, followed by the Governments’ and the Employers’ paid a tribute to Mr Seitz’s dedication and commitment across all his career as trade unionist as well as member of the Agency’s Board.

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The Chair thanked the Board members, the Agency’s Director and staff and closed the meeting.

LIST OF ATTENDEES:

	NAME	INTEREST GROUP	REPRESENTING
1	Igor ANTAUER	Employers	SLOVENIA
2	Ann Toril BENONISEN	Employers	NORWAY
3	Laura CASTRILLO NÚÑEZ	Employers	SPAIN
4	Kris DE MEESTER	Employers	BELGIUM
5	Francois ENGELS	Employers	LUXEMBOURG
6	Christos KAVALOPOULOS	Employers	GREECE
7	Fabiola LEUZZI	Employers	ITALY
8	Vaidotas LEVICKIS	Employers	LITHUANIA
9	Patrick LEVY	Employers	FRANCE
10	Bodil MELLBLOM	Employers	SWEDEN
11	Eckhard METZE	Employers	GERMANY
12	Ovidiu NICOLESCU	Employers	ROMANIA
13	Jón R. PÁLSSON	Employers	ICELAND
14	Christa SCHWENG	Employers	AUSTRIA
15	Silvia SUROVÁ	Employers	SLOVAKIA
16	Mario VAN MIERLO	Employers	NETHERLANDS
17	Erika MEZGER	Eurofound	EUROFOUND
18	Stefan OLSSON	European Commission	COMMISSION
19	Zinta PODNIECE	European Commission	COMMISSION
20	Andrzej RUDKA	European Commission	COMMISSION
21	Katalin BALOGH	Governments	HUNGARY
22	Gertrud BREINDL	Governments	AUSTRIA
23	Stuart BRISTOW	Governments	UNITED KINGDOM
24	Boel CALLERMO	Governments	SWEDEN
25	Véronique CRUTZEN	Governments	BELGIUM
26	Joze HAUKO	Governments	SLOVENIA
27	Jaroslav HLAVÍN	Governments	CZECH REPUBLIC
28	Wiking HUSBERG	Governments	FINLAND
29	Laurencia JANČUROVÁ	Governments	SLOVAKIA
30	Ioannis KONSTANTAKOPOULOS	Governments	GREECE

	NAME	INTEREST GROUP	REPRESENTING
31	Danuta KORADECKA	Governments	POLAND
32	Margaret LAWLOR	Governments	IRELAND
33	Maret MARIPUU	Governments	ESTONIA
34	Olivier MEUNIER	Governments	FRANCE
35	Zdravko MURATTI	Governments	CROATIA
36	Alessandra PERA	Governments	ITALY
37	Carlos PEREIRA	Governments	PORTUGAL
38	Aldona SABAITIENĖ	Governments	LITHUANIA
39	Yogindra SAMANT	Governments	NORWAY
40	Ellen ZWINK	Governments	GERMANY
41	Eyjólfur SÆMUNDSSON	Government	ICELAND
42	John SCHNEIDER	Governments	LUXEMBOURG
43	Charlotte SKJOLDAGER	Governments	DENMARK
44	Mercedes TEJEDOR AIBAR	Governments	SPAIN
45	Rob TRIEMSTRA	Governments	NETHERLANDS
46	Nicos ANDREOU	Workers	CYPRUS
47	Ziedonis ANTAPSONS	Workers	LATVIA
48	Erkki AUVINEN	Workers	FINLAND
49	Sonja BALJEU	Workers	NETHERLANDS
50	Lučka BÖHM	Workers	SLOVENIA
51	Anthony CASARU	Workers	MALTA
52	Corneliu CONSTANTINOAIA	Workers	ROMANIA
53	Vanda CRUZ	Workers	PORTUGAL
54	Jan Kahr FREDERIKSEN	Workers	DENMARK
55	Károly GYÖRGY	Workers	HUNGARY
56	Alexander HEIDER	Workers	AUSTRIA
57	Viktor KEMPA	Workers	BELGIUM
58	Sonja KÖNIG	Workers	GERMANY
59	Václav PROCHÁZKA	Workers	CZECH REPUBLIC
60	Hugh ROBERTSON	Workers	UNITED KINGDOM
61	Inga RUGINIENE	Workers	LITHUANIA
62	Gilles SEITZ	Workers	FRANCE

	NAME	INTEREST GROUP	REPRESENTING
63	Björn Ágúst SIGURJÓNSSON	Workers	ICELAND
64	Argo SOON	Workers	ESTONIA
65	Andreas STOIMENIDIS	Workers	GREECE
66	Marianne SVENSLI	Workers	NORWAY
67	Christa SEDLATSCHKE	EU-OSHA	
68	Jesper BEJER	EU-OSHA	
69	William COCKBURN	EU-OSHA	
70	Dietmar ELSLER	Staff Representative	
71	Iraide ESTRATAETXE	Staff Representative	
72	Julia FLINTROP	Staff Representative	
73	Brenda O'BRIEN	EU-OSHA	
74	Ilaria PICCIOLI	EU-OSHA	
75	Andrew SMITH	EU-OSHA	