

September 2002

B/02/M2

**MINUTES OF THE MEETING OF THE BUREAU OF THE
ADMINISTRATIVE BOARD, 5/6 JUNE 2002**

Present:

Mr Wilders (Chair), Mr Biosca de Sagastuy, Ms Alexopoulou, Mr Remaeus, Ms Schweng, Mr Lopes, Ms Waltke, Mr Fernandez Sanchez, Ms Breindl, Mr Konkolewsky, Mr Pijuan, Ms Sedlatschek, Mr Cockburn (Secretariat) and Mr Bejer (Secretariat).

Item 1: Adoption of the Draft Agenda (B/02/A2 Revised)

The agenda was adopted.

Item 2: Draft minutes of the meeting of 26 February 2002 (B/02/M1)

Mr Biosca requested the following amendments on page 2 (EN version) of the minutes:

Add the following: “either the programme is discontinued or” after “The Agency may continue on this pilot basis for two years after which”. The sentence would then read: “The Agency may continue on this pilot basis for two years after which either the programme is discontinued or the Commission must put a proposal to the Council for decision on a multiannual programme.”

Ms Alexopoulou requested the following amendments on page 3 (EN version) of the minutes:

The sentence, “Ms Alexopoulou clarified that the European Parliament” to be deleted.

Ms Alexopoulou requested the following amendments on page 4 (EN version) of the minutes:

To replace the sentence, “The Commission has also ... European Parliament” with, “She also informed about a draft Commission proposal for a Council Recommendation on the protection of the health and safety of self-employed workers.”

To replace the paragraph, “Ms Alexopoulou also tabled ... proper risk assessment” with, “Ms Alexopoulou also tabled a recent judgement of the EU Court relating to the obligation on small employers (less than ten workers) to have as all other categories of employers a proper, written risk assessment, as provided in the Framework Directive. She also informed the Bureau on developments concerning the discussion in the EP and the Council on the future 6th Research Programme and the lack at that stage of any particular reference to health and safety issues.”

With these amendments, the minutes were adopted.

Item 3: Election of new Chairman (B/02/04)

The Chairman informed the Bureau that he would resign. On behalf of the workers group Mr Lopes was proposed as new chairman. The Bureau supported the election of Mr Lopes.

The Bureau adopted the procedure for election of new Chairman described in document B/02/04. Mr Luis Lopes was recommended as new Chairman to the Board. In accordance with document B/02/04 the Bureau decided to initiate a written procedure to confirm the election of Mr Lopes as chairman.

Item 4: Director's report (B/02/05)

The Director introduced the papers and highlighted the following issues:

- The new corporate website at <http://agency.osha.eu.int> went on-line on 23 May during the Vienna World Congress. The new site is a prototype for the 3rd generation of the Agency network site, which is to be developed. A new feature on the site is the "Global page". The new site is based on a more modern approach with dynamic pages.
- The Agency stand at the World Congress in Vienna was well visited.
- The Agency has together with the Commission held a successful session on new OSH strategies in the European Union during the World Congress in Vienna.
- There have been some changes in the staff of the Agency: Mr Cockburn will in the future be working in the Working Environment Unit and will be replaced as assistant network manager by Mr Bejer (DK). The Agency's head of administration, Mr Pijuan, will leave the Agency to return to the European Commission this summer and will be replaced by Mr Gribomont (B). The new controller, Mr Carreira (P), has taken up his post 1 June.
- Safety and health at work has not been established as a priority area of the Commission's 6th Framework Research Programme, but the Agency in co-operation with the Spanish Presidency, its Topic Centre on Research and DG Employment has succeeded to generate a number of expressions of interest for integrated projects as well as networks of excellence within different priority areas like New Production Processes and Devices and Information Society Technology. In the next phase the Agency together with DG Employment will try to promote OSH related research activities in the preparation of work programmes and calls within the 6th framework programme.

Ms Breindl asked about the impact of the new web-site on the Focal Points.

The Director responded that the new Agency site does not for now imply changes of national sites. The objective of the new Agency site is to show how a new generation of network websites might look and to gather experience within the Agency as regards the impact of the new site.

Concerning the 6th Framework Research Programme the Chairman asked the Director what the role of the Agency and the Focal Points would be, and if there is a link to the Work Programme.

Concerning the role of the Agency and the Focal Points the Director answered that work would be done on the basis of the Agency regulation, which says that the Agency shall

make information on OSH research available and bring researchers together. Regarding the link to the work programme the Director answered that possible Agency activities related to the Research Programme have to be seen apart from the Work Programme, because the activities will have to be funded by the Research Programme. Furthermore the work with the 6th Framework Programme is so new, that it is not yet reflected in the current discussion paper regarding the work programme 2003. It will though be included in the preliminary draft work programme as a possible area of activity pending on the development of work programmes and call for tenders by DG Research and DG Information Society later this year. So far no decision has been taken regarding Agency involvement, and any decision regarding this issue will have to be taken by the Board or the Bureau. Finally the importance of active support and promotion of OSH related research elements by DG Employment was stressed.

Mr Biosca commented that the collection and dissemination of research results clearly is a responsibility of the Agency.

Mr Remaeus asked if the draft report on OSH monitoring still was expected to be finished by the end of July. The Director confirmed this.

Ms Schweng asked about the EW03 delay, especially regarding products.

Ms Sedlatschek responded, that it was unlikely that there would be a significant delay and expected that the material would be produced by the end of the year. Ms Sedlatschek mentioned that the new holistic approach used this year had taken up more time because it had been necessary to give more time for discussion.

Ms Schweng also asked if the research reports produced by the Topic Centres had been through the TNG check.

The Director confirmed that the research reports had been through the usual quality control.

The Chairman informed the Bureau about the meeting on 29 May with DG Employment, the Dublin Foundation and Cedefop where the future composition and functioning of the quadripartite Management Boards of Bilbao, Dublin and Cedefop was discussed. The Chairman and the Director participated in the meeting. At the meeting the Commission had made clear that for now the issue is efficiency in the management structures of the three Agencies. The Commission does not explicitly ask the Agencies to take actions related to the enlargement issues, but on the other hand the solutions to the efficiency problem shall not work contrary to the enlargement. The meeting discussed the following guiding principles for the organisation of Agencies:

- Efficiency in order to prepare for enlargement.
- Full recognition of 3-partite structure and of national representation.
- Boards remain political decision-making body but they can delegate to Bureaus.
- Bureaus shall be enlarged.
- Focus on proper communication procedures between Boards and Bureaus.
- Full recognition of coordinators.

At the meeting 29 May there was a widespread consensus on this point and it was decided that the discussions shall be lead by the chairpersons of the three institutes. The next meeting will be held in September with the aim of producing a paper for discussion in September at the Bureau meeting.

The Chairman outlined some pre-liminary ideas, which would be to have only 1 Board meeting per year, which would be combined with an event of content to assure commitment. Also the Board shall be able to take delegated power back. The Bureau would be bigger which would make it able to incorporate regional differences.

Ms Waltke added to the information given by the chairman that the different Boards would have to be involved in the process. The meeting held between DG Employment and the three Agencies was informal, but there will be a written summary of the meeting distributed to the chairmen.

Mr Biosca mentioned that the Board shall be aware of the re-organisation of the Advisory Committee, where the intention is to halve the number of members and at the same time to merge the SCHMOEI and the Advisory Committee giving membership to interest groups. In September the Commission will give their proposal for a new structure.

Ms Alexopoulou added that the Commission had launched the discussion of the three Agencies because of their specificities. The evaluations of the Agencies show a need for improved efficiency in the Boards. The Commission does not intend to make a proposal on reform before enlargement.

Ms Breindl asked if the revision of the Agency regulation will wait until 2003.

Mr Biosca informed that a draft communication on the evaluation of the Agency had been prepared, but that the issue had been set on hold in light of the broader discussion of the future of the Agencies.

The Director felt that in this exercise the focus should be on the common problems for the three Agencies and not on solving the three Agencies individual problems. This means that the common changes should be held to a minimum.

The Chairman asked how the Board would full-fill its role concerning the budget and work programme of the Agency with only one meeting a year.

In the opinion of the Director the best solution if there was to be just one meeting a year would be to have a meeting in November where both the Work Programme and the budget could be discussed. The Board could than decide to delegate amendment powers to the Bureau.

The Chairman concluded that:

- The Bureau supports the consensus in the meeting of 29 May 2002.
- The three Chairpersons prepare a paper for discussion in the three boards. At this moment it is not possible to say if the paper will be ready for the September Bureau meeting, but a written report of the 29 May meeting will be ready.
- The differences between the various Agencies shall be stressed, and if the Board feels that all member states shall be represented this should be stressed as well.

It was decided that Mr Lopes as the new Agency chair will participate in the planned drafting meeting between the chairs of the three Agencies.

Item 5: Work programme 2003 (B/02/06 & B/02/06a)

The Chairman suggested that the discussion be separated in two parts:

- General comments, and

- comments on the specific project sheets.

The Director introduced the two documents by stressing that the Work Programme process is now at its first stage of discussion. The Director summarised the background to the strategy as spelled out in document B/02/06 and mentioned that it was important to be aware of the limits set by the available resources taking into account that resources are also spent on ongoing activities, already programmed activities resulting from Board decisions on multi-annual activities and the development of a 3rd generation web-site.

The Director explained that the categories for the 4-year rolling work programme in document B/02/06 had been adapted to fit with the terminology in the Community Strategy. The Director finished by informing that the Focal Point viewpoints had been taken into account when drafting document B/02/06a.

Mr Biosca commented that where document B/02/06 talks about risk sectors (page 4), he would prefer to talk about high risk sectors, for example the construction sector. In fact there was to be a campaign in 2003 involving inspection activities in the construction sector where the Agency could contribute regarding information activities. But Mr Biosca was aware that the Agency had not been informed earlier and that it therefore had not been possible to include activities in the construction sector in 2003 in the Agency Work Programme.

Mr Biosca went on to inform that in 2003 a joint EU/US Conference on safety and health would take place in June in Greece. The Agency should participate in the European delegation, and this should be reflected in the Work Programme 2003.

The Chairman agreed that the EU/US Conference should be reflected in the Work Programme. Concerning the construction sector the chairman reminded the Bureau that the theme of the European Week 2003 on dangerous substances also involved the construction sector.

The Director informed the Bureau that no decisions concerning the Work Programme had to be taken now. The Work Programme is still in its first stage of discussion. Regarding the construction sector, the Director informed that information on the construction sector to a certain extent already can be found on the Agency's website as a result of earlier information collection activities.

Ms Alexopoulou proposed to organise joint Agency/Commission seminars in Brussels since some of the projects touch on social policy issues and it will therefore be important to raise awareness among the actors in the relevant fields.

The Director explained to the Bureau that because of the recommendation of the evaluation to improve communication with end-users, a number of workshops on Agency information projects were included in the draft Work Programme. The workshops should be used to discuss the results of the projects and to develop communication strategies in order to reach the target groups. Joint Agency/Commission workshops using Commission resources in Brussels could be an interesting option to be considered.

Ms Breindl asked why exposure limits is not an issue in the Work Programme.

The Director replied that the issue did not receive support from the Focal Points. But at the same time a feasibility study is tabled.

Mr Biosca said that the Commission wants the Agency to publish information from research committees and opinions of the Advisory Committee. The Commission offered to co-operate with the Agency on this issue.

The Director clarified that in relation to the European Week 2003 there will be a special focus on which information systems are available regarding exposure limits but the Director, with reference to the reactions expressed at the Focal Point meeting, expressed caution as regards the complexity of compiling and updating a database. There is information about the issue on the Agency web-site, but the exposure limits are not there.

The Chairman commented that often SMEs do not use occupational exposure limits. Therefore special risk assessments have been developed and a link to these from the Agency web-site would be interesting.

The Director informed that this is something, which forms part of the European Week 2003. The European Week-group and the Focal Points are being consulted on the draft detailed European Week plan.

In relation to the ongoing activities Ms Schweng asked about the follow-up on the OSH monitoring project and said it would be useful to have resource estimates for the different ongoing activities.

The Director confirmed that the Board would be involved in the decision on any follow-up of the OSH monitoring project. The resource estimates concerning the ongoing and new projects would be delivered before the September planning seminar.

Ms Waltke referred to the UNICE position paper and said she would prefer focus on sectors and risks as such instead of for example focus on the safety and health of women. Though women may be more sensitive to certain risks, statistics do not show that women in general are more at risk. It is not a priority topic.

The Director explained that the intention of the Agency with the projects under the heading “Anticipating risks in a changing world of work” is to present good practice on for example how to prevent accidents among young workers.

The Chairman commented that in the next draft there would have to be a clearer description of the scope of the projects and the arguments for the projects would have to be developed.

The Director asked for the Bureau reaction to the inclusion of two more sectors based on the strategy (hotel and service sector and transport sector).

Ms Schweng was of the opinion that the hotel and service sector was much too broad and wanted a more focused approach.

The Chairman speaking as member of the workers group suggested that the service sector be kept in the Work Programme but that the Agency tables some proposals to focus the activity.

The Director agreed to limit the scope of the activity.

On request the Director informed that the scope of activity in the agriculture sector will be defined together with the Focal Points.

The Bureau then went on to discuss the project sheets in document B/02/06a.

Mainstreaming OSH into Education

Reacting to some comments from the Bureau the Director informed that the project would mainly consist of a report in the Systems and Programmes style outlining the success criteria for integration of OSH into education and the establishment of a EU contact group to enable cross sectoral cooperation.

Development of Information Provision to the Fisheries Sector

The comments concerning this project sheet concerned the difficulty in reaching the target group. The Director informed that as a main output a communication and information plan will be developed.

Provision of Good Practise Information to the Education Sector

After some comments on the scope of the project the Director explained that the focus of the project will be education as work.

Disability at Work. Good Practice Information.

The Director explained on request that the Good Practice award was an idea presented at the Focal Point meeting, where the Agency could offer support to the Commission if they would like to take the idea on board, as it would not be run as an Agency event.

Workshop on “Mainstreaming Women’s Safety and Health at Work”

It was agreed that the title should be changed. Furthermore Mr Biosca wanted the 1st phrase under the “Context” headline deleted.

Occupational Safety and Health and Corporate Social Responsibility (CSR)

Ms Waltke commented that UNICE cannot support the project as worded in the project sheet. If there is a wish to do something about CSR it should be limited to bringing forward existing experiences in the field and it should respect that CSR is business driven. It is however doubtful if it adds any value, that the Agency enters this field. The Director explained the background to the project, which is a request for Agency assistance expressed by the Commission on the basis of the new strategy.

The Socio-Economic Costs of “Non-Policy” in Safety and Health at Work

It was stressed that the project shall not be limited to strictly economic issues and that the positive potential shall be in focus, that means the potential benefits from a good working environment.

Risk Observatory

The Director informed the Bureau about the ideas of a risk observatory as described in the strategy. At this moment a 1st draft has been sent to the Commission on the basis of the Strategy. But the Agency has also made it clear that the creation of the risk observatory will have economic consequences. The proposal is now to be discussed with the Commission and at the September meeting the Bureau will be invited to discuss the issue.

Mr Biosca informed that the observatory goes beyond the mere collection of information about risks. It also describes solutions, clarifies where more information is needed, etc.

The Director informed the Bureau that they could expect a preliminary draft of the Work Programme by 15 July 2002.

Item 5 – Topic Centres 2003(B/02/07)

The Director tabled a paper and informed the Bureau that the Agency had been studying different contract models following the Board decision in November 2001. The Agency had also studied the subvention model on the basis of the comments given by the Board. The problems the Board had identified had been solved:

- There is a significant element of co-funding from the Topic Centres (ca. 30%), which would be lost in a contract model.
- The subvention model is not illegal or irregular.
- The question of ownership has been assured via a clause in the Topic Centre grant agreement.
- There is no guarantee that more tenders/offers would be received using a contract model. The problem is that the market is very limited because very few OSH-organisations are able to comply with the requirements set by the Board.

The Director informed the Bureau that choosing a contract model would put a very heavy administrative burden on the Agency. Furthermore the annuality of the Work Programme and the budget would be irregular using a contract model, because the contractor would not be able to begin work before June.

The Chairman said that there was a clear Board decision that a contract model should substitute the subvention model from 2003. This decision was based on the concerns mentioned by the Director but which had now been solved. The personal concern of the Chairman was the administrative burden implied by the contract model. One option would be to ask the Board to reconsider its decision in the light of the new information.

Mr Biosca commented that the question did not have to do with legality or not. The problem with the subvention model is that the Agency gives somebody else money without having adequate control over the product. According to the Commission rules there shall be tight control where a subvention is given. The contract model would change focus to the product. That means that the administrative burden is not higher using a contract model. Finally to control the end-product one needs a contract, which gives one the possibility of using legal sanctions if the contractor does not deliver according to the contract. Using the subvention model the money is lost if the Topic Centre does not deliver.

The Chairman answered Mr Biosca by saying that the organisations know that if they do not deliver what has been agreed, they will not receive subventions in the future.

The Director informed that the experiences in the Agency are that the success rate is higher using the subvention model for Topic Centres than using the contract model for each individual task.

Mr Remaeus explained that the government group was of the opinion that it was difficult as a non-expert to participate in this discussion. As long as the model is legal the most flexible one should be preferred.

Accepting that the Bureau could not change the Board decision but recognising that new information had been put forward the Bureau unanimously decided the following on the proposal of the Director:

To initiate a written procedure in order to ask for agreement by the Board that the subvention model would continue in 2003, to inform the Board about the Bureau's

discussion and to ask the Board to reconsider its earlier decision at the November meeting this year.

Item 7 – European Week 2004 – 2006 (B/02/08)

The Director introduced the document and mentioned that there were two approaches: A. Selecting new themes including besides topics also groups and sectors, or B. Repeating the themes from previous years.

There was a general support for the approach implying selection of a new theme every year. There was also agreement to take noise as a theme in 2004, while the Agency should revise the paper concerning 2005 and 2006 with the aim of listing more options for the September Bureau meeting.

Item 8 – EFTA observers (B/02/10)

The Director introduced the paper stressing that the Agency needs a clear position for its participation in the negotiations on the issue, though no decision will be taken without Board approval.

There was agreement that EFTA participation shall be at no cost to the Agency and that the following options in the document (B/02/10) should be chosen:

- Option 2 on page 2 (Participation without subsidies)
- Option 2 on page 3.

Item 9 – Follow-up to pre-Board Seminar on Good Practise (B/02/10)

The Director explained that the document was tabled to show to the Bureau how the conclusions of the pre-Board seminar will be turned into practice. It was an information item.

Item 10 - European Week 2002 – Seed funding to stimulate and co-finance EW activities in Europe (B/02/11)

The Director introduced the paper commenting that it was for information. The Bureau noted the paper.

Item 11 - Any other business

There was no comment.