

September 2003

B/03/M2

**MINUTES OF THE MEETING OF THE BUREAU OF THE
ADMINISTRATIVE BOARD, 4-5 JUNE 2003**

Present:

Mr Remaeus (Chairperson), Mr Lopes, Ms Alexopoulou, Mr Sapir, Ms Waltke, Ms Breindl, Mr Fernández Sánchez, Mr Konkolewsky, Ms Sedlatschek, Mr Carreira and Mr Bejer (Secretariat).

The meeting noted apologies received from Mr Biosca de Sagastuy and Ms Schweng.

Item 1: Adoption of the revised Draft Agenda (B/03/A2a)

It was decided to discuss the dates of the autumn 2003 Board meeting under Any Other Business.

The agenda was adopted.

Item 2: Draft minutes of the meeting of 19 February (B/03/M1)

Mr Lopes pointed out, that he was present at the February meeting.

With this amendment the minutes were adopted.

Item 3: Director's Progress Report (B/03/04)

While referring to the Report the Director highlighted the following issues:

- As could be seen in the Scoreboard annexed to the Progress Report some of the 2002 projects are delayed. The Agency is currently considering the consequences for future planning, but one problem has been that Topic Centre products are not final, when they are delivered to the Agency, but require considerable extra work from the Agency. The delays are not dramatic, though it is clear planning has been too optimistic.
- The launch of the European Week in Strasburg in the European Parliament with the participation of the Commissioner, Ms Diamantopoulou.
- The evaluation of the first SME-scheme is very encouraging. The evaluation has been presented to the European Parliament, who received the evaluation positively.
- In the light of the forthcoming enlargement the Agency has initiated a review of the Focal Point network together with the Focal Points. Following the FP meeting in May, a discussion paper will be prepared, which will be discussed among other by the Bureau in September.

- Parallel to the review of the FP-network a review of Agency-Topic Centre relations has been initiated. Here the new Financial Regulation makes it necessary to rethink how the Agency uses and manages Topic Centres.
- The Agency's human resource and financial functions will be reorganised in the near future to adapt the Agency organisation to the requirements of the new Financial Regulation.

On Ms Breindl's request the Director informed that the requirements following the new Financial Regulation has obliged the Agency to go into much more detail with the Focal Point Grant applications, than has been the case earlier. This has delayed the preparation of the grant agreements.

Mr Sapir commented that the workers would like to see more being done in the area of extending network partnership beyond the European Union.

Ms Waltke requested that documents like the evaluations of the European Week and the SME scheme be sent a to the Board members as soon as possible after they are final and that the documents and the follow-up to them be discussed at the following Board meeting.

Ms Alexopoulou gave the following comments/information:

- It is important that existing Agency work be linked to the future Risk Observatory.
- Considerations on the future organisation of the Agency network should also include the Agency itself, as both the Advisory Committee and the Administrative Board have asked for an improved capacity for analysis at the Agency.
- The meeting on mainstreaming OSH into education organised by the Agency had been successful, and the European Social Fund Committee and the Advisory Committee would now in June arrange mainstreaming meetings.
- Following the SME evaluation it is important that the SME activities be linked with broader Community SME programmes.

The Director agreed with the comment made by Ms Alexopoulou about the SME programme and added that running a SME-programme on a strictly annual basis created administrative problems and that the Agency on the basis of a very positive external evaluation report had hoped for a permanent inclusion of SME activities in its work programme and budget. As part of these activities the Agency had hoped in the future to organise fewer, but larger mainly European/transnational projects, which should be better integrated into other Agency activities.

On the request of Mr Sapir the Director informed that an overview over national networks could be found in the Agency Annual Report and furthermore the Focal Point websites provide this kind of information.

The Chairperson asked the Agency to prepare a document with information about the national networks. The document should be used for the discussions on the future of the Focal Point network. The document would contain numbers and names of national network members.

On Mr Sapir's request the Director commented that the evaluation of the European Week has been very positive, except for the Seed Money scheme. The Agency follows up on this issue by being very careful when it comes to entering into grant agreements for the 2003 Seed Money scheme. Requirements to the quality of applications and reports and

to the documentation have increased considerably. Furthermore, the Director mentioned that in the light of the envisaged impact of enlargement on Agency activities and budget it should be considered if the resources spent on grants agreements could be spent in a better way. The Agency at least would need very convincing arguments, if it were to suggest continuing with the grants schemes.

On request from Ms Waltke the Director explained that the literature study mentioned in the Progress report in relation to the CSR project has the purpose of clarifying what experiences exist in the field. The main objective is still to collect good practice examples from the national level and to identify success criteria for linking CSR and OSH.

Ms Waltke and Mr Sapir asked to the Topic Centre for Good Practice, Candidate Countries. Both asked to the origins of this Topic Centre and questioned if it was advisable to separate Topic Centre work for Member States and Candidate Countries in two Topic Centres. The Director replied that this Topic Centre was one of the main elements of the 2nd PHARE-programme, which the Agency currently is running. Transfer of Good Practice to the Candidate Countries is mentioned as a priority task for the Agency according to the Community Strategy. The Topic Centre will also serve as a preparation of the Candidate Countries for their integration in the Agency activities from 1 May 2004 on.

Mr Sapir requested a long-term strategy for the cooperation with the Candidate Countries. Furthermore the Candidate Countries should be as involved as possible in Agency work. The Director commented that the drafting of a long-term strategy ought to await the participation of the new Member States in the Board. The current solution with the Candidate Country Topic Centre was a short-term solution in order to fill the vacuum until the enlargement takes effect 1 May 2004.

Following a comment from Ms Waltke the Director assured that the expert group established in relation to the OSH monitoring project would be involved according to the adopted project sheet, though it is the Topic Centre Research that does the work.

Ms Waltke asked about the background to the project on “Information system on new and emerging risks”. The Director replied, that the Board decided in November 2002 to go on with this project in 2003.

The Director informed that the Agency is preparing a report following the meeting in the Mainstreaming Contact Group in Bilbao. Two key conclusions from the meeting were that schools should be seen as workplaces in a safety and health context and that the debate at the societal level is very important as schools reflect societal priorities.

Ms Breindl informed that SLIC would ask the Agency to collect information about self-employed. The Commission will inform the Agency.

Ms Alexopoulou mentioned that DG Enlargement was about to launch a programme for Bulgaria, Turkey and Romania (a programme similar to the existing PHARE programme).

Item 4: Work Programme 2004(B/03/05)

The Director introduced the item stressing the following:

- The Work Programme should take into account the enlargement both as regards content and as regards activity level.

- Planning for the year 2004 is very complicated as the resource situation still is unknown. Discussions should at this stage focus on content and priority of the new project proposals. At the September planning seminar more information will be available re the outlook for the budget.

The Agency suggests 6 information projects for the year 2004. 4 of these are already programmed (Risk Observatory, European Week 2005, Priority Group Activity on Foreign/Migrant Workers and Risk Sector Activity on Agriculture) whereas two are new projects (Economic Incentives and Research on Noise at Work). Regarding the Risk Observatory an information note was tabled.

Regarding the rolling work programme it is suggested not to up-date this until the new member states become full Board members.

The comments are divided into general comments and comments related to the proposed information projects.

General comments

Mr Sapir stressed the importance of preparing for the enlargement and the effective integration of the new member states. It is therefore important to consider how the network can be improved, also in Candidate Countries. The workers are aware that it will require considerable resources to arrange meetings in an enlarged Union, but meetings are important to strengthen the networks.

The Director commented that the best way to encourage national networking, would be interesting Agency activities. Therefore the discussion now should focus on which activities should be carried out, and what is of relevance to the Candidate Countries. The enlargement adds to the importance of looking at the efficiency of the current Agency network activities, and the Agency believes that it will be necessary to find new ways to involve expert group opinions in the delivery of the work programme, i.e. to reduce the number of meetings in Bilbao. A question that should be asked is, if all expert involvement should take place at the Agency in Bilbao or rather via the Focal Points at the national level.

Risk Observatory

Ms Breindl commented on the Risk Observatory note, and said that in this planning process it was important to keep in mind that the Risk Observatory will require considerable resources.

Asking to the same note, Mr Sapir requested further information on the role of OSH monitoring in the Risk Observatory. He also mentioned that the Advisory Committee had set up an ad hoc group on the Risk Observatory. The timing of the work in the ad hoc group and the Agency work should be coordinated.

Ms Waltke asked when the foreseen expert group will start work.

The Director gave the following comments:

- Work on the Risk Observatory has not commenced yet as the Agency has had to recruit the necessary staff.
- The decision to integrate OSH monitoring will be followed.
- The role of the expert group is described in the information note, where it says that a workshop will be arranged in October.

- The creation of the Advisory Committee ad hoc group could create coordination problems, as both the Agency and the Advisory Committee in parallel would be working on the same task from two very different organisational positions.

Ms Waltke commented that the Advisory Committee ad hoc group shall discuss the Risk Observatory in broader terms than would be possible within the Agency.

Mr Sapir commented on the same, and said that the Advisory Committee originally wanted a clearer definition of the Observatory in the strategy. As this had not been possible, there was now an interest to participate in the implementation of the Observatory. Regarding the planning, Mr Sapir informed that the mandate of the ad hoc group should be ready by October and that an opinion from the group would be ready beginning 2004.

On the basis of the discussion the Director suggested the following steps:

- Agency would work according to the tabled information note.
- The foreseen discussion document (see bullet 2) will be sent to the Advisory Committee ad hoc group.
- The ad hoc group will provide comments on the Agency discussion document and the Agency would be invited to participate re this issue.
- The comments will feed into the Agency's draft blue-print/model for the Risk Observatory to be discussed at the pre-board seminar February 2004 and finally decided at the Board meeting.

The Bureau agreed the suggested steps.

Agriculture

Mr Sapir gave the following comments:

- It should be considered if activities already carried out in this field can be of use.
- A link should be established to DG Agriculture.
- There are many self-employed in Agriculture. Therefore the word "worker" should be used with caution.
- As the Dangerous Substances fact sheets do not mention pesticides, pesticides should be included in the Agriculture activity.
- Reference should be given to national experiences.

Ms Alexopoulou commented:

- The gender dimension should be integrated into the project.
- Specific reference to the Community Strategy should be given.

Ms Waltke gave the following comment:

- COPA and the trade unions have recently made a guide on risk assessment in this sector. This should be integrated into the project.

Economic Incentives

Mr Sapir gave the following comments:

- The Candidate Countries focus on insurance schemes. However, workers do not see insurance or tax schemes in themselves as preventive measures. Therefore, tax or insurance schemes must be linked to preventive measures (e.g. training or enforcement) and they must form part of a broader health and safety strategy. One major challenge to the implementation of insurance and tax schemes with a strong preventive dimension is the acceptance among the contributors of these new schemes in the Candidate Countries.
- Regarding the possible follow-up activity in 2005 (the company panel) Mr Sapir requested clarification of the purpose of this panel.

Ms Alexopoulou commented:

- The project was welcomed, but the project should also highlight some good examples of successful schemes in terms of safety and health.
- The recent study by the Dublin Foundation should be included.
- An example of a preventive scheme would be the Community agricultural policy, where subsidies are linked to health and safety measures.

Ms Waltke gave the following comments:

- The employers agreed that an evaluation of the effectiveness of the different measures was not a good idea. This however, makes it difficult to identify good examples.
- The instruments to be included in the project must be instruments used in the context of a safety and health strategy.
- The employers do not consider procurement and labelling as economic incentives.

Mr Lopes mentioned that labelling and certification schemes could promote unfair trade practices.

The Director confirmed that the measures to be examined would be measures applied within a health and safety context. The objective of the project is to identify what exists in this field today and then give a more detailed description of a few examples. The potential 3rd step described in the project sheet should provide a guide to what are the most effective tools. The 3rd phase should be described in more general terms without mentioning the company panel. Regarding the comment on labelling/certification and unfair trade practices, the Director referred to work already done, e.g. the TCO label. The project should focus both on traditional and on newer incentives/tools.

European Week on Noise

Mr Sapir commented:

- Noise is a problem, which affects workers in more sectors than only industry.
- Pregnant women need special attention.

Ms Alexopoulou commented:

- Account should be taken of the member states' implementation of the new Noise Directive in 2006. Therefore it was important that a possibility was given for providing mutual information on implementation of the directive.

Ms Waltke said:

- In general the text should be improved, and the statements must be qualified on the ototoxic effects.

The Director informed, that due to enlargement needs for more language versions, the intention was to produce less than the 6 fact sheets that had been preliminarily stated in the project sheet.

Migrant/Foreign Workers

Ms Alexopoulou and Mr Sapir made the following comments:

- The issue is important, but sensitive. Therefore one should be careful with the words used. And it should be made very clear that a risk assessment is an employer responsibility.
- Important themes to address in the project would be how to approach the priority group and how to approach diversity at the workplace.

Furthermore, Ms Alexopoulou suggested to focus on the sectors where migrants/foreign workers are employed, e.g. construction

Ms Waltke commented:

- Regarding the focus on risk assessment, it is difficult to see what can be done within this project due to the multitude of work situations.
- The project should focus on case studies instead.

The Director commented, that the gender report would in fact suggest integrating the gender dimension into the risk assessment, because risk assessments are often carried out without considering gender related issues and tend to focus on traditional male work functions/risk areas. The need to address different groups of workers is probably general and therefore risk assessment should reflect the diversity of the work force in general.

Research on Noise

Ms Waltke asked for a clarification of the need for this project.

The Director clarified that the project is not about carrying out research, but instead aims at providing information on new research finding related to noise at work.

Mr Sapir suggested that it should be considered to include information on how to select equipment and machinery in the form of a database.

Ms Alexopoulou agreed that it was important to help employers choose the correct equipment/machinery.

Ms Waltke supported the idea of a database as well.

The Director remarked, that the development of a common database on noise would be a very complex and resource-demanding task that would require further consideration.

Mr Sapir recognized that the development of a database would be major task. Instead the Agency could make the existing national databases more visible. Furthermore, emissions should be included in the list of priorities for the Topic Centre Research regarding the implementation of the OSH monitoring project.

Item 5 – Integration of New Member Countries in Board and Bureau structures (B/03/06)

The Director introduced the item and stressed that the Agency in the document, B/03/06, suggested following the Commission instructions.

Ms Waltke remarked that if there were no reimbursement available, very few representatives from the new member states would attend. In other forums it had been possible to reimburse the participants from the new member states. It should therefore be considered once again if it would be possible to reimburse participants from the new member states.

Mr Lopes agreed with Ms Waltke and added that it should not be the governments who appoint representatives from the social partners.

Mr Sapir remarked that it was important to make a distinction between the situation now until 1 May 2004 and after that moment. At a later stage the new Board members would be appointed following the official procedures, while for the moment participants would only be appointed for two Board meetings.

The Chairperson asked the Agency to consider once again if reimbursement would be possible.

The Director remarked that there are no resources in the budget for the reimbursement, as it was not known when the budget was adopted, that the new member states should participate in the two Board meetings. Furthermore, the Agency has to follow Commission instructions in this field. However, the Agency would explore the possibilities again.

The Chairperson concluded that the Bureau approves the suggested steps in document B/03/06, but that the Agency should look into the possibility of reimbursing the participants from the new member states.

Item 6: Action Plan between the Dublin Foundation and the Agency (B/03/08a)

The Director introduced the item, and asked the Bureau to approve the text on behalf of the Board as the 1st paragraph reads: “The Boards and the Directors of the two Agencies are pleased to announce”.

Mr Sapir supported the text but asked for a clarification of what the “levels” in article 10 refer to.

The Director replied that the “levels” refer to differences in hierarchy and scope.

Ms Waltke requested that action plan be presented to the whole Board.

The Director informed that the Board would be informed, but the approval was within the Bureau mandate.

The Chairperson concluded that the Bureau could approve the action plan on behalf of the Board.

Item 7: Amendment to the 2003 budget (B/03/09)

Mr Carreira introduced the item asking the Bureau to agree to initiate a written procedure among the Board members to adopt the suggested amendments to the 2003 budget.

The Chairperson concluded that the Bureau agrees to initiate a written procedure in order to adopt the suggested amendments to the 2003 budget.

Item 8: Any other business

There were two items:

The second Board meeting 2003:

The Director explained the background to bringing up this item again:

- At the November 2002 Board meeting the Board decided to have its 2nd 2003 Board meeting 25-26 November. This decision was coordinated with the Advisory Committee.
- Early 2003 the Commission informed the Agency that there was a clash of dates with the SLIC meeting, which the Italian Presidency planned for the same dates.
- On that basis the Agency sent an information note to the Board.
- During the February Board meeting, the Director discussed the issue with the Italian government Board member and it was agreed to move the SLIC meeting to another date.
- The Board was informed accordingly and the Board confirmed the decision to have the Board meeting 25-26 November 2003.
- Following the February Board meeting, during an Advisory Committee meeting a Commission document was distributed scheduling the Agency Board meeting for December 2003. Therefore there was a need to discuss the issue once again.

The Agency had checked the lists of members of the Board and the SLIC and the clash of dates affects 7 government representatives. Therefore the Italian government had been approached again. No decisive answer had been received yet however. Though the situation is regrettable, the Agency cannot change the dates for the Board meeting as the Board meeting is linked to the Closing Event of the European Week and binding agreements have been entered into with the venue (Euskalduna Palace and Guggenheim Museum). The Agency also needs the support of its Topic Centre for the organisation of the event and the contract with the Topic Centre expires at the end of November. Furthermore, if the Board meeting is postponed, the planning for 2004 becomes impossible, as the Agency would not know the work programme until December and it would not be possible too organise the joint planning seminar with all Focal Points before January 2004.

Ms Waltke commented that the Agency cannot keep moving dates for the Board meeting.

The Chairperson pointed out that clashes like this one should be avoided.

Mr Sapir said that now little could be done, but it was important to avoid a repetition in 2004. Therefore the involved parties (the Agency, the Commission and the Dutch presidency) should meet as soon as possible.

The Director commented that due to the regulation, the Agency couldn't fix its meeting dates before the dates of the Advisory Committee meetings are known.

The Chairperson concluded that the Bureau finds the clash of meeting dates criticisable and that for the future coordination should take place.

Reimbursement of Cyprus and Malta (B/03/07)

The Bureau noted the information note sent to the Bureau and the decision not to reimburse participants from Cyprus and Malta.