

December 2005

B/05/M5

**MINUTES OF THE MEETING OF THE BUREAU OF THE GOVERNING
BOARD, 12 DECEMBER 2005**

Present:

Mr Lopes (chair), Mr Remaeus, Ms Degrand-Guillaud, Mr Lusi, Mr Jansen, Ms Dapergola, Mr Biosca de Sagastuy, Mr Cerfeda, Ms Waltke, Mr Smith, Mr Blanch, and Mr Bejer (Secretariat).

In addition Commissioner, Mr Spidla, addressed the Bureau during a break. Mr Konkolewsky attended during Mr Spidla's meeting with the Bureau. A short report on the major points from the meeting between the Bureau and the Commissioner is annexed to these minutes.

The meeting noted apologies received from Mr Pinilla and Ms Schweng.

Item 1: Adoption of the draft Agenda (B/05/A5)

The agenda was adopted.

Item 2: Draft minutes of the meeting of 7 September 2005 (B/05/M4)

The minutes were adopted.

Item 3: Preparation of the Board meeting (A/05/A2)

The Bureau worked through the agenda for the Board meeting:

Item 3: Revised rules of procedure (A/05/08)

Mr Remaeus asked if the other groups would agree to deleting article 4 (3) on voting procedures, if the governments were to propose that at the Board meeting.

Ms Waltke and Mr Cerfeda confirmed that, if the governments were to propose to delete article 4 (3) this would be a good basis for reaching a consensus on the rules of procedure.

Item 5: Director's Progress Report (A/05/10)

Ms Waltke commented that it was necessary to reach an agreement on the future direction of the development of the Risk Observatory. The reports produced so far were not clearly linked to the theme of safety and health at work and were not all of a sufficient standard.

The other groups supported the view that there should be an in-depth discussion on the future development of the Risk Observatory as the structures had now been established.

It was agreed that the Agency should look into the possibility of organizing a meeting to discuss in-depth the future of the Risk Observatory.

Item 7: Expert group mandates 2006 (A/05/22)

Mr Biosca requested a clearer definition of the role of the individual expert groups.

Mr Smith answered that the work of three of the groups is linked to the projects in the work programme. For the Internet group the role is linked to the tasks related to “Management of Agency’s national focal point website” as outlined in the document “Preparing for enlargement” adopted in November 2003 by the Board and the document “The Agency focal point network: Basic requirements 2005” submitted to the Board for decision at its meeting 13 December 2005. Furthermore, there exists an ‘old’ mandate which will be annexed to the mandates submitted to the Board.

Item 4: Arrangements for the Board’s appointment of Director (B/05/11)

A discussion took place on the possibility of asking questions to the candidates after their presentation. Mr Jansen informed that it is not uncommon not to allow questions or comments after the presentations as comments or questions may have a negative influence on the candidates possibilities to be appointed for other posts. However, if there were to be questions, these have to be the same for all candidates and should be agreed by the Bureau. Furthermore, Mr Jansen informed that the CVs of the candidates will be available for the Board members before the meeting.

It was agreed that the sentence “The Board will not questions” should be deleted. The timing of agenda item on the selection of the Director should be considered carefully.

Item 5: Meeting dates 2006 (B/05/12)

At the request from Mr Remaeus it was agreed that the Agency should look into the possibility of placing the May Bureau meeting one week earlier or later.

Annex: Bureau meeting with Commissioner Spidla

Mr Spidla addressed the Bureau and had an exchange of viewpoints on future challenges as regards safety and health at work with the Bureau.

Mr Spidla outlined some of the strategic challenges which in his view need to be met. These include the demographic changes, structural changes between sectors and technological changes (e.g. artificial intelligence). Mr Spidla asked for the Bureau's opinion, in particular how the Bureau sees the difference in safety and health between the EU-10 and the EU-15.

Mr Cerfeda agreed that there is a need to reflect on the strategic challenges facing Europe in the area of safety and health. The Agency has so far done a good work, but this is no guarantee for future success. Key points are:

- the need for improved legislation, including a review of existing legislation
- reaching a balance between flexibility and security
- meeting the challenges of 'new' forms of employment such as self-employed who de facto work as employees (depending on one 'employer')
- good practices cannot replace rights based on legislation
- there is a need to guarantee the application of the legislation
- there is difference as regards safety and health at work between EU-10 and EU-15.

Ms Waltke made the following key points:

- in general, there has been considerable progress as regards safety and health performance throughout the EU
- a new Community strategy must take into consideration that there already exists a comprehensive legislative framework, encompassing all known risks and categories of worker. This legislative framework is highly complex and implementation remains a challenge, especially for SMEs on which it imposes considerable burdens. It is therefore necessary to make the existing legislation better understood and to simplify it (without reducing the protection of workers) rather than focusing on new legislation.
- in the future a true commitment to better regulation is required. It is important to refrain from the continued adoption of burdensome and complex legislation. Any future decision to propose new legislation must be based on an evaluation of the existing rules, sound scientific evidence and a true assessment of economic and social costs and benefits.
- when it comes to the so-called "new risks", it is necessary to look at other than the traditional routes and instruments and different actors to address the challenges due to the different nature of these risks. The "new" risks are complex, multi-farious and can also have a link to non-working life aspects. They may therefore require new approaches and the social partners at different levels can play a role. At EU level, the social partners have been conscious of this and concluded an agreement on stress.

Mr Remaeus, underlining that he did not speak on behalf of the governments, commented:

- there may be differences between EU-10 and EU-15, but there were already important differences in EU-15
- the major common element in European OSH policy is tri-partism, and here there is much to do still
- there is too much to do for one actor alone. Therefore coordination and synergies are important
- focus on new/emerging risks must not result in less priority to 'old' (unsolved) problems.

Mr Lusi, speaking as representative of a new Member State, gave the following comments:

- the differences are not just between EU-10 and EU-15
- the major challenges are at the workplace level where there is a need to strengthen the preventive approach among employees as well as employers
- a major problem in the new Member States is lack of capacity in the inspectorates leading to a reactive approach
- a future strategy must take into account 'new' forms of employment

Mr Konkolewsky stressed the importance of specifying the role of the Agency in a future strategy as had been done in the current strategy. Furthermore, the challenge of globalisation should be analysed and steps to meet this challenge should consequently be included in a new strategy.

Mr Spidla thanked for the input and replied:

- the Agency must be given a clear role in the next strategy
- it is necessary to analyse what prevents the implementation of legislation
- tri-partism is and must be a fundamental aspect of the European OSH approach