



12 June 2014
B/14/M1

MINUTES

Meeting:	MEETING OF THE BUREAU OF THE GOVERNING BOARD
Date:	Tuesday, 18 March 2014
Time:	18:00 h – 20.00 h
Venue:	EU-OSHA premises

1. Draft Agenda (B/14/A1)

The Chair welcomed the attendants. The European Trade Union Confederation appointed a new member as observer to the Board, who joined the Bureau meeting for the first time as Coordinator-to-be of the Workers' group. He is also serving as observer Board member at Eurofound.

The Chair introduced the draft Agenda. She invited the participants to raise any other items.

The Director proposed the following items under "Any other business":

- Signature of the Seat Agreement and inauguration of new premises;
- Stakeholders' survey;
- Dates of Bureau meetings in 2014.

The Commission proposed to update on the following issues:

- EU-OSH policy framework. This item will be dealt with under Agenda item 3.5;
- Commission's feedback on the Agency's Multi-Annual Staff Policy Plan 2015-2017. This item will be dealt with under Agenda item 3.7;
- Agency's founding regulation under "Any other business".

CONCLUSION: The draft agenda was adopted.

2. Draft minutes of last Bureau meeting 11 November (B/13/M4)

There had been no comments on the draft minutes of the last Bureau meeting.

CONCLUSION: The draft minutes were adopted without any further comments.

3. Preparation of Board meeting (G/14/A1)

The Chair recalled that the Board meeting will follow the same format inaugurated at the previous meeting. Agency staff will introduce the different Agenda items at the groups meetings. The Board will then convene in Plenary in the afternoon.

The Chair proposed to hold a wrap-up meeting upon completion of the groups' meetings on the following day. All agreed.



3.1. Adoption of the draft agenda

The Director and the Commission proposed to add to the Agenda the same items as the ones in the Bureau meeting Agenda under Any Other Business.

3.2. Adoption of the minutes from the 12-13 November Board meeting

No comments.

3.3. Annual Activity Report

The Director introduced this item. The Annual Activity Report is a requirement as per the Financial Regulation and is a key document for the discharge procedure. The version presented to the Board is not yet final. There are some data that need to be updated with the information that will be made available by the stakeholders' survey.

The Board should:

- a) take note of the AAR;
- b) provide comments and feedbacks on the analysis and assessment;
- c) mandate the Bureau to finalize the analysis and assessment on the basis of the final draft at the June meeting.

COMMENTS FROM THE GROUPS:

The three groups had no comment on the report. They all agreed that the wording of the Board's analysis and assessment should be less emotional.

3.4. Agency's 2013 Annual Report

The Director explained that the Annual Report is a requirement as per the Founding Regulation. Apart from the Agency's key stakeholders, the addressee of the Annual Report is the general public.

The Board should adopt the Annual Report.

3.5. Amending Budget 2014

The Director recalled that the budget adopted by the Board in November did not include the income related to some activities that are financed via earmarked funds (namely, the ENPI and IPA III programmes and the Older Workers Project, entrusted to the Agency by the Parliament via delegation agreement with the Commission).

The Board should adopt the amending budget 2014.

3.6. Draft Annual Management Plan 2015

The Director informed that the Annual Management Plan 2015 implements the second year of the Multi-annual Strategic Programme 2014-2020. There are no new activities compared to the current Annual Management Plan. The Board will have to adopt the final draft at the November meeting.



The Board should adopt the Annual Management Plan 2015 with all its annexes with any amendment considered necessary.

COMMENTS FROM THE GROUPS:

The Workers' and Employers' representatives expressed their interest in being involved in the selection of the topics of the next foresight.

The Commission gave an update on the status of the EU-OSH policy framework. This is an important issue as it may have an impact on the Agency's Multi-annual Strategic Programme and Annual Management Plans.

The Commission is preparing a Communication to the Council and the Parliament on the policy framework. The Commission built on the public consultation launched in 2013, the Parliament resolution, the opinions of the Advisory Committee and the Senior Labour Inspectors Committee. The inter-service consultation is still on-going at the moment. It is expected to come to light at the beginning of April and will be presented officially at the Conference on Working Conditions at the end of the month.

The Communication will address key challenges such as the need for a coordinated approach on OSH across Europe.

Asked by the different groups to define the final format of the policy framework, the Commission reiterated that this would not be clear until the inter-service consultation is over.

The Commission said that they would update the Board along these lines.

3.7. Draft Budget and Establishment Plan 2014, including Multi-annual Staff Policy Plan

The Director recalled that the 2014 budget had been subject to a 4% decrease in the EU subsidy as the Agency had incurred into DGBUDG penalties (implementation of the budget below 95% and cancellation of credits above 5%) in relation to the budget of the previous year.

In 2013, the Agency succeeded in securing a very high implementation of the budget, which made that the amount for 2015 had been re-established to the ex-ante situation.

The Agency prepared the draft budget related to 2015 taking this into account and on the basis of the Commission's instructions (Budgetary Circular for 2015).

Shortly before the Bureau/Board meeting, the Commission had provided the Agency with some feedback on the Multi-annual Staff Policy Plan 2015-2017, which is attached to the draft budget.

The Board should adopt the draft budget the establishment plan for 2015 and the Multi-annual Staff Policy Plan 2015-2017.

COMMENTS FROM THE GROUPS:

The Commission explained that the comments only relate to human resources (Staff Policy Plan) at the moment, there is no information on the budget yet.

The main comment is about the number of posts in the establishment plan that the Agency is foreseeing for 2016 and 2017. The Commission Communication on programming of human and financial resources for decentralised agencies 2014-2020 and the Budgetary Circular for 2015 provide that the Agency shall cut 5% of its posts in the establishment plan as an austerity measure like all other EU institutions and bodies and an additional 5% to contribute to a redeployment pool for newly established Agencies (in total, 10%). These criteria apply to all the Agencies that are at a "cruising speed".



Between 2014 and 2015, the Agency reduced the establishment plan by 2 post (from 44 to 42 posts in total), thereby fulfilling the first 5% requirement. Regarding 2015, the Agency applied correctly the criteria foreseen by the Commission and therefore complied with the Multi-annual Financial Framework agreed by Council and the European Parliament.

As regard 2016 and 2017, however, the Agency did not foresee any additional cut to meet the second 5% requirement. The Commission encouraged the Agency to manage staff contracts timely so as to allow for this cuts to be implemented in the near future.

The Director and the Head of the Resource and Service Centre remarked that the Parliament and the Council have not endorsed the Commission's approach. This will be discussed in autumn in the framework of the discussions on the approval of the EU budget. This is why the figures related to the establishment plan for 2016 and 2017 do not take into account the cuts yet. For a small Agency like EU-OSHA, cutting additional posts in the establishment plan would have a significant impact on the achievements of its objectives. The Agency is in contact with the Coordination of the Agencies' network, which is working towards a common action on this issue.

Asked which the position of the Parliament on this issue, the Director replied that the Parliament has always been supporting the Agencies and that it does not seem to agree with the Commission. The Council seems to be divided on this issue and tends to suggest that a case by case approach should be taken.

3.8. Focal Points

At the Board's request, the Agency requested Focal Points to provide feedback on:

- Engagement with social partners, success factors and barriers;
- Structural and organizational factors affecting engagement;
- Engagement of social partners in relation to the portfolio tasks in relation to the Annual Management Plan 2014.

The Director observed that there are a relatively high number of Focal Points that had not provided any information.

This item is for information and discussion.

COMMENTS FROM THE GROUPS

The three groups agreed that the feedback provided is not comparable and regretted that there was information missing from many Member States.

The Vice-chair from the Workers' group remarked that some rules that are defined in the Focal Points engagements are not followed unanimously in all Member States. In some cases, the members of the Board are not even informed about conferences and events organized by the Focal Point. There should be a good practice to serve as a model to follow. It would be interesting to circulate the same questionnaire to social partners to have a more complete picture of the situation. The Agency should make accessible to Board members the reports that it receives from the Focal Points. The Focal Points engagement with social partners is defined in a working document that dates back to 2005. Probably it is now time to revise it and align to reality and needs and to refer explicitly to involvement of Board members. The Network Manager in charge of the Focal Points could attend the next Board meeting and take part in the discussions on the next steps.

The Chair congratulated the Agency on this interesting initiative. She agreed with the proposals of the Workers' group.



The Government representatives observed that in some cases also social partners should play a more proactive role. As an example, social partners from some Member States are often underrepresented at the Board of the Agency.

The Director concluded that the Agency will do all what is in its capacity to enhance social partners' engagement with the Focal Points. She observed that the Agency had been facilitating the exchange of best practices among Focal Points and is committed to continue with this. She proposed the Focal Points discuss again this issue at their next meeting and agreed on the proposals made by the groups. However, where it comes to political willingness of the actors involved, this goes beyond the Agency's reach and mandate.

ACTION 1
The Agency will send the questionnaire to Bureau members for them to circulate it within their group.
ACTION 2
The Agency will keep on facilitating exchange of experiences and best practices among Focal Points.
ACTION 3
The Agency will update the stakeholders' engagement paper from 2005 and include reference to Board members.
ACTION 4
The Network Manager in charge of Focal Points shall attend the next Board meeting.
ACTION 5
The Agency will give the Board access to the periodical reports produced by the Focal Points on their activities with the Agency.

3.9. EU-OSHA strategy on International Relations

The Director recalled that the Agency had prepared a paper to clarify the extent of the Agency's engagement in the international arena and to prioritize the main addressees of the Agency's actions in the context of the MSP 2014-2020. This was a requirement of the Roadmap on the follow up on the Common Approach on EU Agencies.

The Bureau had commented on it at the November meeting and the paper now includes their feedback.

This item is for information only.



3.10 Internal Audit Service report on building blocks of assurance

The Internal Audit Service carried out an audit on reporting and building blocks of assurance in October last year. The objective of the audit was to make an assessment and provide independent assurance on the design and implementation of the internal control systems with regard to the Annual Activity Report and the declaration of assurance signed by the Director.

The Director informed that the conclusions from the Internal Audit Service were positive, as they concluded that the internal control systems at the Agency provide reasonable assurance regarding the achievement of the business objectives set up for the Annual Activity Report, the declaration of assurance and the building block of assurance.

The Agency will have to follow up on one very important recommendation (on ICSs assessment) and seven important recommendations. The Agency had piloted a revised procedure on the assessment of the Internal Control Standard at the end of 2013 – which the Internal Audit Service found overall adequate.

The Agency then drafted an action plan to tackle the recommendations and is working towards its implementation. The action plan was agreed by the IAS.

This item is for information.

3.11 Review of the Internal Control Standards

The Director informed that one of the important recommendations that the Internal Audit Service included in the final report on reporting and building block of assurance is about the risk of non-compliance of one of the Agency's Internal Control Standard, n.16, as it not phrased appropriately.

The Agency aligned this standard to the Internal Audit Services' expectations.

The Board should adopt the new version of the Internal Control Standard n. 16.

3.12 Collaboration between DGENTR and EU-OSHA

In January, the Director met with Mr Andrzej Rudka, Advisor to the Deputy Director General of DG ENTR and member of the Board of the Agency. The Director said that she was very much positively impressed. The collaboration with DGENTR is mainly referring to the REACH programme – in that respect, the agency has signed Memorandum of Understanding with the European Chemicals Agency. This is a good example on how to mainstream OSH into other policy areas.

Mr Andrzej Rudka will address the Board and follow up on possible areas of collaboration with the Agency.

This item is for information/discussion.

COMMENTS FROM THE GROUPS

The Employers' representative recommended that the Agency should coordinate in advance any action with other DGs with DGEMPL in order to avoid overlaps and ensure consistency. He also observed that DGENTR does not have a tri-partite structure and the Agency should take this into account when deepening the collaboration.

The Director explained that the collaboration and the coordination between the Agency and DGEMPL has improved significantly in the last few months and that both parties are confident that it will improve even further in the future.



3.12 Conflict of interest

For some time, the discharge authority has been encouraging the Agencies to adopt a conflict of interest policy. The Roadmap on the follow up on the Common Approach on EU Agencies provided that the Commission should elaborate, in collaboration with the Agencies, some guidelines on this. The Commission eventually adopted these guidelines in December 2013.

The Director informed that the Agency would develop a policy on that basis. The policy will be submitted to the Board for adoption at the November meeting.

COMMENTS FROM THE GROUPS:

The Employers' representative inquired why the Agency had requested the Board members to provide their declarations of interests before the policy was in place.

The Network Manager explained that this was done to ensure transparency towards stakeholders and the general public and to respond to an explicit request by the discharge authority. Other measures that the Agency will take in this regard will include the publication on the website of the Board agenda and minutes, the Board's rules of procedure and the Annual Activity Report. The policy on conflict of interests will set the framework for the assessment of each specific situation and for its management. The Agency will also look at how other Agencies are implementing this action and work along the same lines.

The Workers' representative wished that the policy would clarify what conflict of interest means in concrete terms. She observed that this should be limited to direct financial interests.

Asked whether also observers would be requested to sign a declaration of interests, the Network Manager confirmed that this would be the case as the observers are involved in discussions prior to decision-making.

This item is for information/discussion.

3.14 Anti-fraud Strategy

The Head of Resource and Service Centre introduced this item. This is another requirement on the Agency included in the Roadmap on the follow up on the Common Approach on EU Agencies.

The Anti-fraud Office of the Commission (OLAF) developed a methodology for the Agencies in December 2013. The Agency will work on its anti-fraud policy on that basis and will submit it to the Board for adoption at the November meeting.

This item is for information/discussion.

3.15 Election of Chair, Vice-Chairs and other Bureau members

The Chair informed that, according to the rotation system, the chairmanship of the Board would be taken over by the Workers' group.

The Board is invited to:

- a) *Elect its Chair and three vice-chairs. According to the rotation system, the next chair will come from the workers' group. The other groups shall appoint a vice-chair.*
- b) *Confirm the names of the coordinators (one from each of the three groups)*



- c) Designate Members and Alternates for the Bureau. Each group and the Commission can appoint one additional Bureau Member. Each group may designate three alternates.

4. Any Other Business

The Director introduced the items that she had proposed:

Seat Agreement

The Director informed that the Agency would finally sign its seat agreement with the Kingdom of Spain on 31 March. This is a very important achievement for the Agency as it will endow both the staff and the organization with a stable regulatory framework. This will support the Agency to reach its objectives.

The Head of the Resources and Service Centre remarked that it had been a very long process. The text of the seat agreement is not optimal compared to the ones concluded by the other EU Agencies located in Spain. However, it is an important step forward as it formalizes the relationship between the Agency and Kingdom of Spain as well as local authorities on a variety of issues, including security.

The Director also informed that on the day of the signature of the seat agreement, the Agency will inaugurate the new premises at the presence of Commissioner László Andor and other national and local authorities. The Agency's former Directors, Hans-Horst Konkolewsky and Jukka Takala, will also attend. The Chair and Vice-chairs of the Board were also invited.

Asked for how long the rental contract would run, the Director explained that it would be for 8 years with the possibility of being prolonged further.

Stakeholders' survey

The Director stressed that for the Agency it is very important to receive feedbacks from its stakeholders. For this reason, the Agency is carrying out a survey to obtain feedback on its activities and the results achieved. The results of the survey will serve to feed in the Annual Activity Report, on the one hand, and to establish baseline data for the indicators of the Multi-annual Strategic Programme 2014-2020, on the other.

The survey will be open until 16 April and the results will be available in May.

To date, the Agency received over 1,000 completed replies.

Dates of the Bureau meeting

The dates of the next Bureau meetings will be:

- 12 June;
- 23 September.

Both will take place in Bilbao.



The Commission then took the floor and introduced the item that they had proposed:

Agency's founding regulation

There have been some developments. The idea remains to reduce the number of the members of the Board with the objectives of increasing efficiency, while keeping tripartism. Now the Commission is investigating on various mechanisms that would allow to balance voting powers. They will provide more details at the Board meeting.

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The Chair closed the meetings and thanked all participants.

LIST OF ATTENDEES

Name	Representing	Organisation
ALVAREZ Jesús	Commission	European Commission
BÖHM Lučka	Workers	Confederation of Free Trade Unions of Slovenia
BREINDL Gertrud	Government	Federal Ministry of Labour, Social Affairs and Consumer Protection
DE MEESTER Kris	Employers	Belgian Federation of Enterprises
GYÖRGY Károly	Workers	National Confederation of Hungarian Trade Unions
KEMPA Viktor	Workers	European Trade Union Confederation
LUSIS Renars	Government	State Labour Inspectorate of the Republic of Latvia
MOITINHO Teresa	Commission	European Commission
NIEMIEC Jozef	Workers	European Trade Union Confederation
SCHWENG Christa	Employers	Austrian Federal Economic Chamber
SKJOLDAGER Charlotte	Government	National Working Environment Authority
SMITH Rebekah	Employers	BusinessEurope
SEDLATSCHEK Christa	EU-OSHA	European Agency for Safety and Health at Work
BEJER Jesper	EU-OSHA	European Agency for Safety and Health at Work
MURILLO Françoise	EU-OSHA	European Agency for Safety and Health at Work
O'BRIEN Brenda	EU-OSHA	European Agency for Safety and Health at Work
COCKBURN William	EU-OSHA	European Agency for Safety and Health at Work
SMITH Andrew	EU-OSHA	European Agency for Safety and Health at Work
PICCIOLI Ilaria	EU-OSHA	European Agency for Safety and Health at Work