

A/97/2M

**MINUTES OF THE 7th MEETING OF THE ADMINISTRATIVE BOARD OF
THE EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK, BILBAO,
18-19 NOVEMBER 1997**

Introduction and apologies

1. The Chairman welcomed those present and noted apologies from:

- Mr Sauber (employers, Luxembourg) and Mr Metsämäki (workers, Finland);
- Mr Nielsen (employers, Denmark) for whom Mr Jepsen was substituting;
- Mr Konstanty (workers, Germany) for whom Mr Angermeier was substituting;
- Mr Fonck (workers, Belgium) for whom Ms Cyprès was substituting;
- Mr De Lange (employers, Belgium) for whom Mr Pelegrin was substituting;
- Mr Zimalis (employers, Greece) for whom Mr Tsamousopoulos was substituting;
- Mr Bylund (Government, Sweden) for whom Mr Barrefelt was substituting;
- Mr Sedes (workers, France) for whom Mr Martin was substituting;
- Mrs Kafetzopoulou (Government, Greece) for whom Mrs Pissimissi was substituting;
- Mr Larsson from the European Commission.

Item 1: Adoption of the draft agenda (A/972A)

2. The Chairman explained that the Bureau discuss the draft agenda immediately before the Board meeting and can decide to change any A point to a B point for full debate by the Board. Dr Asherson (employers) suggested that a brief introduction be given to each A point, saying what the Bureau agreed. The Chairman agreed to this and also pointed out that two additional items had been tabled for discussion between items 5 and 6 – a review of Mandates (A/97/21) and the Decision to appoint a new accounting officer.

The Board adopted the agenda with the amendments proposed by the Chairman.

A points

Item 2: Adoption of the draft minutes of the last meeting, 13-14 February 1997 (A/97/1M)

3. Dr Asherson had submitted some minor, linguistic amendments prior to the meeting.

Subject to these amendments, the Board adopted the minutes of the February 1997 meeting.

Item 3: Improving the financial management and implementing the Financial Regulation (A/97/11)

4. The Director explained that the Court of Auditors and the Financial Control had visited the Agency in 1997 and had given valuable advice on improving the financial management systems. To ensure transparency, the report from the Court of Auditors and the Agency's reply were attached as Annexes 1 and 2 of the paper. Annex 3 detailed various measures needed to implement the Financial Regulation and Annex 4 described the new Advisory Committee on Procurement and Contracts (ACPC), which was needed to manage the tendering procedure for awarding contracts correctly. The Financial Control had approved Annexes 3 and 4. The Director added that the Court of Auditors was satisfied with the 1996 budget but the official discharge would not be available until the next Board meeting in February 1998.

The Board noted Annexes 1 and 2 and approved Annexes 3 and 4.

Item 4: Agency rules on Freedom of Information (A/97/12)

5. The Director referred to the recent recommendations made by the Ombudsman about public access to information and explained that the Agency would draw up rules covering freedom of information and the protection of privacy and personal data for approval at the February 1998 Board meeting. In the meantime, the Board was invited to approve the interim statement given in the paper.

The Board approved the statement.

Item 5: Expenses for Board members and expenses for expert groups (A/97/13)

6. The Director introduced the paper by saying that the Agency had no stated policy on reimbursing expenses to people attending its meetings, so the Bureau had discussed two recommendations – one for Board members and the other for expert groups. The Bureau had agreed to recommend to the Board that the current procedure for reimbursing

Board members should be continued but that members would have to sign to confirm that they had not and would not receive similar reimbursement from elsewhere.

I regret to inform you that the document(s) requested is covered by one of the exceptions provided for by the policy relating to access to documents and that it cannot be made available to you.

7. The Bureau recommended that for expert group meetings, the Agency would reimburse members' travel expenses on the basis of an economy (APEX if possible) return flight ticket and pay a lump sum of 15.000 PTA per day to cover subsistence costs. Members would have to sign the same declaration that they had not and would not receive similar reimbursement from elsewhere. If an APEX ticket was used, an additional lump sum of 15.000 PTA would be paid.

The Board agreed both recommendations.

New item: Review of Mandates (A/97/21)

8. The Director explained that the paper described the current position and the obsolete Mandates that had been discharged. Annex 4 gave the proposed future Mandates which were:

- Number 1 was the same as last year, giving the Bureau a Mandate to approve the Annual Report;
- Number 2 was an ongoing responsibility;
- Number 3 described the Bureau's continuing role in the recruitment for A grade posts.

The Board approved the Mandates listed in Annex 4 of the paper. Also note two further Mandates agreed in paragraph 36.

New item: Approval of new accounting officer

9. Text hidden based on the exceptions covered in Article 4 of Regulation No 1049/2001

10. Ms Schenkel asked why the appointment had no budgetary effect and the Director explained that as part of the recruitment process, the Agency were increasing the number of administrative staff dealing with accounting and personnel within the B posts. Therefore this appointment would not increase the foreseen expenditure on staff.

The Board approved the appointment of the new temporary accounting officer, Paul Cladas.

Item 6: Report from the Director.

The Director structured his report according to the Agency's Work Programme for 1996/97.

The Information Network.

11. The National Priorities and Programmes report on Priorities and Strategies would be sent to Board members the following week. This comprehensive report, which had taken 9 months to produce, had been checked with the Focal Points and Member States. It gave greater transparency to health and safety in the MS and would be helpful to them in developing safety and health policies. It also showed that many MS were facing the same problems and underlined the importance of developing common solutions. He thanked everyone who had been involved with the report. The deadline for replies to the questionnaire on Economic Impact was the end of November and the Agency planned to publish a report on the findings before summer 1998.

12. Two new Thematic Network Groups had been set up and the Research group had met once. The first meeting of the Practical Solutions group had been postponed and would take place in early 1998. Expert groups would be used to help the Focal Points. The Internet group had met three times during the year. The Agency website went "live" in June and by the end of 1997 all 15 MS would be live. This was a very important development and owed a lot to the 4-country HSPRO-EU project. The Agency had established a National Editors network and it was planned to print the first edition of the Newsletter before Christmas, or shortly afterwards. Contributions from many MS had already been received. The Director had visited a number of MS in 1997 and recognised that building up a national network structure involved a lot of work. He hoped to visit all MS in early 1998 to discuss the issues involved.

Political priorities

13. The Agency had met DG/VF and the other Services of the Commission. According to its Regulation, the Agency should also develop contacts with the CEECs involved in the enlargement process and in this they had been helped by SLIC and by further meetings with the CEECs in Dusseldorf. These countries were very interested in gaining access to the Agency's information and co-operating with it.

14. As it was very important to develop relations with the Dublin Foundation, a draft MoU had been prepared and discussed by the Foundation's Bureau. The opinion of the Commission's legal services would be sought and a draft would be presented to the Agency's next Bureau and Board meetings. Contacts had also been developed with WHO and ILO and a possible exchange of letters was being explored, which would also be submitted to the next Board meeting to agree. The Director had visited USA and Canada and had found a lot of interest in the Agency's work.

Pilot projects

15. The TNG on National Priorities and Programmes had been the main project but in future the Agency would build on the questionnaires already issued, as well as holding seminars and meetings to develop ideas.

16. The Agency had been involved in a number of conferences including one in Seville in the spring; the 15 September conference in Bilbao organised jointly with the Luxembourg Presidency; the A+A conference in Dusseldorf in co-operation with the German Focal Point (attended by over 50,000 visitors) and recent conferences in Madrid and Lille in co-operation with the Spanish and the French Focal Point.

17. The Agency's financial administration had been improved following the Court of Auditors advice and the IT management was working well, both within the Agency and with the developments on Internet. Staffing would be described later in the agenda.

18. In reply, the Chairman congratulated the Director, the Agency staff and the Focal Points on what had been achieved in a very busy year. The results had only been possible through the synergy between the Agency and the Focal Points, for example the co-operation with Ireland over the establishment of the Agency's website. He asked for comments on the report and there was a detailed discussion that included the following points.

19. Dr Asherson (employers) also congratulated the Agency on an extremely prestigious range of activities. She suggested in future that the focus should be on involving the Board more in the Agency's activities so that they could play a more active role. She suggested that Board members could receive copies of questionnaires at the same time as they were sent to the Focal Points, so that they could explore how their constituent groups could help. It would also be useful for Board members to have the names of TNG members and a list of dates of major conferences and events that the Agency would be involved in, including Focal Point and TNG meetings. She suggested that Board members could help behind the scenes, especially in developing the involvement of the social partners in the national networks.

20. Mr Wilders (workers) was pleased to note that co-operation between the Agency and the Focal Points was continuing to develop. He had expressed concern at the last Board meeting about the involvement of the social partners in the national networks and was pleased to note Dr Asherson's remarks. His group would discuss this further to ensure the trades unions were satisfied with progress in this area but at present he felt satisfied with the situation.

21. Mr Clifton (UK Government representative) also congratulated the Director and his staff on the full programme of work that had been achieved and looked forward to receiving the NPP report. The UK had also learnt lessons from answering the

questionnaire, such as the need for care in integrating the views of the Government and the social partners into one response. As there was a lot of interest in the UK's response, they had put it on their website. However, he also warned that answering the questionnaire had involved a lot of work and the UK's response to future requests would depend on the resources available.

22. Mr Haigh (European Commission) also congratulated the Agency on its year's work and said the Commission was keen to see the final NPP report. He supported most of the comments that had been made, especially about transparency and said the Commission would help. He asked for a clearer explanation of the A and B points on the agenda.

23. Mr Walsh (Ireland Government representative) congratulated the Chairman and Director on the good work. He thanked the Director for his comments about HSPro and the Commission for encouraging HSPro's work.

24. Mr Boisnel (French Government representative) said that the NPP report was very important as it gave information on lessons learnt in other MS. He had looked at the draft report and noted that some MS gave different priority to different issues and if they had not included certain priorities in their replies, it could be dangerous to draw European conclusions from them.

25. The Chairman noted the detailed discussion of the Director's report, which had been an A point on the agenda, and agreed that it would be a B point in future.

26. In reply, the Director said he was happy to consider how the Board could be more actively involved in the Agency's work and in supporting the Focal Points but he wanted to avoid a parallel consultation process developing. He agreed to provide a list of activities and meetings dates, as well as the names of TNG members, so that Board members could develop contacts with the Focal Points. This information would also be placed on the Internet. The Agency had stressed the need to involve the social partners in the work of the national networks and he would be interested to hear the results of the workers' group discussion.

27. He added that for the NPP report, the Agency had wanted a consensus reply from MS but acknowledged that this was difficult to achieve. Some MS had commented that answering the questionnaire had led them to work together with social partners to prepare a reply. He acknowledged the difficulty of the task and stated that the next Agency questionnaire would take these problems into account. He confirmed that all national replies would be published in English and MS would publish their own language versions on their own server. It had not been easy to draft a summary because of the large amount of information provided by the MS, but it had been checked as far as possible. The Agency had supported a continued HSPro-EU project but it had unfortunately not been successful.

The Board noted, with approval, the Director's report.

Item 7: Date of next meeting

28. The Chairman proposed that the date of the next Board meeting, as recommended by the Bureau, should be 24 and 25 February 1998.

The Board agreed with these dates.

B points

Item 8: Election of new Chairperson and Vice-Chairmen

29. The Chairman explained that each group had to put forward a nomination for the Chairman and the Vice-Chairmen and had to note the nominations from the Commission. The Board also had to consider the position of Sr. Gómez-Hortigüela, whose position was originally agreed by the Board to give a direct connection to Spain as the host country of the Agency. The Chairman announced that the outcome of the Groups' discussion would be taken after item 10 on the agenda.

Item 9: Work Programme 1998 (A/97/14)

30. Introducing the Work Programme, the Director explained that input had been received from the Focal Points, the TNGs, national administrations and further comments received yesterday from the European Commission. He particularly wanted the Board to discuss the priorities for putting information on the Internet (point 5 of the Summary) and the Information projects (point 7 of the Summary). The Bureau had agreed that the description of the projects did not give enough detail about what would be involved at the national level. The order in the current version of the Work Programme gives priority to requests from the European Commission and to the work of the three TNGs. He also said that the project on waste proposed by the Commission had not been included because the Bureau considered there were not the resources available to do it.

31. The Chairman said it would be a heavy burden on Member States to put all safety and health legislation on the Internet. Guidelines and standards would be for the national authorities or social partners to explore with the Focal Points and systems and institutions were also for the competent authorities to explain. The work involved would need a lot of co-operation at Focal Point level.

32. Dr Asherson (employers) said that her group thought it was a very ambitious Programme and would have to be undertaken gradually, but they were pleased to see that it was transparent. The State of OSH project was extremely ambitious but also very important. The work on the self-employed from the Advisory Committee should not be lost as an issue. The group said that the Agency needs some 'quick wins', such as the seminar on the Information Society. They looked forward to seeing the results of the Practical Solutions – best practice project but it would take time. They felt that in both

research and practical examples of good practice, Upper Limb Disorders and Stress should be looked at. Campaigns should be dealt with in the future. They considered waste to be important and wanted the project reconsidered when there was the time and resources for it.

33. Mr Wilders (workers) said that his group considered the issues in the Programme were valid, with some being strategic and others delivering added value at the workplace. However, they thought it was rather difficult to see who the Programme was directed at. They fully supported the State of OSH and agreed with the follow-up of the TNG work, the seminar on the Information Society and Practical Solutions, but suggested a revised wording. On research, the group doubted whether the Agency should end up with a complete overview of research and wanted ULD and Stress included. They were interested in campaigns but Practical Solutions was a higher priority. They had also discussed how their representatives were involved by the Focal Points and experience showed that this worked in all MS except Belgium, who wanted to do it but did not know how to. They suggested that the Agency should give the Focal Points more time to deal with requests and that the Focal Points could also copy the requests to the workers' representatives.

34. Mr Weber (Governments) said that his group felt that most of the work would fall to them, so they wanted to divide the work between the social partners. Some of the group felt there was too much work and others that there was not enough. They felt that the first three items were the first priority and the others could be later. They also said it was essential to have the money to support the work on the projects, including the State of OSH and to set up the Topic Centres or expert groups for the other projects, so that the burden on the national administrations would be smaller.

35. Dr Hunter (Commission) said that their comments were the consolidated comments from the whole Commission. Mr Haigh (Commission) said that as the Programme was ambitious, the Legal Services had raised the question of it being compatible with the Regulation. These concerns had been resolved in the discussions he had had with the Director yesterday. He understood the difficulties with the waste project and said the Commission would then undertake some work on it that the Agency might be able to use. DG XI wanted to ensure that environment issues would not cause problems for health and safety. The budget line would be adjusted and the Commission would take care of the co-funding.

36. The Director confirmed that the final version of the Work Programme would be sent to Board members with the substantive changes marked. The changes made to the Summary after the group discussions and copied to all Board members present, were to the priorities in paragraphs 5 and 7. He read out and circulated to all Board members two new Mandates that had been drafted for the Bureau to oversee the same changes being made to the main Work Programme and to be consulted on the specific tasks of the Topic Centres mentioned in the Programme. Mr Wilders pointed out that musculoskeletal disorders needed to be included in the new Mandate number 5. The Chairman agreed.

The Board unanimously approved the adoption of the revised Summary of the Work Programme 1998 and of the two new Mandates for the Bureau, including the reference to musculoskeletal disorders.

Item 10: Budget issues

Draft statement of revenue and expenditure 1998 (A/97/15)

36. The Director introduced the budget discussion by explaining that in 1997 1 MECU had been held in reserve until September, which had made it rather difficult to manage. The lessons learnt from the Court of Auditors report and the Financial Control had been valuable and the final discharge of the 1996 budget was expected soon. It would be put to the next Board meeting.

37. Mr Oostens (Commission) said that it was the budgetary authority not the European Parliament who had recommended that the 1 MECU be held in reserve. The same situation could arise in 1998. The European Parliament had proposed an increase of the Agency's budget from 4 to 5 MECU, a 25% increase, while the overall social affairs budget had been cut. The European Parliament had decided that the 700,000 ECU was only for operational expenditure, so the paper A/97/15 needed to be revised and he would be happy to provide the necessary information.

38. A revised text of the paper was circulated on the second day of the meeting, A/97/15(revised), which included the information given by the Commission and the Chairman asked for the Commission's comments.

39. Mr Oostens commented firstly on the 1997 budget and said that the Commission had proposed being the budgetary authority. He said that the EP wanted to be more involved in the financial management of the Agency. The revised paper for the 1998 budget now reflects the EP's first reading with 700,000 ECU in reserve. The Director was going to speak to the EP's Social Affairs Committee next week and it could be released after that. The first reading had referred to the Work Programme and so the Agency needed to ensure the EP accepted it.

40. In relation to the documents A/97/16 a – c, he said it was important to have information on the Board's responsibilities for budgetary and management issues. It was also important to remember that a provisional commitment has to be made to cover any expenditure before any legal commitments are made. Some expenditure had been made without commitments and the Financial Control could have refused to accept this but they had not done so.

41. The Government and workers groups had no comments on the paper and the employers group welcomed the Commission's comments and said they would look at the Court of Auditors report.

The Board approved the revised draft statement of expenditure 1998 (A/97/15 revised) and approved the miscellaneous budget issues in documents A/97/16 a – c.

Item 8: Election of new Chairperson and Vice-Chairmen (cont.)

42. All the current postholders were nominated to continue except for the Chairman, as the role moves to the employers' group under the rotation procedure previously agreed by the Bureau. Therefore Dr Asherson was nominated as the new Chairperson and Mr Weber to continue as the Government Vice-Chairman.

The Board unanimously approved the election of the new Chairperson, the re-election of the Vice-Chairmen and the continuation of Sr.Gómez-Hortigüela's role.

43. Mr Weber, the outgoing Chairman, reflecting on his term of office, said that it had been a pioneering period when the new Director, supported by his staff who had shown 200% commitment, had created the Agency with a place on the European scene and in the MS. He said that the Agency's tight deadlines had created an enterprising spirit in the national administrations, who had also to learn to make a lot more information available than before. This information was of vital importance for the health and safety of all workers. He had also seen the development of the four-way partnership represented by the Board and of the partnerships in the Focal Point networks. He now thought more time was needed for the Focal Points in particular to validate the information they collected. His goal was to have health and safety fully integrated into European culture and he could see that the work of the Agency was contributing to that. He thanked the Director and his staff for their commitment and support.

44. The Director presented a gift to the Chairman to commemorate his Chairmanship and, via the Irish employers' representative, to Mr Walsh as the first Chairman of the Board. He thanked Mr Weber for his support in the previous pioneering year and, on behalf of the Agency and the Secretariat, for the professional way he had run the Bureau and Board.

45. Dr Asherson, the new Chairperson thanked the Board for its confidence in her and stressed that any Chair is only as good as the team. She wanted her year to be good business but to be fun as well. She also expressed her appreciation of the Agency's staff for their work and looked forward to the permanent staff taking forward the work. She wanted to ensure the Agency integrates everyone involved in health and safety, learning from national systems and providing information to those who need it. She said the Agency needed the best information on the Internet to compete in that world. She looked back on some superb products such as the conferences, presentations at events, publications especially the NPP report which set a benchmark for future publications.

46. The Director welcomed the new Chairperson and introduced the Agency's 1996 Annual Report, a few copies of which were available in English and Spanish. Mr Wilders welcomed the new Chairperson and said he was confident of future successes with her.

He thanked the previous Chairman for his hard work and the calm way he dealt with conflict and succeeded in bridging differing opinions. Mr Haigh passed on thanks from Commission colleagues to Mr Weber and praised his calm and pragmatic methods. He also warmly welcomed the new Chairperson.

Item 11: Any other business

47. Mr Clifton (UK Government representative) congratulated the new Chairperson and thanked Mr Weber. He circulated a list of events taking place during the UK Presidency and mentioned some of the UK's legislative priorities including the Directives on scaffolding, carcinogens, chemical agents and the contained use of GMOs. He stressed that the new Ministers were keen to show positive support for the EU and for taking forward health and safety issues.

Secretariat,
Bilbao
December 1997