

**MINUTES OF THE 15TH MEETING OF THE ADMINISTRATIVE BOARD OF THE
EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK.
BILBAO, 6/7 NOVEMBER 2001**

The **Chairwoman** welcomed those present and

New members:

Mr. Tom Beegan attends for the Irish government until his nomination is formally confirmed

Mr. Eric Jannerfeldt attends for the Swedish employers until his nomination is formally confirmed

Mr. Pere Teixidó Campás attends for the Spanish employers until his nomination is formally confirmed.

And noted apologies from:

Mr Ahtela (employers, Finland)

Mr Bodin (observers, European Foundation)

Ms Díaz Ojeda (workers, Spain) for whom Mr Carcoba attends.

Mr. Fernández Sánchez (government, Spain)

Ms Ferraro (government, Italy) for whom Ms Rocca-Ercoli attends.

Ms Frenkel (employers, The Netherlands) for whom Mr Koning attends.

Ms Gibson (workers, United Kingdom) for whom Mr Tudor attends.

Mr Laterveer (government, The Netherlands) for whom Mr Middelplaats attends.

Mr. Lehr (employers, Germany)

Mr. Heselmans (government, Belgium) for whom Mr. De Coninck attends

Mr Pena Costa (employers, Portugal)

Mr Rasmussen (workers, Denmark)

Mr. Stanzani (workers, Italy)

Ms. Szymanski (government, Austria) for whom Ms. Breindl attends

Item 1 – Adoption of the draft agenda (A/01/A2)

The following documents were tabled:

- Director's progress report update A/01/20
- A formatted Draft Budget paper A/01/25 (content unchanged)
- Revised staff list A/01/28

With these amendments the agenda was adopted.

Item 2 – Minutes of the last meeting, 15-16 March 2001 (A/01/M1)

Mr Boisnel expressed his appreciation of the more detailed minutes and his desire for greater detail in the recording of questions.

The Board adopted the minutes.

Item 3 – Action points arising out of the minutes (A/01/18)

The action points were agreed without comment.

Item 4 – Election of new chairperson and Bureau (A/01/19)

The **Chairwoman** proposed a representative from the Workers group as the next Chair, based on the system of rotation between the groups and the continuation of the Spanish Government representative as the additional ‘may also take part’ member of the Bureau.

For the Workers group, **Mr Sapir** proposed Mr Wilders as the next Chairman and himself as the ‘may also take part’ member to the Bureau.

For the Employers group, **Ms Schweng** proposed herself as member to the Bureau and Ms Waltke as ‘may also take part’.

For the Government group, **Mr Clifton** proposed Mr Remaeus as member to the Bureau and Ms Breindl as ‘may also take part’.

For the Commission, **Mr Biosca** proposed Ms Alexopoulou as member to the Bureau and himself as ‘may also take part’.

The Board elected the proposed Chairman and Bureau members.

Item 5 – Director’s Progress Report (A/01/20)

The **Director** introduced the report on the activities of the Agency from March to October 2001 and tabled a brief update, including the following annexes:

- List of Good Practice Accident Prevention awarded and commended examples
- List of SME Funding Scheme awarded projects
- Web statistics

The **Director** asked members not to pass the list of Good Practice winners to the press. The successful SME scheme applicants have been informed, but contracts have not been signed, therefore the list should not be considered as final.

A slide presentation was made by the **Director** and this follows as Annex I.

As the Chairman of the jury that selected the Good Practice award winners, **Mr Clifton** remarked upon the very high quality of examples submitted from all member states. Fourteen countries were represented among the winning and commended examples and the award is a good example of the Agency adding value and providing practical workplace examples.

The Board noted the report with no further comments.

Item 6 – Designation of Topic Centres (A/01/21)

The **Director** informed on the background to the preparation of designation of two new Topic Centres on Good Practice (incorporating systems and programmes) and on Research, to replace the earlier ones:

Account has been taken of the Agency evaluation recommendations concerning the Agency network structure.

As a result of previous Topic Centre experience and discussions with Focal Points and Bureau, it was decided to form two large Topic Centres along the lines of the earlier Research Topic Centre.

A direct link between Focal Points and Topic Centres has also been agreed upon, but the decision on the type of link is for Focal Points.

The procedure followed by the Agency has aimed to provide the greatest possible coverage of member states and the same model has been used as for the first Topic Centres, that is, based on the Regulation and the Environment Agency model. A grant agreement, based on a model previously agreed by Financial Control was used. A call for proposals was made to 87 organisations that were nominated by the Focal Points.

Unfortunately, only one proposal was received for each of the Topic Centres, due the few institutions capable of forming consortia from a broad range of member states with the expertise necessary to carry out such complex tasks. Therefore, the evaluation committee was very rigorous in its examination of the proposals before deciding to accept the two proposals. The Agency proposes a grant agreement with the Topic Centres for up to 100% funding.

Project Manager **Markku Aaltonen** made a slide presentation of the evaluation committee outcome and this follows as Annex II.

Mr Biosca commented that although he had few doubts regarding the qualifications of the proposed Topic Centre members, the suggestion of funding up to 100% leads to important reservations. The characteristics of the arrangement make it appear to be a contract for services rather than a subvention and as such it would be subject to the rules governing these. The funding should be reduced for these Topic Centres to less than 100% and the issue needs to be examined by the Agency for the future.

The **Chairwoman** asked the groups to decide firstly on procedure, secondly that the final contract is on a co-funding basis and finally what procedure should be followed in future: a call for tender or call for proposals.

The following clarification points were made.

Ms Breindl expressed her hope that the resource problems encountered with the first Topic Centres would not be repeated. The Director replied that rather than resources, the problem was related to flexibility and the range of topics that the Topic Centre was capable of undertaking. The proposal for 2002 is that the broader-based Topic Centres carry out most of the Agency's activities in research, good practice, systems & programmes and web development in these areas. Only the areas of the work programme not in their scope will go to independent consultants and at this point this includes only OSH monitoring related tasks.

Mr Clifton drew attention to document A/01/27 for an explanation of Topic Centres' role.

Mr Briscoe queried whether a co-funding arrangement is realistic for this type of work and expressed concern at the possible overlap of work between the two Topic Centres. There is an added risk with the participation of some organisations in both Topic Centres.

Mr Oostens described the principal characteristics of calls for tender, leading to contract, and calls for proposals, leading to subsidy. Established criteria decide whether an agreement constitutes a contract or subsidy. These include which party specifies the terms of reference, which retains ownership, whether there is co-funding and whether payment is of real costs or set price. The rights and obligations vary greatly between the two cases.

Ms Perimaki observed that according to the Agency's evaluation of the proposals some of the tasks of the Topic Centre on Good Practice that are important for workers and SMEs are not satisfactorily covered. There appear to be doubts over how they will be carried out and there is a need for the misunderstandings to be resolved.

Mr Aaltonen clarified that although the evaluation committee considered that the Topic Centre did not properly understand some of the requirements, these will be resolved by means of clarifications in the technical annex. The leader and organisations making up the consortium have good experience of providing and validating good practice examples.

Following group discussions, the following interventions were made.

Mr Jepsen reported that the employers group accepts the Topic Centre designations under the condition that the legal and practical questions are resolved correctly.

For the government group, **Mr Clifton** agreed the designation and made the following comments. It is regretted that there only one tender was received for each Topic Centre, as this does not leave much to decide. The Agency must follow the rules and procedures properly and resolve any problems before putting the issue to the Board. The Commission and Agency need to ensure that they work well together at all times. The Agency is requested to use calls for tender in future so that a contract is made with full funding and the ownership of Topic Centres' output is retained. The lead organisation should have an expert input role and not be only a manager, as this is a task that the Agency could undertake.

For the Commission, **Mr Biosca** agreed the designation with the same reservations as have been made by the other groups. The agreement is considered to be a contract for the supply of services and as such it must adhere to the relevant rules. There is no issue here of better co-ordination with the Agency. The Commission representative raised the irregularity as a member of the Board as soon as becoming aware of it. The Board has ensured future conformity with the rules and procedures.

Mr Sapir expressed the workers group's agreement to the designation and regret at the confusion that has arisen, originating from the Agency's Regulation. The Agency must check that its relationship with the Topic Centres follows the Commission's rules. The Agency must take into account that a co-funding arrangement would make the Topic Centre consortium fragile and the output would not belong to the Agency. Mr Wilders added that the weaknesses identified by the evaluation committee must be resolved either through the technical annex to the contract or, if this is not possible, through either subcontracting by the Topic Centre or other arrangements with third parties by the Agency.

The **Chairwoman** summarised that the Topic Centres are fully accepted as regards their competence, but the Agency must ensure the financial status is clarified and that, in the event of a subsidy, the co-funding aspect is solved. Future agreements should be based on a call for tender.

Subject to these points, the designation of the Topic Centres is agreed.

Item 7 – Mandates for Agency's TNG expert groups (A/01/22)

The **Chairwoman** reminded members that there are currently four Thematic Network Groups and that due to the reduction in Topic Centres to two, the decision for the Board is on whether to reduce the TNGs also to two. The Bureau concluded at its meeting that the decision on the content of the mandates should be put to the Board at its meeting in February 2002 so that there is sufficient time for discussion.

The current TNG mandates, approved by the Board in November 1998, were tabled at the request of **Mr Sapir**.

Following the group discussions, the Board agreed that:

The TNGs will be reduced from four to two on the basis of the current mandates.

Revised mandates will be submitted to the Board for decision at its next meeting.

Item 8 – Draft work programmes (A/01/23)

The **Director** and **Ms Christa Sedlatschek**, Programme Manager, made slide presentations introducing the Agency work programme, incorporating project sheets. These follow as Annexes III and IV.

The following clarification points were made.

Mr Sedes emphasised the importance of the agriculture sector, due to the very high risk and the large number of workers involved, and urged the Agency to address the topic. The Director replied that the Board should set the priorities for the Agency.

Mr Boissel asked whether there is a transfer of funds from the Agency to member states to fund national activities. The Director clarified that the draft budget includes €1.5M for European Week that will cover administration and preparation of promotional material, as well as co-funding national activities. The evaluation of the European Week recommended that a better use of funds would be achieved through ‘seed money’ that Focal Points would allocate and so stimulate national activities.

Mr Horst asked for clarification of the plans for the European OSH monitoring project, as the first state of OSH project was very problematic. In particular, how will improvement be assured and how will the work of the Commission and Dublin Foundation on indicators be integrated. The Director agreed that it is essential to learn from the experiences of the first study and from the subsequent evaluation. The first step will be to organise a seminar to make an inventory of tools for OSH monitoring used in member states. A new state of OSH study depends on the development of a new concept and this would incorporate the work of the Commission and Dublin Foundation.

Mr Biosca requested information on the Agency’s allocation of human as well as financial resources to its different activities in order to be able to decide on the work programme. The Director confirmed that the Agency would supply this information in the form of a more detailed breakdown of the activity-based budget.

Following group discussions, the following interventions were made.

For the workers group, **Mr Sapir** made the following remarks:

- The Agency must ensure that the Advisory Committee on Hygiene, Health and Safety (ACHHS) is consulted on the work programme before it is adopted by the Board.
- The Agency’s work programme should be in line with the European strategy, especially as regards collection and distribution of data and it should play a key role in this. It should also be enriching concepts such as good practice.
- Resources are a key element of the work programme and need to be resolved. Regarding the SME funding scheme, the Commission is urged to approve a legal base for an SME programme in the light of the Nice agenda. The group regrets the demise of SAFE.
- The Agency should always give added value.
- Target groups mentioned in the project sheets are still too vague and very often are decision-makers.
- Regarding OSH monitoring, the collection of information at national level is a key activity that is essential to the development of strategies and policies. The group considers that the project objective is very ambitious and unrealistically broad; it should be more

focused. The Board must be involved during the process to ensure clear backing. Qualitative aspects should be focused upon rather than quantitative as these are covered by other institutions. Ensure social partner involvement at national level in data collection, especially workers.

- In respect of the European Week, the Agency needs to consider what types of public event are the best for spreading preventive culture. The workers group agrees with the proposed theme and financial provisions but asks the Agency to ensure the participation of social partners in a co-decision procedure in the administration of seed money. It must also be ensured that all member states receive the funding and that sufficient time is allowed for proposals to be made.
- The workers group considers that the European Week Good Practice awards selection has not been carried out in line with the criteria and that the cases in practice are far removed from these. Caution is advised in general regarding awards as these may be cited in legal proceedings. The award process should be integrated at national level using common criteria.

For the government group, **Mr Clifton** made the following remarks.

- The proposed workshop on OSH monitoring is agreed as this represents a finalisation of the first study. Caution is advised regarding starting a second study on the state of OSH. The Agency should participate in the ongoing related work, such as on indicators, before proceeding with a new study.
- There is general support for the proposed sectoral approach, particularly for fisheries in 2002 and for agriculture in a future work programme. Education is supported with mixed views. Construction is considered appropriate but the government group notes that it has already been widely studied. Hotels and restaurants are a lower priority.
- The government group strongly supports the European Week initiative and is happy with the future topics proposed. It calls on the Agency to ensure a stronger emphasis on best practice and that the products give long term benefits. The Good Practice awards are an example of this. As chairman of the award selection jury, Mr Clifton commented that the criteria were followed closely and included significant worker participation and not only enterprises. The Agency must solve the problem of the three member states that are currently not able to receive funds from the Agency. The purpose of the seed money funding must be clear and as should be the administrative and accounting issues.
- The SME scheme needs a secure legal basis. The group supports the Commission's call for clarification by the Agency of its use of human as well as financial resources.

For the employers group, **Mr Jepsen** endorsed the comments of the other group spokesmen and made the following remarks.

- The employers group emphasises the complexity of the OSH monitoring project and the importance of close Board involvement.
- The comments of the workers group on the European Week Good Practice awards are supported and there is a call for Focal Points to include social partners in the data collection. There is support for the choice of dangerous substances as topic for European Week in 2003, but a request to widen the scope beyond organic solvents. The Agency should also be aware of work at the European level on chemical agents and incorporate this in the project.

- Education should be considered as a sector for 2003 as this may provide input to the work on development of a preventive culture. Agriculture should be given higher priority than construction as sector for 2004 as it represents a greater focus on SMEs.
- Regarding proposals on the changing world of work, the employers call on the Agency to ensure that prevention of risks is given the same importance as identification of risks.

Mr Biosca made the following remarks for the Commission.

- The work programme is agreed in general, but doubts remain over resources, particularly human resources, and it is suggested that these aspects be included in time for the ACHHS consultation. The Board must be sure that work programmes are realistic.
- The Agency needs to consider how it deals with information collected from member states and how it makes it available to workers etc.
- The Commission has reservations regarding awards; it must be ensured that these are not given merely for meeting legal requirements, but that they reflect innovation.
- The groups' comments on sectors are supported, as is the Agency's focus.
- There are important lessons to be learnt from the first State of OSH study, particularly the need for clearly defined objectives. The project is moving from aiming to provide a 'snapshot' of OSH to an ongoing 'surveillance'. The Agency should first consider what is currently available and start with a study of how member states monitor their own state of OSH. This 'inventory of methodologies' should be followed by a Board discussion on how to proceed. The Commission has grave doubts regarding the work being carried out elsewhere on indicators and supports the Agency's stepwise continuation of the project with full Board involvement.

Mr Tsamoussopoulos highlighted the innovative example of worker involvement in Greece on page 146 of the Agency's publication 'How to reduce workplace accidents'.

Mr Horst called on the Agency to play a greater role in the administration of financial payments and not put excessive burden on the Focal Points.

The **Chairwoman** drew the following conclusions.

There is a need for the project sheet on OSH monitoring to be revised as it is currently too broad. It should include an inventory, followed by a workshop and be proposed, with further detailed plans, for adoption by the Board at its next meeting in February.

Strong support has been expressed for the fisheries sector in 2002, with the suggestion that the Agency follow with the education sector in 2003 and agriculture in 2004. Hotels and restaurants sector is seen as low priority.

Themes proposed for European Week are agreed, with the proviso that the Agency widens the scope of the theme of dangerous substances beyond organic solvents. The concept of 'good practice' should be developed in the direction of 'best practice'. Financing must include all Focal Points and must not give them an excessive administrative burden.

Improved planning and a clearer overview of activities are needed in the work programme presentation. This must include a more detailed description of the financial and human resources allocated to ongoing as well as new activities.

All future SME schemes must have a proper legal base; the Commission is called upon to propose this.

Mr Sapir added that the Agency should ensure that the good practice award criteria are properly applied before moving towards best practice.

Subject to these amendments and consultation with the ACSHH, the Board agreed the work programmes.

The **Director** welcomed the Board's comments and agreement of the work programmes. He called on the government members to ensure support for the Agency's budget at Council, as planning is difficult with a process that is so unpredictable. The Agency will propose an open evaluation of the good practice awards process that will include Focal Points. European Week seed money will be administered in the same way as the Focal Point subsidy and member states currently not in receipt of this are urged to explore all the possibilities offered. The administrative burden will be kept at a minimum. The pre-Board seminar in February 2002 will focus on good practice and will include an overview of the Agency's activities to date.

Item 9 – Review of Mandates for the Bureau - November 2001 (A/01/24)

The Board agreed the current mandates as summarised in paper A/01/24.

Item 10 – Budget matters (A/01/25)

Mr Pijuan, head of administration, introduced the draft budget, commenting that the final accounts and revenue sources remain unchanged from the preliminary draft budget adopted by the Board at its March meeting.

For the Commission, **Mr Oostens** described the current situation as regards the budgetary procedure. The original proposal of €9M was reduced by the Council to €6.94M. The Board requested €1.5M for European Week and €0.7M for cost of living increase. The presentation of all Agencies' budgets has changed this year as their budget lines are split into two sub-lines, one for Agency's staff and administrative expenditure (titles 1 and 2) and a second for Agency's operating expenditure (title 3). The Commission has requested the European Parliament to reconsider this change. The Agency compares badly with other Agencies as regards average cost per person employed by the Agency, as only temporary agents are counted in the calculation; these must be better explained in future.

Mr Sapir asked for clarification of the impact on the Agency's work programme in the event that it receives €4M for the SME scheme.

Mr Boissel asked whether the 52% budgetary implementation would improve and queried the lack of explanation of the potential 60% increase in operational budget if the SME and Phare funding is approved.

The **Director** informed about the continuation of the SME scheme at European Parliament level and the problems with availability of budget. These items therefore appear as 'p.m.' in the draft budget. This also applies to Phare funding. The concerns regarding the impact on the Agency's work programme are the same as last year; therefore a similar strategy will be followed. An SME team was formed, consisting of one project manager together with local and auxiliary staff recruited on a temporary basis. An evaluation is underway. The terms and conditions of funding need to be explored with the Commission to ensure provision for sufficient administrative resources. The Agency would not accept a scheme that affected the execution of its work programme. The Director clarified that the 2001 budget implementation is low because of the SME co-funding and that, when this is excluded, the figure is 90%.

Mr Thillaud asked why the European Parliament wished to remove the management element from the funding and whether the scheme is still lacking a proper legal base.

Mr Oostens remarked that the Commission considers that the Agency is better positioned to manage the SME scheme budget line and will write to the European Parliament regarding this before the proposal receives its second reading. Mr Oostens further explained that, although the European Parliament wishes the Commission to prepare an action programme on safety in SMEs, it does not want to do this because the SAFE programme was rejected by Council. There is still no legal basis for the programme, but this does not prevent preparatory actions.

Following group discussions, the following comments were made.

Mr Clifton, on behalf of the government group, agreed the draft budget with two comments. The Agency should improve the 2001 budgetary spend committed, currently 54%. The group also regrets the large number of unknowns in the draft budget.

For the Commission, **Mr Oostens** commented that the draft budget corresponds to the situation at its first reading. The Agency then has to amend its proposed budget to reflect changes. Regarding the uncertainties in the budget procedure, these are due to the horizontal solution to Agencies' budgets taken by finance ministers. Inconsistencies in government group attitudes are usual and reflect the involvement of different government departments.

Mr Jepsen, for the employers group, agreed the draft budget as part of the work programme.

Mr Sapir, representing the workers group, agreed the draft budget and emphasised the importance of the European Week. The sum allocated to member state level should be as high as possible to maximise efficiency and impact through national projects.

Mr Boisnel emphasised the importance of following budgetary rules and procedures. In future, irregularities such as the extra funds from the SME scheme, Phare funding, etc. should be avoided.

The Board adopted the draft budget 2002.

Item 11 – Proposed dates for Board meetings in 2002 (A/01/26)

The dates proposed in paper A/01/26 were approved.

The date of the final Bureau meeting of 2002 was given as 25 November.

Item 12 – Any other business

The Board thanked Mr Clifton for his contribution to the Board and Bureau. The Board thanked outgoing chair Ms Schweng and congratulated Mr Wilders on his appointment.