

**MINUTES OF THE 18TH MEETING OF THE ADMINISTRATIVE BOARD OF THE
EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK.
BILBAO, 19 FEBRUARY 2003**

The **Chairperson** welcomed those present and

New members:

Ms. Véronique Cazals (employers, France).
Mr. Pat Donnellan (government, Ireland)
Mr. Paolo Onelli and Ms. Ana Maria Faventi (government, Italy)
Ms. Susan Mawer (government, UK)

And noted apologies from:

Mr. François Engels (employers, Luxembourg)
Mr. Leodegario Fernandez (governments, Spain)
Mr. Bernhard Jansen (European Commission)
Mr. Reiner Lehr (employers, Germany)
Mr. François Philips (workers, Belgium)
Ms. Odile Quintin (European Commission)
Mr. Pere Teixidó (employers, Spain)
Mr. Raymond-Pierre Bodin (European Foundation) for whom Mr. O'Shea attends.
Mr. Antonios Christodoulou (government, Greece) for whom Ms. Pissimissi attends
Mr. Mel Draper (government, UK) for whom Ms. Mawer attends
Mr. Patrick Levy (employers, France) for whom Ms. Cazals attends
Mr. Marc Sapir (observer, TUTB) for whom Mr. Viktor Kempa attends.

Item 1 – Adoption of the revised draft agenda (A/03/A1 rev)

The following documents were tabled:

- Director's Progress Report update and annexes (A/03/02)
- Discharge to the Director: Recommendation from Council Budgetary Committee (A/03/03b)
- Joint Opinion on future of Administrative Boards (A/03/10)
- Revised draft agenda (A/03/A1 rev)

The revised draft agenda was adopted.

Item 2 – Minutes of the last meeting, 26-27 November 2002 (A/02/M2)

Ms Waltke informed that she would forward comments to the Agency, but that these comments only concerned her own statements in the minutes.

There were no further comments.

The Board adopted the minutes on the condition that the comments to be forwarded by Ms Waltke would be included.

Item 3 – Action points arising out of the minutes (A/03/01)

The chairperson informed about the follow-up done by the Agency.

The action points were agreed.

Item 4 – Conclusions from Pre-Board seminar

The chairperson presented the major conclusions from the pre-board seminar (please see annex 1 for the conclusions modified in the light of the Board's comments).

Mr Lopes remarked that if mining was to become a theme for the European Week it should form part of a European Week on Extractive Industries. Furthermore, a European Week on Construction should have as broad a scope as possible and include among other issues Falls from heights.

Mr Biosca commented, that as falls from heights was a frequent problem in the construction sector the SLIC campaign 2003-2004 was focused on this issue.

With these comments the Board noted the conclusions.

Item 5 – Director's Progress Report (A/03/02)

The **Director** introduced the report on the activities of the Agency from November 2002 to February 2003 and tabled a brief update, including the following annexes:

- Overview of contacts between external sources and the Agency
- Agency publications
- List of attended external events
- List of Agency events and meetings
- Web statistics
- Scoreboard on the progress of Information Projects.

The Director drew attention to the following issues:

- The Agency has received a 2nd Phare programme
- The Agency is in the process of implementing the new financial regulation which sets a new and more strict framework for the Agency's financial activities
- A new version of the Europe web-site will be launched very soon.
- As a result of the cooperation initiated with SLIC the Agency factsheet, Preventing Accident Prevention in the Construction Sector would be republished.
- The themes for the EU-US conference have now been agreed.

The Board noted the report with no further comments.

Item 6 – Budget matters/Financial matters

The three sub-items under agenda item 6 were taken separately:

A. Draft Budget 2004 (A/03/03a):

The Director introduced the item and stressed that the budgetary and planning exercise for 2004 is a special challenge due to the enlargement. However, the Agency suggests to divide the 2004 budget discussion in two: 1. The 2004 budget as if there were no enlargement, i.e. a budget for the EU-15, and 2. The 2004 budget for an enlarged European Union.

Regarding the 2004 EU-15 budget: The estimate is based on the following assumptions:

1. A 5 per cent price increase, which is reflected in the title 1 figures;
2. An unchanged activity level in 2004, except;
3. An appropriation of 500.000 euros for a Risk Observatory (reflected in title 3 and which does not include the resources for the two necessary staff).

This means that compared to 2003, the Board is invited to approve one change: The 500.000 euros for the Risk Observatory. The 500.000 euros is an estimation based on the budgets of other comparable observatories at EU-level, including the ones run by the Dublin Foundation.

Regarding the budget for the Agency in an enlarged EU: The Agency has made a budget line by budget line review of the consequences of enlargement. On this basis the Agency has calculated that the Agency expenditures will increase with 56 per cent or 5,9 million euros as a result of enlargement. The enlargement has special consequences for an organisation like the Agency due to its network structure. At the same time the Agency has to make sure that full and equal integration of the 10 new member states takes place. A phasing-in model is not viable. The main elements of the enlargement budget were presented by title.

The Board will be invited first to agree on the EU-15 budget for 2004, then to agree on the impact of enlargement and finally to adopt a resolution on the impact of enlargement which would be communicated to the European Commission, the European Parliament and the Council. Based on more specific information from the Commission, the Council and the Parliament the Agency and the Bureau would then through 2003 amend the budget in accordance with the new parameters, and the budget would finally together with the Work Programme for 2004 based on the available resources be adopted by the Board in November 2003.

The Director introduced the major points that could form part of a resolution.

Ms Schweng made the following comment regarding the EU-15 budget on behalf of the employers' group:

- The assumption of a 5 per cent price increase requires explanation

Regarding the enlargement budget **Ms Schweng** commented:

- A 2004 budget 56 per cent higher than the 2003 budget is a very big increase
- The Agency will have to set stronger priorities and to increase efficiency
- The language issue is important and especially when it comes to SME information, there is a need for translation into all languages
- The estimated number of extra posts needed requires more explanation
- The employers are not able to give an exact figure, which would be acceptable for them, but it should be less than 56 per cent and when redrafting the budget, it should be taken into consideration that a stronger prioritisation is possible.

The Director remarked that the 5 per cent price increase was based on the expected general inflation and the specific price/cost of living development as well as developments in salaries and career development of Agency staff.

The 56 per cent or 5,9 million euros increase as a result of enlargement is the result of a careful analysis of the different budget lines and the consequences of enlargement. Even with the enlargement budget presented to the Board, the Agency would have rather low staff and running costs compared to operational costs. The efficiency and prioritisation discussion should be seen in this context.

The increase in local staff is explained by the fact that many administrative tasks at the Agency are carried out by local staff instead of temporary agents. This approach has enabled an increase in Agency production while keeping salary costs down.

The discussion about how to prioritise Agency activities would, according to **the Director**, be more fruitful when the more exact budgetary framework was known. Then the Agency and the Bureau could initiate and prepare the Board decision.

Mr Remaeus gave the following comments regarding the EU-15 budget on behalf of the governments' group:

- As the employers, the governments had also found the 5 per cent price increase very high
- A further explanation for the 500.000 euros for the Risk Observatory was needed

Regarding the enlargement budget, **Mr Remaeus** remarked:

- The government group wanted to know if there were any legal problems in including the SME appropriation and the Phare programme in the Agency budget
- On the existing basis the government group was not prepared to accept a budget increase of 56 per cent.

The Director replied that the 500.000 euros for the Risk Observatory was an estimation based on information about other observatories at EU-level which typically operated with a 0,5 to 1 million euro budget. Regarding the question of legality, the Director stressed that this has been implicitly addressed by the Commission's DG Budget when agreeing on the inclusion of the SME budget under the Agency's budget lines and by DG Enlargement when taking a positive decision and signing a Phare contract agreement with the Agency.

Mr Biosca remarked that the Agency regulation gives the Agency the possibility to run a SME programme. Without prejudice to a more careful legal analysis, there should be no legal problem in including the SME programme and the Phare programme in the Agency budget.

Mr Lopes reminded, on behalf of the workers' group, the Board, that the support for the Risk Observatory in November had been conditional on the availability of extra resources. This viewpoint was shared by all groups in November.

Regarding the enlargement budget, **Mr Lopes** remarked on behalf of the workers' group:

- It is important that the necessary resources are available for the enlargement
- Taking into account the language problem and the necessary translation one possible future solution could be to produce fewer new products and translate more of the existing products.

Mr Biosca remarked regarding the Risk Observatory, that if 500.000 euros was too much or too little had to be seen in the light of, what the Board decides the Risk Observatory should do. Regarding the enlargement, **Mr Biosca**, commented that in principle there are 12 per cent

extra budgetary resources available for 2004. The Agency will have to add more details to its budget, and the Agency should be realistic in its expectations, as a 56 per cent increase is far beyond the possible. Therefore it was advised that the Agency clarifies which activities will have to be stopped if the budget is only increased with e.g. 20 per cent. It should also be clarified where efficiency gains were possible.

The Chairperson made the following conclusions:

1. The Board agrees with the support of the three interest groups the director's preliminary draft Agency budget for the EU-15.
2. The Board agrees further that, there is a need for a substantial increase in the Agency budget due to the enlargement, but as the Board does not have the full picture neither as regards the detailed impact assessment of enlargement nor the overall budget situation regarding enlargement it cannot agree on a precise draft budget for the 10 new member states.
3. The three interest groups of the Board adopt unanimously a resolution on the Agency's crucial role as regards enlargement with a view to safety and health in the European Union (see annex 2).

B. Report of the Court of Auditors and discharge to the Director in respect of the implementation of the Budget 2001 (A/03/03b)

The Director explained the situation following the adoption of the new financial regulation. So far the discharge to the Director had been given by the Board. However, from 1 January 2003 the discharge would be given by the European Parliament. This notwithstanding, the Agency found that it would be natural that the Board at least expressed its opinion on the discharge. Therefore a draft opinion had been sent in advance of the meeting.

Ms Schweng asked on behalf of the employers, why the Board was asked to adopt the opinion and if there would be any legal problems in adopting the opinion.

Mr Biosca remarked, that there would be no legal problems in adopting the opinion, and that the opinion would have no legal importance.

The Director explained that it would be useful for the European Parliament to know the Board's opinion on the discharge once the European Parliament would have to decide on the issue.

Ms Schweng stated, that given the opinion would have no legal importance and given that the Court of Auditors had expressed a positive view and the Council had supported the discharge be given, the employers could accept the adoption of the opinion.

Mr Lopes and **Mr Remaëus** gave their support to the adoption of the opinion on behalf of the workers' and the governments' groups on the same conditions as the employers.

The Board opinion on the discharge to the Director in respect of the implementation of the 2001 budget was adopted.

C. Amendments to the 2003 budget (A/03/03c)

The Director explained that it was necessary to amend the budget for 2003 adopted by the Board in November 2002 in order to include the figures following the final Parliament decision in December 2002.

The Board approved the amendments.

Item 7 – Meeting Dates 2003 – revised

The Director explained why this issue was on the agenda, after the Board in November 2002 had decided the meeting dates for 2003. After the November Board decision the Commission had informed the Agency, that the coming Italian presidency was planning a SLIC meeting the same days, that the Board had planned to have its autumn meeting. The day before the February Board meeting however, a meeting had been arranged between the coming Italian presidency and the Agency in which the Italian presidency had stated its willingness to find another date for the SLIC meeting.

The Board confirmed its decision from the November Board meeting about the 2003 Board meeting dates, i.e. autumn Board meeting 25 and 26 November.

Item 8 – Any other business

Mr Onelli informed that the coming Italian presidency in early October will arrange a major event on health and safety in SMEs in Rome together with the Agency. It will include 4 workshops on the following themes: 1. Corporate Social Responsibility; 2. Dangerous Substances; 3. Mainstreaming of OSH into education; 4. 'Promoting safer and healthier work in Europe's SMEs'. Mr Onelli invited the Board members to attend the event.

The Chairperson reminded the Board of the written procedure, which was initiated 24 January in order to get the decision on two non-automatic carry-overs approved. The Agency has not received any objections to the decision. The deadline for raising objections was 7 February. The Chairperson asked if the decision hereby could be seen as approved.

There were no objections.

The decision on two non-automatic carry-overs was confirmed.

Ms Pissimissi reminded the Board of the problem raised during the pre-Board seminar for the countries not covered by the Phare programme.

The Director suggested the following based on Bureau discussions about the same issue:

1. The Agency and DG Employment contact DG Enlargement to discuss what can be done for the 3 non-Phare countries.
2. If there cannot be found a solution with DG Enlargement, the Agency will look into its own budget in order to find a solution.

The Board agreed the two-step approach suggested by the Director regarding the 3 non-Phare countries.

Annex 1 – Conclusions from Pre-Board seminar

Conclusions regarding the Community Health and Safety Strategy:

- EU Charter of Fundamental Rights – Article 31(1) – “every worker has the right to working conditions which respect his or her health, safety and dignity”
- Candidate countries are not homogeneous and actions should be adapted to their specific needs in order of priority
- Both the OSH acquis and the Strategy need implementing via National Action plans with quantified reduction targets – Commission will report on Community Strategy via Social Policy Agenda Scoreboard

- Need for better understanding of rights and obligations of EU legislation, such as the framework directive and social partner involvement and obligations on both workers and employers
- Effective benchmarking and measuring of progress under Strategy (e.g. work begun by Commission, Eurostat and Agency)
- Important role of Labour Inspection and transfer of know-how (e.g. SLIC)
- Need to raise awareness at the workplace level, especially in SMEs
- Need for technical assistance for employers and workers + transfer of know-how in EU health and safety social dialogue practices (e.g. B3-4000 budget lines of the Commission)
- End of PHARE - ESF help fill the gap? Need for multi-annual enlargement programme
- (Vocational) Training and Education at all levels (possible use of ESF, Leonardo, etc) Economic incentives should be used as a key tool to encourage higher standards
- CCs will be integrated into EU health and safety tri-partite bodies such as Advisory Committee and Agency
- More budgetary resources for enlargement Agency's work on incorporating Candidates into networks and European Week has been positive but full integration into Agency activities must be ensured

Conclusions regarding the Agency's activities, including the corporate plan:

Agency's Corporate Plan:

- European Week: In general agreement about the proposed themes. Suggestions for addressing falls from heights in Construction Week
- Sectors: Agreement on the proposed sectors, with the additional proposals e.g. forestry, chemical industry and mining/extractive industries. General support for agriculture.
- Risk groups: Support to the proposed groups. Additional groups that were mentioned included women at work and people who change jobs

Closing the Information Gap:

- Accessibility of information (translation)
- Updating of information on traditional risks
- Information at enterprise level
- Strong need for statistical information
- New risks especially psychosocial risks
- Support on focus on micro/SME companies.
- Communication: Communications tools to be used to reach users might be different in the new countries, distribution of existing and new information products needs to be clarified.
- Website: There is a strong need to develop the national websites so that they form an integrated part of the Agency network. Continuous support is needed.

- Information on acquis: Information on implementation, enforcement and practical application in EU-15 and the new Member States is of high interest as the new countries still are in the phase of implementation.

Institutional Capacity Building:

- The importance of tripartite Focal Points was highlighted
- Financial and other support to the CC Focal Points and networks
- Need for more resources for translation of OSH information, especially on good practice for workplaces
- Existing multilingual Agency information e.g. Fact Sheets and Website needs to be translated into the 10 new languages and published (at least on the web)

The chair's general conclusions:

- Tripartism is mandatory at both Agency and Focal Point levels
- Agreement on the need for funding and other support to the Focal Points from the national and the European level.
- Overall support for the Agency corporate plan 2003-2006
- The Member States and the Candidate Countries stressed the need for specific information for SME's
- Languages – the problem is how to balance between more products translated into all languages or more products
- Information on traditional risks for young workers. Balance between information on traditional and emerging risks.

Annex 2 – Resolution adopted by the Board. 19 February 2003

Meeting of the Administrative Board 19 February 2003 - Resolution

The interest groups of the workers, employers and governments of the Administrative Board of the European Agency for Safety and Health at Work have agreed the following resolution:

In consideration of the forthcoming enlargement of the European Union and taking into account that:

- there is a considerable need to improve occupational safety and health (OSH) levels in the new Member States of the European Union;
- the new Community Strategy 2002-2006 identifies a strong need for the continued transfer of know-how and experience in the field of safety and health at work to the new Member States to meet the requirements of the *acquis communautaire* (OSH covering 2/3 of all directives in the social and employment area);
- the Agency according to the Strategy shall play a key role in assisting in the practical application of the *acquis* including the development of working tools which are geared to the specific situation in the new Member States and by providing information of value and quality meeting users needs;
- the Agency as a tripartite network organisation has a clear legal obligation to integrate new Member States fully and on an equal basis in its structure and activities from the date of the enlargement;
- there is an obligation to increase substantially the quantity of translated information on paper and electronically as key target groups for the Agency's information activities include workers and SMEs;

the interest groups wish to express their agreement with the Agency's assessment of the impact of enlargement, i.e. the integration of 10 new Member States into the Agency's organisation and activities, and their strong support for a substantial increase in the budget of the Agency.

Bertil Remaeus (for the Government Group)

Chair of the Agency Board

Luis Lopes (for the Workers Group)

Vice-chair of the Agency Board

Christa Schweng (for the Employers Group)

Vice-chair of the Agency Board

Annex 3 – Attendance list

Ioannis	ADAMAKIS	Workers	GREECE
Celia	ALEXOPOULOU	Commission	
Janet L.	ASHERSON	Employers	UK
Luisa	BENEDETTINI	Workers	ITALY
Sven	BERGSTRÖM	Workers	SWEDEN
José Ramón	BIOSCA DE SAGASTUY	Commission	
Jean-Claude	BODARD	Workers	FRANCE
Marc	BOISNEL	Government	FRANCE
Gertrud	BREINDL	Government	AUSTRIA
Tony	BRISCOE	Employers	IRELAND
Véronique	CAZALS	Employers	FRANCE
José	COSTA TAVARES	Employers	PORTUGAL
Pat	DONNELLAN	Government	IRELAND
Anna Maria	FAVENTI	Government	ITALY
Franco	GIUSTI	Employers	ITALY
Marcel	GOEREND	Workers	LUXEMBOURG
Alexander	HEIDER	Workers	AUSTRIA
Andreas	HORST	Government	GERMANY
Mikko	HURMALAINEN	Government	FINLAND
Lone	JACOBSEN	Workers	DENMARK
Eric	JANNERFELDT	Employers	SWEDEN
Jens	JENSEN	Government	DENMARK
Viktor	KEMPA	Workers	EU-Workers
J.J.H.	KONING	Employers	NETHERLANDS
Tapio	KUIKKO	Employers	FINLAND
Pavlos	KYRIAKONGONAS	Employers	GREECE
Eduardo	LEANDRO	Government	PORTUGAL
Tomás	LOPEZ ARIAS	Workers	SPAIN
Susan	MAWER	Government	UK
Luis Filipe	NASCIMENTO LOPES	Workers	PORTUGAL
Barry	O'SHEA	Others	IRELAND
Paolo	ONELLI	Government	ITALY
Anders Just	PEDERSEN	Employers	DENMARK

André	PELEGRIN	Employers	BELGIUM
Raili	PERIMÄKI DIETRICH	Workers	FINLAND
Matina	PISSIMISSI	Government	GREECE
Bertil	REMAEUS	Government	SWEDEN
H.C.V.	SCHRAMA	Government	NETHERLANDS
Marina	SCHRÖDER	Workers	GERMANY
Christa	SCHWENG	Employers	AUSTRIA
Owen	TUDOR	Workers	UK
Joao	VEIGA E MOURA	Government	PORTUGAL
Manuel	VELÁZQUEZ	Government	SPAIN
Natascha	WALTKE	Employers	EU-Employers
Paul	WEBER	Government	LUXEMBOURG
Fergus	WHELAN	Workers	IRELAND
Gerassimos	ZORBAS	Commission	
Hans-Horst	KONKOLEWSKY	Agency	
Christa	SEDLATSCHEK	Agency	
Andrew	SMITH	Agency	
Jose	CARREIRA	Agency	
Francoise	MURILLO	Agency	
Elena	ORTEGA	Agency	
Jesper	BEJER	Agency	