

**MINUTES OF THE 19TH MEETING OF THE ADMINISTRATIVE BOARD OF THE
EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK.
BILBAO, 25-26 NOVEMBER 2003**

The **Chairperson** informed the Board about the passing away on 6 July of Mr Pierre Bodin, Director of the Dublin Foundation and observer on the Board. The Board took a one-minute silence.

The **Chairperson** welcomed those present and:

New members:

Peter Brown (Government, UK)
Willy Buschak (European Foundation)
Paul Glynn (Commission)
Gilles Seitz (Workers, France)

The representatives from the Accession Countries:

Ziedonis ANTAPSONS workers representative from Latvia
Lucka BÖHM workers representative from Slovenia
Tiit KAADU government representative from Estonia
Jolanta KANCA government representative from Latvia
Edgars KORCAGINS employers representative Latvia
Ülo KRISTJUHAN workers representative from Estonia
Ivan MAJER government representative from the Slovak Republic
Iwona PAWLACZYK workers representative from Poland
Daniel PODGÓRSKI government representative from Poland
Aldona SABAITIENE government representative from Lithuania

And noted apologies from:

Ioannis Adamakis (Workers, Greece)
Janet L. Asherson (Employers, UK)
Antonios Christodoulou (Government, Greece)
Marc Heselmans (Government, Belgium)
Eric Jannerfeldt (Employers, Sweden)
Jens Jensen (Government, Denmark)
Anders Just Pedersen (Employers, Denmark)
Raili Perimäki Dietrich (Workers, Finland)
Marina Schröder (Workers, Germany)
Mikko Hurmalainen (Government, Finland) for whom Mr Yrjänheikki attends
Andreas Horst (Government, Germany) for whom Mr Grütte attends
Owen Tudor (Workers, UK) for whom Mr Mellish attends
Paolo Onelli (Government, Italy) for whom Ms Faventi attends
Bernhard Jansen (Commission) for whom Mr Glynn attends
Ramon Biosca (Commission) for whom Mr Herbillon attends.

Item 1 – Adoption of the draft agenda (A/03/A2)

The following documents were tabled:

- Director's Progress Report update and annexes
- List of participants

The draft agenda was adopted.

Item 2 – Minutes of the last meeting, 19 February 2003 (A/02/M1)

Mr Pelegrin requested that the list of Board members, alternates and observers attending the meeting be replaced with a list of all people present. This practice should also be applied to the minutes of future Board meetings.

The Board adopted the minutes on the assumption that the list of attendees would be replaced with a list of all people present at the meeting.

Item 3 – Action points arising out of the minutes (A/03/10)

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

The action point was agreed.

Item 4 – Election of New Chairperson and Bureau (A/03/11)

On behalf of the workers, **Mr Lopes** nominated himself as Bureau member and vice-chair and **Mr Sapir** as may-also-attend Bureau member.

On behalf of the employers, **Ms Schweng** nominated herself as Bureau member and **Ms Waltke** as may-also-attend Bureau member. Furthermore, the employers nominated Ms Schweng as chairperson of the Administrative Board.

Mr Remaeus nominated on behalf of the governments himself as Bureau member and vice-chair and **Ms Breindl** as may-also-attend Bureau member.

Mr Glynn indicated on behalf of the Commission that there would be no change in nominations for the time being.

The Chair proposed that the may-also-attend membership of the Bureau for the Spanish government, **Mr. Fernandez** should continue.

The Board agreed that the Bureau members will be Mr Lopes (workers), Mr Remaeus (governments), Ms Schweng (employers) and Ms Alexopoulou (Commission). Mr Fernandez, Ms Waltke, Mr Sapir, Mr Biosca and Ms Breindl will be may-also-attend members of the Bureau. Finally it was agreed to elect Ms Schweng as chairperson and Mr Lopes, Mr Remaeus and Ms Alexopoulou as vice-chairs.

Item 5 – Director's Progress Report (A/03/12)

The Director introduced the report on the activities of the Agency from February 2003 to November 2003

The Director drew attention to the following issues:

- A new basis for the cooperation with the Dublin Foundation has been established with the finalization of the Memorandum of Understanding including a detailed list of co-operation issues.

- The implementation of the PHARE programme is going according to the plan. Two new activities have been particularly successful: A Topic Centre Good Practice Candidate Countries has been established and European Week activities have been carried out in all PHARE countries and Cyprus and Malta.
- During the US/EU conference in Greece an agreement was reached between the US and the Agency on the future development of the joint website and a face lifted and updated website had been finalised for the conference.
- The Agency is working on establishing cooperation with the Organisation of American States. This would potentially give the Agency one entry point to the Americas.
- Web-features on Health Care, SMEs, Disability and Fisheries have been launched.
- Work on the Agency's OSH-thesaurus has been finalized and the thesaurus is now in the process of being translated into 20 languages.
- A decision has now been taken to implement a 3rd generation web-site in order to improve the efficiency and user friendliness of the Agency's web-based information system. This will also involve the Focal Point web-sites.
- According to the reports received, the European Week campaign 2003 has been successfully run in 30 European countries. Preparation of the 2004 campaign is going according to plan. It has been decided to have a joint launch and a joint week in all countries. This will add to the European dimension of the campaign.
- Regarding the Risk Observatory the Director reminded that a step-wise approach has been agreed. When it was clear that a decision could not be prepared for the November Board meeting, the Agency agreed with the Bureau to postpone the decision to the first Board meeting in 2004 and to use the pre-Board seminar to discuss the Agency's proposal. This also makes it possible to include the outcome of the OSH monitoring project and the project on an Information system on new research findings before a decision is taken.

Mr Sapir in general welcomed the progress being made, but raised concerns about:

- publications: The draft report on Workers' safety and health, productivity and quality had caused Mr Sapir to forward some comments to the Agency which he urged the Agency to take into account.
- Web-site: The amount of information on the web-site is growing rapidly. However, this reinforces the need to consider how the content can be structured in a user-friendly way.
- Agency involvement in Presidency events and SLIC: Mr Sapir remarked that the European Social Partners would like to be more involved when the Agency is involved in presidency events or SLIC activities.

The Director replied that the Agency will take into account the comments forwarded on the draft report on Workers' safety and health, productivity and quality. Regarding the web-site it has been decided to implement a 3rd generation of the Agency and Focal Point web-sites with the key objective of improving the user-friendliness. Finally, as regards the presidency events and cooperation with SLIC the director stressed that the Agency always invites social partner representatives to its events and agreed to keep the European Social partners informed about draft programmes for conferences etc.

The Board noted the report with no further comments.

Item 6 – Draft Work Programme (A/03/13)

The Director introduced the draft 2004 work programme stressing the difficult planning context with on the one hand an enlargement of the Agency network with 10 new members, and on the other hand a very difficult resource situation. Therefore a number of priorities had had to be done based on agreement with the Focal Points and the Bureau.

Mr Sapir commented on the Risk Observatory and stressed the importance of having sufficient time to prepare the Board decision on the Risk Observatory. The Risk Observatory is an important activity, though it is also resource demanding. Therefore the Agency proposal must be realistic and be forwarded soon.

Regarding the European Week on Construction **Mr Sapir** remarked that the social dialogue in the sector is important and should be taken into account during the campaign. Furthermore, it is important that the campaign is not limited to the construction sector as such, but includes construction in a broad sense. As regards the information project on agriculture it is important to take into account the different nature of social partner cooperation in this sector.

Ms Schweng thanked the Agency for the transparent process leading to the current work programme proposal. However, regarding the Economic Incentives project the employers would like to exclude labeling, certification and public procurement policies from the list of tools in the project sheet. Regarding the preparation of the European Week on Noise, it was stressed that the Agency information must be based in valid scientific data. Finally, the information products for the week should include information on emission levels from machinery and the importance of personal protective equipment when determining noise levels. Concerning the information project on Agriculture, the employers wanted the Agency to work closely with the social partners in the sector and use the work already done by the social partners in this sector.

Regarding the Risk Observatory **Ms Schweng** commented that this project must be linked to the OSH monitoring activities and the Information System on new research findings. Furthermore, it is important to learn from the experiences from the State of OSH report and be careful when drafting the methodology. Also the outputs from the Risk Observatory need to be checked carefully. The employers urged the Agency to take into account the experiences gained by the ILO with the observatory on hazards. Finally, commenting on the ongoing project, OSH monitoring, Ms Schweng stressed that it is not a role for the Agency to develop policies.

Re the project, Worker safety and health, productivity and quality, **Ms Schweng** asked if the report could be translated into all (20) languages.

Mr Reameus, speaking on behalf of the government, informed that the governments to a large extent agreed with the comments from the employers and workers. In addition, the governments considered the project on foreign/migrant workers very important though they understood that priorities had to be done due to the resource situation. However, the governments asked the Agency to integrate the issue in the project on agriculture.

On behalf of the Commission, **Mr Glynn**, informed that he had no comments to the work programme.

The Director replied to the comments:

- The comments will be taken into account when finalizing the work programme after the Board meeting. The Bureau will be asked to give their agreement to the final work programme.

- The Agency is preparing a pre-Board seminar in March to prepare the decision on the Risk Observatory. The preparation will involve the Dublin Foundation, ILO and other organizations, which may have relevant experiences in this field. The Agency proposal will be to adopt a stepwise approach and only ask the Board to decide on the first phase of the Risk Observatory in March.
- The OSH monitoring project sheet was adopted last year by the Board together with 2003 work programme. However, the Director agreed with Ms Schweng's comment about the role of the Agency: The Agency's role is not to develop policies, but to enable policy-makers to develop appropriate policies.
- The comments given about the European Week on Construction have already been taken into account in the document forwarded to the Board on the Week (A/03/20).
- The comments given on the project sheets on Economic Incentives and Agriculture will be reflected in the final version of the work programme.
- Regarding the European Week on Noise, the Agency will not be able to establish a single database on noise emissions of machinery and equipment. As it is a very important topic to provide such information the Agency will instead establish links to existing databases in the Member States and beyond.
- Finally, as regards the report on Workers' safety and health, productivity and quality, the Agency will have the employers' group request in mind once the report is finalized.

The Board adopted the Work Programme with the amendments sent before the meeting and those agreed at the meeting. The adoption is however, pending the European Parliaments final adoption of the Agency 2004 budget.

Item 7 – Future structure of the Agency Network (A/03/14)

The Director introduced the item stressing the overall objectives of the revised structure:

- to adapt the network structure to the new situation with 25 members of the network,
- to adapt the Agency's networking activities to the new situation as regards resources, and
- to create a more homogenous network in terms of a certain level of minimum performance.

On the request from **Ms Schweng**, the **Director** explained the background for the proposal of having 3-4 Topic Centres in the future after the number of Topic Centres had recently been reduced from 4 to 2. The recent reduction in the number of Topic Centres was based on efficiency reasons. The new proposal is based on a desire to reflect on the one hand an enlarged European Union and on the other to take into account the strategic areas in the new Rolling Work Programme to be adopted next year.

Mr Boissel remarked that it was difficult to adopt a new network structure at this moment as discussions are ongoing about a new Agency Regulation.

The Director replied that the proposal for a 2nd generation network structure is based on the current legislation in force. Any new regulation which might have an impact on the Agency network will be followed by a revision of the network structure. However, the Agency cannot wait until a new regulation is in place: 1 May 2004 the Agency network will have 25 members, and it is therefore necessary to adapt the network structures already now. In the new proposal the Agency and Focal Points had intended to clarify the status and role of the Focal Points. It should be clear that the Focal Points are national actors and not Agency actors. Therefore the cooperation is based on partnership.

On behalf of the governments' group **Mr Remaeus** gave the following comments:

- The government group welcomes the improvements made to the documents and can now adopt it as an interim document until the adoption by the Council of a new Agency Regulation.
- It is important however, to take into account the human and financial resources necessary to support the Focal Points.
- Given this requirement the government group believes the proposal for a 2nd generation Agency Network, should be open to a flexible and pragmatic interpretation, which takes account of national circumstances and practices, including arrangements for tri-partite involvement at the national level.
- These points underpin the government group's decision to support these documents today and will inform their contribution to the debate on the Council Regulation.

Furthermore, the governments' group would like to delete the reference to specific countries, where the pilot scheme on national press support would be tested in 2004 (page 4 in the document, A/03/14a).

Mr Boissel added that as well as the Agency is facing budget restriction, the same applies to the national authorities. It would therefore not be a solution to transfer the resource problem from the Agency to the national level. Regarding the new Agency regulation, it would be important that this leads to a clarification of the status of the Focal Points. Finally, as regards tri-partism it should be recognized that there is no model that can be applied to all Member States. Though the principle is important, no harmonization of the tri-partism at the national level should intended.

Ms Schweng, on behalf of the employers' group, welcomed the documents, though they might have to be amended following the adoption of a new Agency regulation. Ms Schweng gave the following additional comments: In Annex I the principle of tri-partism is very clear, though tri-partism does not work in all Member States. Regarding the expert groups the documents had to be amended to make it clear that representatives from the European Social partners are not appointed in the same way as national representatives.

Mr Lopes, on behalf of the workers, supported the documents, but pointed out that the debate on the future of the Topic Centres is not finished. Regarding the implementation of the 2nd generation network structure it is important, that tri-partism becomes a reality in all Member States. Finally, the new concept of flexibility is acceptable, but the Board has a responsibility to make sure it does not lead to an Agency, which only works with a few Member States.

Mr Sapir added that the Member States must provide sufficient resources to the Focal Points at the national level.

The Director replied that the Agency would change the documents as regards the appointment of representatives from the European Social partners to the Agency expert groups and as regards the pilot scheme on the national press support. Regarding the flexibility concept the Agency sees this as necessary in a network with 25 members. However, non-participation has to be justified and agreed. Finally, the Director urged the Board members to help assuring that tri-partism becomes a reality at the national level.

The Board adopted the new network structure and the mandates for the expert groups with the reservation mentioned from the government group and the amendments mentioned.

Item 8 – Financial matters / Budget matters – Budget 2004 (A/03/15)

The Director introduced the 2004 budget and establishment plan proposal, which does not include neither a 4th SME-scheme nor a Phare programme.

Mr Sapir remarked on behalf of the workers that the budget does not reflect what the Agency's Board had asked for earlier this year as the budget available does not meet the Agency's needs. The workers' group would support a continued SME-scheme.

Ms Schweng, on behalf of the employers, commented that she did not have any particular comments, though she regretted that the SME-scheme had come to an end.

On request from **Mr Remaeus**, the **Director** explained the staff situation:

- The end of the Phare programme implies the outphasing of 3,5 posts.
- The end of the SME-scheme implies the outphasing of 3,5 posts.
- In the 2004 draft establishment plan there is an increase of 5 temporary posts which will be distributed like this:
 - 1 A-post for the Working Environment Unit to work with the Topic Centre New Member States.
 - 1 A-post for the Administration Unit to co-ordinate the Agency's IT-activities.
 - 1 A-post to the Network Secretariat. The person will be based in Brussels and take care of relations to the Community institutions and other relevant Brussels-based organisations.
 - 1 B-post to the Information and Communication Unit to support the work with communications.
 - 1 C-post to the Information and Communication Unit to support the work with publications as regards logistics.

The Director asked the Board to help distributing the vacancy announcements to the relevant people.

Mr Glynn remarked to the comments from the workers' group that the Agency had received a higher percentage increase than other Community agencies. DG Employment has supported an application for a pre-accession programme from the Agency.

The Board adopted the draft 2004 budget and establishment plan with the 10 per cent reserve as mentioned in the Cover Note to the budget. Furthermore, the adoption will only become final, once the budgetary authority has taken its final decision on the 2004 budget.

As the interest groups regretted that no 4th SME-scheme was foreseen a resolution from the governments', the workers' and the employers' interest groups was agreed. The adopted resolution (without the participation of the Commission) is annexed to these minutes.

Item 9 – Proposed dates for Board meetings in 2004 (A/03/16)

Mr Lopes explained that unfortunately the meeting dates agreed in September in the Bureau had not been taken into account when the social partners agreed meetings to negotiate an initiative on stress. The social partners would therefore ask the Agency to consider another date for the first Board meeting 2004.

The Director replied that it was regrettable that though the Agency had been early in planning for 2004, meetings were afterwards planned for the same dates. However, as it was

in all's interest that as many as possible could attend the first Board meeting in 2004, the Director tabled a new proposal (A/03/16a).

The Board agreed the revised proposal for 2004 meeting dates (A/03/16a).

Item 10 – Any other business

Ms Jacobsen asked if it would be possible to give Board members wider access to the Agency Extranet.

The Director confirmed this. The Agency will make sure that Board members get wider access to the Extranet.

Mr Boisnel requested that the minutes from this meeting be circulated as soon as possible.

Finally, **Mr Glynn** explained about the new Antenna he is leading in Brussels for DG Employment and Social Affairs.

Annex I – Resolution adopted by the Administrative Board 26 November 2003:

Meeting of the Administrative Board 26 November 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 at their meeting 26 November 2003 with the presence of the tri-partite representations from the Accession Countries:

-Considering the positive independent evaluation of the first SME funding scheme run by the Agency;

-Considering the continuing need for supporting safety and health in Europe's 19 million SMEs;

-Considering the new challenge for the enlarged European Union to improve health and safety standards in SMEs in the new Member States;

-Considering the wealth of good practice generated by these schemes, and the importance of the provision and dissemination of effective good practice in implementing the acquis communautaire;

-Noting the interest groups' concerns that the specific safety and health needs of SMEs must be adequately addressed and are central to the Community Strategy for safety and health at work;

-Calls upon the European Parliament to support the continuation of an SME initiative.

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 2 – Attendance list

NAME	INTEREST GROUP	COUNTRY
ANTAPSONS Ziedonis	Workers	LATVIA
BENEDETTINI Luisa	Workers	ITALY
BERGSTRÖM Sven	Workers	SWEDEN
BÖHM Lucka	Workers	SLOVENIA
BOISNEL Marc	Government	FRANCE
BREINDL Gertrud	Government	AUSTRIA
BROWN Peter	Government	UNITED KINGDOM
BUSCHAK Willy	European Foundation	IRELAND
COSTA TAVARES José	Employers	PORTUGAL
ENGELS François	Employers	LUXEMBOURG
FAVENTI Ana Maria	Government	ITALY
FERNANDEZ SANCHEZ Leodegario	Government	SPAIN
GERADA Joseph	Workers	MALTA
GIUSTI Franco	Employers	ITALY
GLYNN Paul	European Commission	BELGIUM
GOEREND Marcel	Workers	LUXEMBOURG
GRÜTTE Karl-Heinz	Government	GERMANY
HEIDER Alexander	Workers	AUSTRIA
HERBILLON, Georges	European Commission	LUXEMBOURG
JACOBSEN Lone	Workers	DENMARK
KAADU Tiit	Government	ESTONIA
KANCA Jolanta	Government	LATVIA
KONING J.J.H.	Employers	THE NETHERLANDS
KORCAGINS Edgars	Employers	LATVIA
KRISTJUHAN Ülo	Workers	ESTONIA
KUIKKO Tapio	Employers	FINLAND
KYRIAKONGONAS Pavlos	Employers	GREECE

NAME	INTEREST GROUP	COUNTRY
LEVY Patrick	Employers	FRANCE
LOPEZ ARIAS Tomás	Workers	SPAIN
MAJER Ivan	Government	SLOVAK REPUBLIC
NASCIMENTO LOPES Luis Filipe	Workers	PORTUGAL
PAWLACZYK Iwona	Workers	POLAND
PELEGRIN André	Employers	BELGIUM
PHILIPS François	Workers	BELGIUM
PODGÓRSKI Daniel	Government	POLAND
REMAEUS Bertil	Government	SWEDEN
SABAITIENE Aldona	Government	LITHUANIA
SAPIR Marc	Workers	BELGIUM
SCHRAMA H.C.V.	Government	THE NETHERLANDS
SCHWENG Christa	Employers	AUSTRIA
SEITZ Gilles	Workers	FRANCE
VEIGA E MOURA Joao	Government	PORTUGAL
WALTKE Natascha	Employers	BELGIUM
WHELAN Fergus	Workers	IRELAND
YRJÄNHEIKKI Erkki	Government	FINLAND
KONKOLEWSKY Hans-Horst	European Agency	
BEJER Jesper	European Agency	
CARREIRA José António	European Agency	
MURILLO Françoise	European Agency	
ORTEGA Elena	European Agency	
PAOLI Pascal	European Agency	
SMITH Andrew	European Agency	