

**MINUTES OF THE 22ND MEETING OF THE ADMINISTRATIVE BOARD OF THE
EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK.
BILBAO, 1-2 MARCH 2005**

The **Chairperson** welcomed those present and in particular:

New Members

Special welcome for:

Tatjana Petricek, Governments, Slovenia

Roel Feringa, Governments, The Netherlands

Daniel Kelly, Governments, Ireland

Peter Kijovsky, Governments, Slovakia

And noted the **apologies** from:

Apologies for absence have been received from the following

Ioannis Adamakis (workers, Greece) for whom Mr Konstantinidis attends

András Békés (governments, Hungary)

Lucka Böhm (workers, Slovenia)

Peter Brown (governments, UK) for whom Mr Darvill attends

Willy Buschak (EU Foundation) for whom Mr O'shea attends

Véronique Cazals (employers, France) for whom Mr Levy attends

Antonios Christodoulou (governments, Greece) for whom Ms Pissimissi attends

Joe Delia (employers, Malta) for whom Mr Scicluna attends

Joseph Gerada (workers, Malta)

Pál Gérgely (workers, Hungary) for whom Mr György attends

Nina Globocnik (employers, Slovenia)

Alexander Heider (workers, Austria) for whom Ms Czeskleba attends

Thomas Holtmann (employers, Germany)

Eric Jannerfeldt (employers, Sweden) for whom Ms Mellblom attends

Bernhard Jansen (European Commission)

Tapio Kuikko (employers, Finland)

Leandros Nicolaides (government, Cyprus), for whom Mr Kourtellis attends

Paolo Onelli (government, Italy)

Anders Just Pedersen (employers, Denmark)

Lubos Pomajbik (workers, Czech Rep.)

Olga Poulida (workers, Cyprus)

Petr Simerka (government, Czech Rep) for whom Ms Kubickova attends

Natascha Waltke (employers, UNICE)

Paul Weber (governments, Luxembourg)

Item 1 – Adoption of the revised draft agenda (A/05/A1a REV)

The following documents were tabled:

- Revised draft agenda (A/05/A1a REV)
- Update to the Director's Progress Report and annexes (A/05/01)
- Amendment to the draft 2006 budget (A/05/03 REV)
- Amendment to the 2005 budget (A/05/07)
- List of participants

The revised draft agenda was adopted.

Item 2 – Minutes of the last meeting, 23-24 November 2004 (A/04/M2)

The Board adopted the minutes.

Item 3 – Director's Progress Report (A/04/01)

The Director introduced the report on the activities of the Agency from November 2004 to March 2005.

The Director drew attention to the following issues:

- On 16 December 2004 the Agency budget was adopted confirming the PDB figures, i.e. 13.2 mio. EUR and 40 Temporary Agents. This includes extra appropriations for an Enlargement Action Plan and for the further development of the Risk Observatory. This budget will allow the Agency to implement the work programme 2005 as adopted by the Board in November 2004.
- In December 2004 the Agency signed a contract for the PHARE III programme for Bulgaria and Romania.
- The Agency is working on the implementation of the new Topic Centre model adopted by the Board. A call for tender is about to be launched. However, the transfer to the new Topic Centre model will imply delays in the 2005 work programme implementation as work cannot commence before summer.
- Contracts have been signed to provide media support in six linguistic regions. This media support will have a special role in relation to the European Week.
- The Agency continues to experience a significant increase in the number of user session on its website.

The Board noted the report with no further comments.

Item 4 – Draft Work Programme 2006 (A/05/02)

The **Director** introduced the item (presentation available here: <http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=417313&objAction=browse&sort=name>)

At the request from **Ms Perimaki Dietrich**, the **Director** informed firstly, that the work the Agency carries out with countries and institutions outside the EU follows the Agency Regulation. The cooperation with countries such as South Korea is based on standard cooperation arrangements (an example will be made available to the Board for information). One Agency staff works part-time on extra-EU cooperation while 66.690 EUR in title 3 of the budget are allocated to this area. In addition, one staff member works full time on cooperation with Bulgaria and Romania under the PHARE III programme. Secondly, the Director informed that the Agency would provide the Board with a list of members of the expert groups and the Advisory Group on the Risk Observatory.

Following a comment on the variation in recognition practices of occupational diseases from **Ms Perimaki Dietrich** and **Ms Czeskleba**, the **Director** informed that the Agency has established a web feature on this issue with links to relevant national and European data sources (<http://europe.osha.eu.int/systems/osm/system.stm>) and that it is not within the Agency's mandate to participate in a discussion on what should be recognized as an occupational disease in the different Member States.

Mr Boisnel underlined that the objective of an observatory is to observe, which makes it different from the legal system with a more prescriptive role.

On behalf of the employers, **Ms Schweng** made the following comments:

- European week 2007: The employers are not in favour of changing the original order of the European Weeks which had put the week on Risk Assessment before the week on MSDs. However, as synergy effects may be possible if SLIC organizes a campaign on MSDs the same year, the employers could support the MSD theme for 2007 on the condition that SLIC would carry out a campaign on this issue in 2007.
- Risk Sector activity, Hotels, Restaurants and Catering: There should be more focus on the OSH issues and less on context information. Furthermore, products should be targeted at work places.
- Risk Observatory: The outcome of the company panel feasibility study must be discussed with the Risk Observatory Advisory Group and the Board before the company panel is initiated. If the company panel is implemented, the Agency must consider the needs for translation and minimization of the administrative burden on the companies.
- European Week: Though not directly related to the 2006 work programme, the employers would like to suggest for consideration, hospitals as a theme for a future European Week.

On behalf of the workers, **Mr Gyorgy** gave the following comments:

- The overall direction of the work programme is good.
- It is important that the Agency coordinates with other relevant European institutions and that tripartism plays an important role.
- In order to monitor the progress of the projects, Advisory Groups should be established, which should also lead to a reduction in the workload on the focal points.
- European Weeks: The workers, like the employers, are not happy with the change of order of the European Week themes. Furthermore, when a new Community OSH strategy

is in place. As regards the European Week 2007 on MSDs, it is important that the most recent data are used.

- Risk Observatory: The key objective must be prevention and the quality of the data must be assured.

On behalf of the Commission, **Ms Degrand-Guillaud** welcomed the draft 2006 work programme and supported the MSD theme for the European Week 2007 and highlighted the importance of the Enlargement Action Plan.

Mr Remaeus gave the governments' comments:

- The governments requested more information on when the new Topic Centres would start their work and how the Agency will evaluate its expert groups.
- For the December Board meeting, the governments would ask the Agency to prepare a document on how it will implement the requirements in the proposed amendment to the Agency Regulation as regards SMEs and analysis of information.
- European Week 2007: It was stressed, that the change of order of the themes for the European Week was not a consequence of SLIC instructing the Administrative Board what to do. The change of order was the proposal by some in the Board as they saw the possibility for synergy effects with a possible SLIC campaign on the same theme.
- European Week on MSDs: The project sheet should also include something on rehabilitation.

Based on the comments given by the Board members, the **Director** informed:

- The Topic Centre calls for tender are about to be published and the plan is that they take up work after summer. The Agency has to follow the Community rules for public tenders and these rules lay down the minimum deadlines, which have to be respected.
- The current Expert Group structure was implemented following a Board decision in November 2003. It is therefore too early to say how they work, as most of the Expert Groups' work is bi-annual. However, for the December Board meeting the Agency will present an evaluation of how the Expert Groups have worked so far.
- As regards the amendment to the Agency Regulation and its impact on the content of the Agency's work, this issue should be taken up at the December Board meeting.
- The Agency has already established a close working relation with other relevant European institutions, in particular the Dublin Foundation based on a Memorandum of Understanding.
- The focal points are established as foreseen in the Agency Regulation according to which they play a key role in the implementation of the Agency's work programme. In general focal points are highly motivated and appreciated partners of the Agency. However, some focal points may feel overburdened due to lack of resources and lack of priority in the national context.
- As regards the Risk Observatory, the Director confirmed that the Agency always uses the most recent data and that the Advisory Group will be involved before the Board is invited to take the final decision on the establishment of the company panel.

Mr Paoli added concerning the hotels, restaurants and catering project, that the words "two way mainstreaming" in the project sheet were unfortunate and would be revised to better express the intention: To collect information about training. Regarding the comment on target groups, Mr Paoli answered that almost all the products have workplaces as the target group

and only a minor part are targeted at policy-makers. Finally, it was confirmed that the context information would only be a minor part of the project report.

The Board adopted the draft Work Programme 2006 with the amendment agreed:

- The project sheet on European Week 2007, MSDs should include the issue of rehabilitation, and with the understanding that:

- The final decision on the company panel will be taken by the Board after discussion with the Advisory Group for the Risk Observatory, and.
- The hotels, restaurants and catering project will mainly focus on OSH issues, and context information will only be a minor part

in addition to those mentioned above.

Item 5 – Financial matters/Budget matters: Draft budget and establishment plan 2006 (A/05/03 + A/05/03 REV) and amendment to 2005 budget (A/05/07)

The **Director** introduced the draft 2006 budget. The proposed 2006 draft budget is at the level of the 2005 budget with an additional 400.000 EUR for the further development of the Risk Observatory and a general increase to reflect expected price developments. In addition, there is a technical amendment redistributing revenue among the three Spanish administrations.

The Director also introduced the amendment to the 2005 budget: A 2005 amending budget 1 had been submitted for approval by written procedure. The Spanish authorities had noted to the Agency that the distribution of revenue in the 2005 budget as adopted in November 2004 and reiterated in the amending budget did not reflect the practice established during previous years. In order to correct that situation a technical amendment that redistributes the revenue figures among the three Spanish administrations together with the 2005 amending budget 1 is now submitted for approval. It was also noted that the redistribution of revenue would have no implications for the operations of the Agency.

Mr Seitz requested information on whether the staff had expressed an opinion on the resources allocated to title 1.

The **Director** replied that the staff had not expressed an opinion on this matter. However, when drafting the work programme, the staffing of each activity is assessed in order to ensure a good balance between available staff resources and planned activities.

Following a request, the **Director** explained the major changes in title 3 of the proposed 2006 budget compared to the 2005 budget. The items concerned are:

- Board meetings for which resources for the Luxembourg interest group meetings have been included.
- An evaluation of the Agency and its network.
- The further development of the Risk Observatory.
- Publications, as the resources for allocations were reduced in 2005 due to the late start of Topic Centre work.

On behalf of the workers, **Mr Gyorgy** informed that he could accept both the 2006 draft budget with the tabled amendment and the amendment to the 2005 budget.

Ms Degrand-Guillaud informed that the Commission could also support both proposals.

Mr Remaesus informed that the governments could also support both proposals but would like more information on carry-overs and the end of the Agency's Task Force.

Ms Schweng gave the employers' support to the two proposals, but requested further information on the budgetary consequences of the Brussels liaison officer.

The **Director** replied:

- There are no carry-overs of commitments. The only carry-overs, which exist, are carry-overs of payments. It has been possible to reduce the total amount of carry-overs, mainly due to the disappearance of the SME scheme but also because of improved planning at the Agency. However, it will not be possible totally to avoid carry-overs of payments, given the lifecycle of some of its project activities and in order to conduct the required assessment of requested payments, based on the financial reports and supporting documentation.
- The Task Force finalized its activities by the end of the year 2004 as the SME programme – which was its major activity – came to an end. The Task Force also took care of project coordination of the European Week while the project work took place in the units. This coordination role has now been taken over by the Information and Communication Unit until the new Agency organization, which is foreseen for the second half of 2005, has been implemented.
- Regarding the Brussels Liaison Officer: There is no specific budget line for this function, as the officer is employed as a normal temporary agent, but with the place of work in Brussels. The extra costs are limited to the expenses related to office facilities in Brussels, which are shared with other Agencies and the expenses when the officer is on the agreed monthly mission to Bilbao.

The Board approved the draft 2006 budget with the technical amendment tabled and the 2005 amending budget 1 with the technical amendment tabled.

Item 6 – Tripartism at the Agency (A/05/04)

The Director introduced the item and it was suggested that the Board discussed the item on the basis of the discussion document prepared by the Agency with input from the Bureau and the discussion that took place Monday during the thematic event (see Annex for report on that event).

Ms Degrand-Guillaud stated that tripartism and the consultation of the social partners is important. It should be considered to include good practice examples on tripartism from the national focal point networks in a revised version of the basic requirement document. It should also be considered to involve the social partners more closely in the Agency's major projects.

On behalf of the employers, **Ms Schweng** gave the following comments:

- The idea of Board interest group meetings in Luxembourg is good.
- It should be avoided to organize meetings involving Board members over four consecutive days.
- The basic requirements document adopted by the Board in November 2003 must be updated and the Agency must follow the agreements in that document as well as the focal points.
- The Advisory Group idea is positive but the consequences for and the future of the Expert Groups must be clarified.

Mr Remaëus informed that the governments in general could support the paper prepared by the Agency, but:

- The Closing Event should take place in the same year as the European Week
- The mandate etc. of the Advisory Groups must be clarified.
- The basic requirements document must be updated.

Mr Gyorgy gave the workers' comments:

- Tripartism works, but it can work better.
- It is important to make sure that the statements on tripartism are transformed into practice.
- The basic requirements document must be revised.
- Tripartism must be strengthened at the national as well as the Agency level.
- The proposal of Advisory Groups is welcomed but there should be flexibility as regards their composition and the number of participants from each group.
- With regard to the focal point networks:
 - The workers stressed the problem of 5 focal points not replying to the request to arrange national tripartite meetings on the future of tripartism.
 - The focal points must be a "clearinghouse" for communication between the national and the Agency level.
 - The national Board members should be members of the national networks.
 - During the European Week work, the focal points should involve the social partners more closely.
 - The 2006 evaluation should also look at the tripartite involvement at the focal point level.
 - It is necessary that the national languages be used by the Agency if the national social partners are to be active.

The Board concluded that the Agency should revise the document submitted to the Board on the basis of the comments given (including those given during the thematic event). Furthermore, the Agency should review the basic requirements document agreed by the Board in November 2003. The Bureau would prepare the December Board discussion.

Item 7 – Revised rules of procedure for the Board and Bureau (A/05/05)

The **Director** informed that there had been problems with the translation of the document. Though the Agency had asked the Translation Centre to check the translations again, mistakes may still exist. In the case of inconsistencies, the English language version should be considered the original.

Following a request from **Ms Perimaki Dietrich**, **Mr Biosca de Sagastuy** informed that the additional requirement of a majority of the government Board members giving their consent (art. 8 (6) of the proposed amendment to the Agency Regulation) only applies to situations where decisions are taken "in the framework of the annual work programme" AND "with budgetary consequences for the focal points", i.e. both conditions have to be fulfilled.

There was a general agreement on the following amendments:

1. Article 4 (2) should be reworded in line with the proposed amendment to the Agency Regulation, i.e. "... shall also require the consent of the majority of the government group".

2. In article 5 (1) the words “at least” should be added after “.... convene the Governing Board” in accordance with the proposed amendment to the Agency Regulation.
3. Article 18 (1) should read: “The presence of at least half the Members of the Bureau including at least one representative from each of the interest groups, i.e. the governments’, the employers’, the workers’ group and the Commission (or of persons validly replacing them) shall constitute a quorum”.

Ms Schweng, on behalf of the employers, suggested that article 4 (3) should be deleted, as it added nothing to what was already said in article 4 (2).

Mr Gyorgy, on behalf of the workers, suggested the deletion of article 4 (3) as well as article 4 (4).

Mr Biosca de Sagastuy, the Commission, commented that if article 4 (4) should be in the rules of procedure, it should refer to article 4 (1). Furthermore, if article 4 (3) should remain, it should be a complete list and not an indicative list. Finally, regarding article 8 (1) the quorum should also require the presence of at least half the government members.

Mr Boisnel commented on the workers’ and employers’ wish to delete article 4 (3). Mr Boisnel expressed a positive will to look at article 4 (3), but a deletion would be problematic.

The Board agreed that the Bureau should oversee the preparation of a revised draft for the December Board meeting and that the governments should specify which issues they would suggest to include in article 4 (3) if the list were to be complete.

Item 8 – Proposed additional Board meeting in December (A/05/06)

The **Director** explained that a number of decisions would have to be taken in autumn 2005 if the amendment to the Agency Regulation is adopted as expected. The Agency therefore suggests arranging an additional Board meeting in December in Bilbao, which would also replace the proposed meeting of the Board interest groups on the work programme in Luxembourg. If the Board agrees, the Closing Event of the European Week 2005 would be held the same week, i.e. 12 December.

The Board agreed the proposed meeting dates in document A/05/06 on the condition that the Agency looks into the organization of the meetings in order to avoid 4 consecutive meeting days in Bilbao.

Item 9 – Any other business

Ms Smith presented the 3rd Generation website (presentation available here: <http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=417313&objAction=browse&sort=name>) while **Mr Paoli** presented the draft Risk Observatory Noise web feature (presentation available here: <http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=417313&objAction=browse&sort=name>).

Mr Biosca de Sagastuy gave the following information on the recruitment of the Director:

- The post will be published before the summer
- A selection committee involving the Director-General and two Directors will be established.
- The selection process will be finalized before the end of 2005 and the Commission College will send a shortlist to the Administrative Board.
- The Administrative Board then nominates the director.

- The complete procedure is expected to be finalized before the summer 2006.

Mr Boisnel informed about a recent French OSH action plan. The plan is currently available in French at www.travail.gouv.fr

Mr Briscoe reminded that the Agency would celebrate its 10th anniversary in 2006 and suggested that the Agency prepare some kind of recognition.

The **Director** confirmed that the Agency was already considering different ways of celebrating the 10th anniversary. A proposal will be prepared for the Bureau.

Annex: Thematic Event on Tripartism 28 February 2005, Bilbao

On 28 February 2005 the Administrative Board met to discuss the future of tripartism at the Agency and in its networks during a thematic event.

The Agency's Director gave a presentation of the current status of tripartism and some proposals for strengthening tripartism (see presentation here: <http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=417427&objAction=browse&sort=name>).

Two examples of tripartism in the national focal point information networks were presented by the Latvian and Austrian focal points. The complete presentations are available here: <http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=417427&objAction=browse&sort=name>. Following that, the interest groups of the Board gave their views on the future of tripartism at the Agency.

The employers expressed the following viewpoints:

A number of success factors for tripartism can be identified:

- That the same actors are involved at national and European level
- That national focal point meetings are adequately timed That the focal points keeps the social partners informed about the Agency's work between board meetings
- That the focal point consults its national network before delivering an opinion to the Agency, and
- That deadlines from the Agency are realistic
- The employers suggested a number of other measures to strengthen tripartism:
 - That focal points distribute minutes from expert group meetings to the national network members
 - Regarding expert groups: It is not sufficient that there are two social partner representatives.
 - Documents have to be send in time before the expert group meetings
 - The proposal of establishing Advisory Groups is positive if the expert group concept is revised at the same time and if they reflect the major project activities, and not just simply the Topic Centre Structure.

The workers made the following proposals:

- To make a stronger link between the operational and the strategic level
- To strengthen tripartism in the daily work of the Agency – e.g. when organizing public events.
- To give a continuity to tripartism by the establishment of Advisory Groups.
- While respecting that the focal points operate in 25 different national contexts, some general framework for tripartism across the Member States should be established.

- It should be considered to establish a procedure for dealing with cases where tripartism does not work.

The governments commented:

- There should not be established common rules for the operation of tripartism in the Member States.
- The governments hesitate when it comes to allowing tripartism in the Topic Centre selection.
- If it is necessary, the governments could accept the establishment of proposed Advisory Groups.

The Commission made the following remarks:

- At the strategic level some Board members may feel alienated from the work programme preparation, and ways to bring the Board members closer to this preparation should be explored.
- At the operational level, the Commission would prefer the establishment of smaller Advisory Groups instead of 25 member Expert Groups.
- Finally the Commission would be in favour of Board members being members of the national information networks.

In the subsequent discussion a number of issues were discussed, among others:

The proposal of common rules for tripartism in the national focal point information networks: It was argued that the focal points are the Agency's national face, and that it is therefore important for the Agency to make sure that the focal points act in a tripartite way. On the other hand, it was argued that the organization of tripartism is a national issue and that the Agency cannot take on a role to monitor the application of tripartism at the national level. Instead it was suggested to collect and disseminate examples of good practice on tripartism in the focal point information networks.

Focal point role: Focal points should be representatives of the national opinions as regards the work programmes

Consultations: On the feedback to the Agency from focal points in consultation procedures, it should be possible to see the social partners' opinions. Another proposal was to send consultations directly to the Board members.

It was concluded that following today's more open discussion, a more in-depth discussion would take place during the Board meeting the following days on the basis of the discussions during the thematic event and the discussion paper prepared by the Agency.

ADMINISTRATIVE BOARD MEETING BILBAO, 1-2 MARCH 2005

NAME	INTEREST GROUP	COUNTRY
ANTAPSONS Ziedonis	Workers	LATVIA
ASHERSON Janet L.	Employers	UNITED KINGDOM
BERGSTRÖM Sven	Workers	SWEDEN
BIOSCA DE SAGASTUY J.R.	European Commission	EU
BOISNEL Marc	Government	FRANCE
BREINDL Gertrud	Government	AUSTRIA
BRISCOE Tony	Employers	IRELAND
BURISÍN Miroslav	Employers	CZECH REPUBLIC
CZESKLEBA Renate	Workers	AUSTRIA
DARVILL Malcolm	Government	UNITED KINGDOM
DEGRAND-GUILLAUD Anne	European Commission	EU
ENGELS François	Employers	LUXEMBOURG
FERINGA Roel	Government	THE NETHERLANDS
FONCK Herman	Workers	BELGIUM
FREDERIKSEN Jan Kahr	Workers	DENMARK
GALLI Gabriella	Workers	ITALY
GAUCI Mark	Government	MALTA
GIARDIN Antoine	Workers	LUXEMBOURG
GIUSTI Franco	Employers	ITALY
GYÖRGY Károly	Workers	HUNGARY
HESELMANS Marc	Government	BELGIUM
HURMALAINEN Mikko	Government	FINLAND
IGLESIAS Pilar	Employers	SPAIN
JENSEN Jens	Government	DENMARK
KAADU Tiit	Government	ESTONIA
KELLY Daniel	Government	IRELAND
KIJOVSKY Peter	Government	SLOVAK REPUBLIC
KONING J.J.H.	Employers	THE NETHERLANDS
KONSTANTINIDIS Ioannis	Workers	GREECE
KORCAGINS Edgars	Employers	LATVIA

KOURTELLIS Marios A	Government	CYPRUS
KUBICKOVA Daniela	Government	CZECH REPUBLIC
KYRIAKONGONAS Pavlos	Employers	GREECE
LEANDRO Eduardo	Government	PORTUGAL
LINK Ilmar	Employers	ESTONIA
LOPEZ ARIAS Tomás	Workers	SPAIN
LUSIS Renars	Government	LATVIA
MELLBLOM Bodil	Employers	SWEDEN
MOZURA Gediminas	Workers	LITHUANIA
NASCIMENTO LOPES Luis	Workers	PORTUGAL
O'SHEA Barry	European Foundation	IRELAND
PAWLACZYK Iwona	Workers	POLAND
PELEGRIN André	Employers	BELGIUM
PENA COSTA M. Marcelino	Employers	PORTUGAL
PERIMÄKI DIETRICH Raili	Workers	FINLAND
PETRICEK Tatjana	Government	SLOVENIA
PINILLA GARCIA Javier	Government	SPAIN
PISSIMISSI Matina	Government	GREECE
PODGÓRSKI Daniel	Government	POLAND
RAMPÁSEK Peter	Workers	SLOVAK REPUBLIC
REMAEUS Bertil	Government	SWEDEN
RÜCKERT Anette	Government	GERMANY
SABAITIENE Aldona	Government	LITHUANIA
SCHRÖDER Marina	Workers	GERMANY
SCHWENG Christa	Employers	AUSTRIA
SCICLUNA John	Employers	MALTA
SEITZ Gilles	Workers	FRANCE
SIRVYDIENE Laura	Employers	LITHUANIA
WHELAN Fergus	Workers	IRELAND
KONKOLEWSKY Hans-Horst	European Agency	
BLANCH José G.	European Agency	
PAOLI Pascal	European Agency	
SMITH Andrew	European Agency	
BEJER Jesper	European Agency	