



TEXTS ADOPTED

Provisional edition

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Discharge 2017: European Agency for Safety and Health at Work (EU-OSHA)

1. European Parliament decision of 26 March 2019 on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work (EU-OSHA) for the financial year 2017 (2018/2183(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2017,
- having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2017, together with the Agency's reply¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2017, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2019 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2017 (05825/2019 – C8-0073/2019),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002³, and in particular Article 208 thereof,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of

¹ OJ C 434, 30.11.2018, p.90.

² OJ C 434, 30.11.2018, p.90.

³ OJ L 298, 26.10.2012, p. 1.

the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 70 thereof,

- having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work², and in particular Article 14 thereof,
 - having regard to Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94³,
 - having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁴, and in particular Article 108 thereof,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0138/2019),
1. Grants the Executive Director of the European Agency for Safety and Health at Work discharge in respect of the implementation of the Agency's budget for the financial year 2017;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 216, 20.8.1994, p. 1.

³ OJ L 30, 31.1.2019, p. 58.

⁴ OJ L 328, 7.12.2013, p. 42.

2. European Parliament decision of 26 March 2019 on the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2017 (2018/2183(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2017,
- having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2017, together with the Agency's reply¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2017, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2019 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2017 (05825/2019 – C8-0073/2019),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002³, and in particular Article 208 thereof,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁴, and in particular Article 70 thereof,
- having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work⁵, and in particular Article 14 thereof,
- having regard to Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94⁶,
- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in

¹ OJ C 434, 30.11.2018, p.90.

² OJ C 434, 30.11.2018, p.90.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 193, 30.7.2018, p. 1.

⁵ OJ L 216, 20.8.1994, p. 1.

⁶ OJ L 30, 31.1.2019, p. 58.

Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹, and in particular Article 108 thereof,

- having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0138/2019),
1. Approves the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2017;
 2. Instructs its President to forward this decision to the Executive Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

¹ OJ L 328, 7.12.2013, p. 42.

3. European Parliament resolution of 26 March 2019 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2017 (2018/2183(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2017,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0138/2019),
- A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Agency for Safety and Health at Work (the “Agency”) for the financial year 2017 was EUR 15 656 308, representing a decrease of 6,10 % compared to 2016; whereas the budget of the Agency derives mainly from the Union budget;
- B. whereas the Court of Auditors (the “Court”) in its report on the Agency’s annual accounts for financial year 2017 (the “Court's report”), has stated that it obtained reasonable assurances that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes that the budget monitoring efforts during the financial year 2017 resulted in a budget implementation rate of 96,03 %, representing a slight decrease of 0,28 % compared to 2016; notes with concern that the payment appropriations execution rate was at 72,23 %, representing only a slight increase of 1,88 % compared to the previous year;

Cancellation of carry-overs

2. Notes that the cancellations of carry-overs from 2016 to 2017 amounted to EUR 194 467,98 representing 4,93 % of the total amount carried over, showing an increase of 1,17 % in comparison to 2016; notes, furthermore, the relatively high level of unplanned carry-overs from 2017 to 2018 for title II, amounting to EUR 200 000, relating mainly to internal office space re-organisation;

Performance

3. Notes that the Agency uses certain key performance indicators to measure its performance and to enhance its budget management; notes furthermore with satisfaction that the Agency plans to introduce a revised performance management framework in 2018, which aims to provide more meaningful performance indicators to better assess the added value provided by the Agency’s activities; calls on the Agency to report to the discharge authority on the implementation of this framework;

¹ OJ C 248/01, 29.07.2017, p.3

4. Notes that, although the Agency performed well in making use of the available resources, the items related to web communications and work programme delivery were slightly below the targets set;
5. Supports the Agency's activities and analysis on occupational safety and health which contribute to the Union policy aiming to promote healthy and safe workplaces across the Union and stresses to this end the importance of ensuring adequate staff and financial resources allowing the Agency to implement its tasks;
6. Welcomes the Agency's strong commitment to ensure that all workers enjoy the same occupational health and safety rights regardless of the size of the company, the type of contract or the employment relationship;
7. Appreciates the Agency's sustained support to medium, small and micro enterprises, in the form of practical tools and guidelines to enable them to comply with Occupational Safety and Health (OSH) legislation; welcomes the finalisation of the project "Healthy Workplaces for All Ages" that promotes safe and healthy conditions throughout working life;
8. Notes that three external evaluations ended in 2017: a mid-term evaluation of the Multi-annual Strategic Programme 2014 to 2020, an *ex-post* evaluation of the safer and healthier work at any age, and an *ex-post* evaluation of the European Survey of Enterprises on New and Emerging Risks II; acknowledges that all of them obtained a positive result and the recommendations made have already been implemented;
9. Welcomes the Agency's efforts to streamline multilingualism into its products acknowledged by the European Ombudsman in 2017 by awarding the Agency together with the European Union Intellectual Property Office (EUIPO) and the Translation Centre for the Bodies of the European Union (CdT) with the Ombudsman's Award for Good Administration in the category "Excellence in citizen/customer focused services delivery" for their jointly developed innovative project that facilitates the translation management of multilingual websites;
10. Notes with satisfaction that the Agency proactively shares tasks with other agencies in subjects such as security, facilities management or banking services, and is planning to further increase collaboration in the future; highlights the importance of good cooperation between Agencies working in the field of employment, social affairs and inclusion and particularly the cooperation between the Agency, Eurofound, Cedefop and European Institute for Gender Equality (EIGE);

Staff policy

11. Notes that, on 31 December 2017, the establishment plan was 97,5 % executed, with 39 temporary agents appointed out of 40 temporary agents authorised under the Union budget (compared with 41 authorised posts in 2016); notes that, in addition, 24 contract agents worked for the Agency in 2017;
12. Notes that the Agency has a policy on protecting the dignity of the person and preventing harassment in place; notes with concern that one investigation on harassment was initiated in 2016 and concluded in 2017; regrets that the result showed a breach of Article 12a (3) of the Staff Regulations; calls on the Agency to report to the discharge

authority on the disciplinary measures taken and on the measures foreseen in order to mitigate such risks in the future;

Procurement

13. Notes from the Court's report that by the end of 2017 the Agency was not yet using any of the tools launched by the Commission aimed to introduce a single solution for the electronic exchange of information with third parties participating in public procurement procedures (e-procurement); calls on the Agency to implement all the necessary tools and report to the discharge authority on the progress made in that regard;
14. Welcomes the fact that the Agency launched its first e-tender successfully in November 2018;
15. Notes with concern from the Court's report that the Agency signed a framework contract for the provision of IT consultancy services from 2014 to 2017, for which prices were set contingent to the time spent on the projects and not linked to the delivery, and over which the Agency has limited monitoring possibilities, since for example in 2016 half of the services were carried out offsite its premises; calls on the Agency to report to the discharge authority on the measures taken in this regard;

Prevention and management of conflicts of interests and transparency

16. Acknowledges the Agency's existing measures and ongoing efforts to secure transparency and the prevention and management of conflict of interest; notes furthermore from the Agency that it plans to adopt the model decision on whistleblowing for which the Commission has given an *ex ante* agreement¹;
17. Notes from the Court's report that there is a need to strengthen the accounting officer's independence by making him directly responsible to the Agency's Executive Director and management board; calls on the Agency to report to the discharge authority on the steps taken in this direction; recognises that in response to this recommendation by the Court, the Agency is currently preparing a decision for the Governing Board to outsource the position of Accounting Officer to DG BUDG
18. Calls on the Agency to use the new Founding Regulation as an opportunity to further enhance the independence of the Accounting Officer;

Other comments

19. Notes that the Agency carried out an analysis of the likely impact of the United Kingdom's decision to withdraw from the Union on its organisation, operations and accounts; calls on the Agency to report to the discharge authority on the outcome of that analysis;

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¹ EC Decision C(2018) 1362 of 27.02.2018

20. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 26 March 2019¹ on the performance, financial management and control of the agencies.

¹ Texts adopted, P8_TA(2019)0254.