



2016/0254(COD)

6.3.2017

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) 2062/94 (COM(2016)0528 – C8-0344/2016 – 2016/0254(COD))

Committee on Employment and Social Affairs

Rapporteur: Czesław Hoc

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) 2062/94 (COM(2016)0528 – C8-0344/2016 – 2016/0254(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0528),
 - having regard to Article 294(2) and Article 153(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0344/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ,
 - having regard to the opinion of the Committee of the Regions of ,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Budgets (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Since its establishment in 1994 EU-OSHA has played an important role in supporting the improvement of health and safety at work throughout the European Union. At the same time there have been developments in the area of occupational

Amendment

(2) Since its establishment in 1994 EU-OSHA has, ***by virtue of its expertise***, played an important role in supporting the improvement of health and safety at work throughout the European Union. At the same time there have been developments in

safety and health (OSH). In this light some adjustments are required in describing the objectives and tasks of EU-OSHA as compared to the provisions in Council Regulation (EC) No. 2062/94.

the area of occupational safety and health (OSH), ***including technological developments, particularly in the digital area, which add to the challenge of promoting high OSH standards***. In this light some adjustments are required in describing the objectives and tasks of EU-OSHA as compared to the provisions in Council Regulation (EC) No. 2062/94.

Or. en

Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The repeal of Regulation (EU) No 2062/94 and its replacement with this Regulation aims to update EU-OSHA's mandate and tasks to reflect better its current activities, including the need to pay particular attention to micro, small and medium-sized enterprises.

Or. en

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) As the three tripartite Agencies - EU-OSHA, the European Centre for development and vocational training (Cedefop), and the European Foundation for the improvement of living and working conditions (Eurofound) - address issues related to the labour market, working environment and vocational education and training and skills, close coordination

(5) As the three tripartite Agencies - EU-OSHA, the European Centre for development and vocational training (Cedefop), and the European Foundation for the improvement of living and working conditions (Eurofound) - address issues related to the labour market, working environment and vocational education and training and skills, close coordination

among three Agencies is required **and the** ways to enhance efficiency and synergies should be exploited. In addition, whenever relevant, the Agency should seek to engage in efficient cooperation with the **European** Commission's in-house research capacities.

among three Agencies is required **so that the work of the agencies does not overlap where they have similar fields of interest, while** ways to enhance efficiency and synergies should be exploited **and any duplication among the agencies, as well as between them and the Commission, concerning their mandates, objectives and activities, should be avoided.** In addition, whenever relevant, the Agency should seek to engage in efficient cooperation with the Commission's **and the European Parliament's** in-house research capacities.

Or. en

Amendment 4

Proposal for a regulation

Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) establish a communications strategy which is coherent with and relevant to the strategies and activities of the Commission and those of the other institutions and agencies.

Or. en

Amendment 5

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. In carrying out its tasks, the Agency shall maintain a close dialogue particularly with specialised bodies, whether public or private, public authorities and workers' and employers' organisations. The Agency, without prejudice to its own aims, shall ensure cooperation with other European

3. In carrying out its tasks, the Agency shall maintain a close dialogue particularly with specialised bodies, whether public or private, public authorities and workers' and employers' organisations. The Agency, without prejudice to its own aims, shall ensure cooperation with other European

Union Agencies aimed at avoiding overlaps and promoting synergy and complementarity in their activities, in particular with the European Foundation for the improvement of living and working conditions, the European Centre for the development of vocational training and, where relevant, with other EU Agencies.

Union Agencies aimed at avoiding overlaps and promoting synergy and complementarity in their activities, ***including the possibility of working jointly***, in particular with the European Foundation for the improvement of living and working conditions, the European Centre for the development of vocational training and, where relevant, with other EU Agencies.

Or. en

Amendment 6

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The members referred to in points (a), (b) and (c) shall be appointed by the Council from the members and alternate members of the Advisory Committee on Safety and Health at Work.

Amendment

The members referred to in points (a), (b) and (c) shall be appointed by the Council from the members and alternate members of the Advisory Committee on Safety and Health at Work ***on the basis of lists of candidates submitted by the Member States, the European employers' and employees' organisations respectively.***

Or. en

Amendment 7

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 4

Text proposed by the Commission

The members referred to in point (a) shall be appointed on a proposal from the Member States.

Amendment

deleted

Or. en

Amendment 8

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 5

Text proposed by the Commission

Amendment

The members referred to in points (b) and (c) shall be appointed on a proposal by the respective groups' spokespersons on the Committee.

deleted

Or. en

Amendment 9

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 6

Text proposed by the Commission

Amendment

The proposals from the three groups within the Committee shall be submitted to the Council; the proposals shall also be forwarded to the Commission for information.

deleted

Or. en

Amendment 10

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 7 a (new)

Text proposed by the Commission

Amendment

A representative of Cedefop and a representative of Eurofound shall have observer status at the meetings of the Management Board in order to enhance the efficiency of the three tripartite agencies and synergies between them, and to avoid overlaps in their activities.

Or. en

Amendment 11

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. The term of office for members and their alternates shall be four years. It shall be ***extendable***. Upon the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Amendment

4. The term of office for members and their alternates shall be four years. It shall be ***renewable***. Upon the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Or. en

Amendment 12

Proposal for a regulation Article 5 – paragraph 1 – point f

Text proposed by the Commission

(f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts;

Amendment

(f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts, ***including measures for detecting potential risks at an early stage***;

Or. en

Amendment 13

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the

Amendment

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators, ***as well as activities and programmes to be***

actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 5. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual and/or multi-annual programming shall include the strategy for relations with third countries or international organisations referred to in Article 30 and the actions linked to this strategy.

subject to ex ante or ex post evaluation. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 5. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual and/or multi-annual programming shall include the strategy for relations with third countries or international organisations referred to in Article 30 and the actions linked to this strategy.

Or. en

Amendment 14

Proposal for a regulation Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Agency shall publish on its website information about the meetings of the Management Board in a timely and transparent manner.

Or. en

Amendment 15

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The term of office of members of the Executive Board shall be two years. That term shall be ***extendable***. The term of

5. The term of office of members of the Executive Board shall be two years. That term shall be ***renewable***. The term of

office of members of the Executive Board shall end when their membership of the Management Board ends.

office of members of the Executive Board shall end when their membership of the Management Board ends.

Or. en

Amendment 16

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

6. The Executive Board shall meet at least three times a year. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

Amendment

6. The Executive Board shall meet at least three times a year. ***It shall report the content of the discussions to the members of the Management Board in a timely and transparent manner.*** In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

Or. en

Amendment 17

Proposal for a regulation Article 11 – paragraph 5 – point e a (new)

Text proposed by the Commission

Amendment

(ea) putting in place an effective monitoring system to enable the regular evaluation referred to in Article 28 to be carried out and a reporting system to summarise the results of that evaluation;

Or. en

Amendment 18

Proposal for a regulation Article 11 – paragraph 5 – point f

Text proposed by the Commission

(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;

Amendment

(f) preparing an action plan following-up conclusions of internal or external audit reports and **the** evaluations **referred to in Article 28**, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;

Or. en

Amendment 19

**Proposal for a regulation
Article 14 – paragraph 4**

Text proposed by the Commission

4. The Commission shall send the draft estimates to the budgetary authority together with the draft general budget of the Union.

Amendment

4. The Commission shall send the draft estimates to the budgetary authority together with the draft general budget of the Union. **The Commission shall, simultaneously, send those draft estimates to the Agency.**

Or. en

Amendment 20

**Proposal for a regulation
Article 16 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.

Amendment

By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the **European** Court of Auditors.

Justification

For consistency with other Agency proposals and other references in this text.

Amendment 21

**Proposal for a regulation
Article 16 – paragraph 3**

Text proposed by the Commission

3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, pursuant to Article 148 of the Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his/her own responsibility and submit them to the Management Board for an opinion.

Amendment

3. On receipt of the **European** Court of Auditors' observations on the Agency's provisional accounts, pursuant to Article 148 of the Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his/her own responsibility and submit them to the Management Board for an opinion.

Or. en

Amendment 22

**Proposal for a regulation
Article 24 – paragraph - 1 (new)**

Text proposed by the Commission

Amendment

- 1. The Agency shall act with a high level of transparency.

Or. en

Amendment 23

**Proposal for a regulation
Article 28 – paragraph - 1 (new)**

- 1. In accordance with Article 30(4) of Regulation (EU, Euratom) No 966/2012^{1a}, the Agency shall carry out ex ante and ex post evaluations of those of its activities which entail significant expenditure and of those which are included in the annual work programme.

^{1a} 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 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Or. en

EXPLANATORY STATEMENT

I. EU-OSHA

The European Agency for Safety and Health at Work (EU-OSHA) seeks to make European workplaces safer, healthier and more productive. It promotes a culture of risk prevention and shares knowledge and good practices on health and safety. The agency works side-by-side with governments, employers' and workers' organisations, EU bodies and networks, and private companies.

When EU-OSHA was established, with the adoption of its founding regulation in 1994, it was with the aim of providing the EU bodies, the Member States, the social partners and those involved in the field with useful technical, scientific and economic information relating to health and safety at work. This founding regulation has subsequently been modified several times, most recently in 2005.

Its mission statement sets out the Agency's purpose as *"We develop, gather and provide reliable and relevant information, analysis and tools to advance knowledge, raise awareness and exchange occupational safety and health (OSH) information and good practice which will serve the needs of those involved in OSH."* It has also defined an overall goal for the current period: *"To be a recognised leader promoting healthy and safe workplaces in Europe based on tripartism, participation and the development of an OSH risk prevention culture, to ensure a smart, sustainable, productive and inclusive economy."*

The Commission's proposal maintains EU-OSHA's tripartite structure, reflected in its objectives and the make-up of its Management Board. This approach was endorsed by stakeholders. The Rapporteur agrees that the tripartite nature of the Agency is essential for it to be well informed about the situation in all Member States. It also allows the Agency to share good practice and reach workers across Europe in a well-targeted way.

II. Joint Statement on decentralised agencies

On 19 July 2012, the Parliament, Council and Commission signed a joint statement which set out a common approach that, while legally non-binding, would be taken into account in future decisions on decentralised agencies. The Commission's proposal seeks to align the EU-OSHA founding regulation with various points included in this common approach.

The Rapporteur for EU-OSHA is working with the Rapporteurs for CEDEFOP (the agency dealing with vocational training) and Eurofound (the foundation for the improvement of living and working conditions) in seeking to ensure that the three Regulations will fully reflect the principles of the joint statement as well as other developments that have already been incorporated in the regulations applying to some other EU agencies.

The Commission is currently carrying out a cross-cutting evaluation to assess the Agency's objectives, mandates, governance and tasks, including in relation to other agencies acting in the field of the labour market, working conditions, vocational education and training, and skills. For this reason, the current draft report does not seek to amend the tasks set out in Article 2.

Such changes could be considered once the results of the evaluation are known. However, it

will be important to ensure that any such proposed changes do not interfere with the existing work that OSHA is already undertaking.

III. Proposed amendments

The Commission's proposal already reflects some important points addressed in the joint statement and common approach. These include:

- the structure of the Management Board;
- an Executive Board, replacing the existing Bureau, to help prepare and follow up Management Board decisions as well to take certain urgent provisional decisions;
- EU-OSHA's relations to other EU bodies, in particular CEDEFOP and Eurofound;
- measures to combat fraud or any potential conflicts of interest; and
- the evaluation of programmes and spending.

The proposed amendments seek to strengthen and clarify some of these issues, paying particular attention to the need to avoid any duplication between agencies.

This is particularly important given the overall pressure on public spending and the need to reassure citizens that their taxes are being spent in the most cost-effective manner possible.

In addition to examine possible overlaps in the Agencies' activities, an effective programme of *ex ante* and *ex post* evaluation, integrated into the annual budgetary and planning process, together with effective use of performance indicators, are equally important in maximising efficiency.

Some amendments emphasise the need for effective communication and transparency, taking full advantage of modern communication methods. This is important if EU-OSHA's work is to reach the maximum number of potential beneficiaries, including micro- and small enterprises and their employees.

Other amendments look to assist effective communication between the different levels of decision making, particularly the Executive and Management Boards, and with stakeholders.

IV. Conclusion

The current revision of the EU-OSHA founding regulation, together with the CEDEFOP and Eurofound regulations, which are being updated in parallel, represents an important, but limited, reform. It provides an opportunity to streamline aspects of the Agency's organisation and to reinforce important principles such as evaluation, transparency and cost-effectiveness. The Rapporteur has sought to pursue these objectives while avoiding unnecessary changes, given the work EU-OSHA already undertakes in helping to ensure the highest standards of occupational health and safety.