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REPORT

on the proposal for a Council regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work (COM(2004)0050 – C6-0014/2004 – 2004/0014(CNS))

Committee on Employment and Social Affairs

Rapporteur: Stephen Hughes

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work (COM(2004)0050 – C6-0014/2004 – 2004/0014(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2004)0050 – 9950/2004)¹,
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0014/2004),
 - having regard to Rule 51 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 the Environment, Public Health and Food Safety (A6-0092/2005),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 1

(1) Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work includes provisions concerning the aims,

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¹ OJ C ... / Not yet published in OJ.

tasks and organisation of the Agency and in particular of its Administrative Board. Those provisions have been amended following the *accession of Austria, Finland and Sweden*, when new members had to be added to the Administrative Board.

tasks and organisation of the Agency and in particular of its Administrative Board. Those provisions have been amended following the *recent accessions*, when new members had to be added to the Administrative Board.

Amendment 2
RECITAL 5 A (new)

(5a) In order to achieve the goals set out above, the Agency needs not only to collect and disseminate information, but also to analyse information, identify risks and good practices and promote preventive action. In this respect it is important to clarify that the Agency has the role of a "risk observatory" and that it should analyse risks, in particular emerging ones, and promote preventive action. Risks to workers' family members should be included in its remit. Particular attention should also be paid to genotoxicity risks which may have consequences for the offspring of an affected worker.

Amendment 3
RECITAL 6

(6) The Commission Communication on the Evaluation of the Agency, prepared in accordance with Article 23 of Regulation (EC) No 2062/94 and based on an external evaluation carried out in 2001, as well as on the contributions of the Administrative Board and of the Commission Advisory Committee for Safety, and Health at Work, underlines the need to amend Regulation (EC) No 2062/94, in order to maintain the efficiency and effectiveness of the Agency and its management structures.

(6) The Commission Communication on the Evaluation of the Agency, prepared in accordance with Article 23 of Regulation (EC) No 2062/94 and based on an external evaluation carried out in 2001, as well as on the contributions of the Administrative Board and of the Commission Advisory Committee for Safety, and Health at Work, underlines the need to amend Regulation (EC) No 2062/94, in order to maintain *and improve* the efficiency and effectiveness of the Agency and its management structures.

Amendment 4
RECITAL 15

(15) According to Article 3 of the Treaty,

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the Community shall aim to eliminate inequalities and promote equality between men and women in all its activities. Therefore, it is appropriate to make provision for encouraging a balanced representation of men and women in the composition of the **Board**.

the Community shall aim to eliminate inequalities and promote equality between men and women in all its activities. Therefore, it is appropriate to make provision for encouraging a balanced representation of men and women in the composition of the **governing and management structures of the Agency**.

Justification

The balanced representation of men and women must be guaranteed not only in the Governing Board but also in the other bodies of the Agency.

Amendment 5

ARTICLE 1, POINT 1

Article 2 (Regulation (EC) No 2062/94)

In order to **encourage improvements, especially in** the working environment, as regards the protection of the safety and health of workers as provided for in the Treaty and successive Community strategies and action programmes concerning health and safety at the workplace, the aim of the Agency shall be to provide the Community bodies, the Member States and those involved in the field with the technical, scientific and economic information of use in the field of safety and health at work."

In order to **improve** the working environment, as regards the protection of the safety and health of workers as provided for in the Treaty and successive Community strategies and action programmes concerning health and safety at the workplace, the aim of the Agency shall be to provide the Community bodies, the Member States, **the social partners** and those involved in the field with the technical, scientific and economic information **and evaluations** of use in the field of safety and health at work."

Justification

The Treaty recognises the specific role of social partners in the field of social policies. There is a case for recognizing social partners as a specific public as they are also represented in the Governing Board.

Amendment 6

ARTICLE 1, POINT 2, POINT (A), POINT (I)

Article 3, paragraph 1, point (a) (Regulation (EC) No 2062/94)

(a) collect, analyse and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties; this collection shall take place to identify existing national priorities and programmes and provide the necessary input to the priorities and programmes of the Community;

(a) collect, analyse and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties; this collection shall take place to identify **risks and good practices as well as** existing national priorities and programmes and provide the necessary input to the priorities and programmes of the Community;

Amendment 7

ARTICLE 1, POINT 2, POINT (A), POINT (I A) (new)
Article 3, paragraph 1, point (c) (Regulation (EC) No 2062/94)

(ia) Point (c) is replaced by the following:

"(c) promote and support cooperation and exchange of information and experience, by way of the systematic collection of data, with the support of Eurostat, amongst the Member States in the field of safety and health at work, including information on training programmes; to that end, the Agency shall promote harmonisation of statistics on work-related accidents and illnesses in order to eliminate existing disparities when evaluating and analysing them;"

Amendment 8

ARTICLE 1, POINT 2, POINT (A), POINT (II)
Article 3, paragraph 1, point (h) (Regulation (EC) No 2062/94)

(h) provide technical, scientific and economic information on methods and tools for implementing preventive activities, identify good practices and promote preventive *actions*, paying particular attention to the specific problems of small and medium-sized enterprises;

(h) provide technical, scientific and economic information on methods and tools for implementing preventive activities, identify **risks and transferable** good practices, **analyse related lessons** and promote preventive *action*, paying particular attention to the specific problems of small and medium-sized enterprises **and promoting specific solutions for those enterprises. With regard to good practices, the Agency should in particular focus on practices which constitute practical tools for use in drawing up assessments of the risks to safety and health at work and identifying the measures to be taken to**

tackle them;

Justification

Identification of good practices should have a goal: to be transferable and lessons issued from these should be made explicit.

Amendment 9

ARTICLE 1, POINT 2, POINT (A), POINT (III)

Article 3, paragraph 1, point (j) (Regulation (EC) No 2062/94)

(j) The Agency shall ensure that the information disseminated is **comprehensible** to the final users **and** shall work closely with the national focal points referred to in Article 4 (1) **to achieve this objective.**

(j) The Agency shall ensure that the information disseminated is **relevant** to the final users. **To achieve this objective, the Agency** shall work closely with the national focal points referred to in Article 4 (1) **in accordance with the provisions of Article 4(2).**

Justification

Final users should be considered as actors: the agency task should be the identification of the users' needs and disseminate relevant information.

Amendment 10

ARTICLE 1, POINT 2, POINT (B)

Article 3, paragraph 2 (Regulation (EC) No 2062/94)

2. The Agency shall work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication. In particular, the Agency shall **ensure appropriate** co-operation with the European Foundation for the Improvement of Living and Working Conditions, without prejudice to its own aims.

2. The Agency shall work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication. **The Agency will also be able to benefit from the cooperation the Commission already enjoys with the agencies of the United Nations - the World Health Organization (WHO), the International Labour Organization (ILO) - and with the International Committee on Occupational Health (ICOH), in order to keep abreast of work being done by the international organisations.** In particular,

the Agency shall *enhance its* co-operation with the European Foundation for the Improvement of Living and Working Conditions, without prejudice to its own aims.

Amendment 11

ARTICLE 1, POINT (2 A) (new)

Article 4, paragraph 1 (Regulation (EC) No 2062/94)

(2a) In Article 4, paragraph 1 is replaced by the following:

"1. The Agency shall set up a network comprising:

- the main component elements of the national information networks, including the national social partners' organisations, as determined by national legislation and/or practice;*
- the national focal points;*
- any future topic centres."*

Justification

Amendment proposed by the Council and accepted by your rapporteur. It aims at including the national social partners' organisations.

Amendment 12

ARTICLE 1, POINT 3

Article 4, paragraph 2, subparagraphs 1 and 2 (Regulation (EC) No 2062/94)

In Article 4 (2), the second *subparagraph is* replaced by the following:

In Article 4 (2), the *first and second subparagraphs are* replaced by the following:

"The Member States shall regularly inform the Agency of the main components of their national health and safety at work information networks, including any institution which in their judgement could contribute to the work of the Agency, taking into account the need to ensure the fullest possible coverage of their territory.

"The competent national authorities or an institution designated by them shall co-ordinate *and or*/transmit the information to be supplied at national level to the Agency. The national authorities shall **take into account the point of view of** social partners at national level, according to national legislation and/or practices."

The competent national authorities or an institution designated by them **as a national focal point** shall co-ordinate *and/or* transmit the information to be supplied at national level to the Agency, **in the framework of a work plan to be agreed between each focal point and the Agency on the basis of the work programme adopted by the Agency**. The national authorities shall **co-operate with the** social partners at national level, according to national legislation and/or practices."

Amendment 13

ARTICLE 1, POINT 4

Article 7 a (new) (Regulation (EC) No 2062/94)

The Agency shall comprise:

- (a) a Governing Board;
- (b) a Bureau;
- (c) a Director."

The **governing and management structure of the** Agency shall comprise:

- (a) a Governing Board;
- (b) a Bureau;
- (c) a Director."

Justification

Change proposed by the Council and accepted by your rapporteur.

Amendment 14

ARTICLE 1, POINT 5

Article 8, paragraph 2 (Regulation (EC) No 2062/94)

2. The members referred to in points (a), (b) and (c) of paragraph 1 shall be appointed by the Council from the members and alternate members of the Advisory Committee on Safety and Health at Work, **on a proposal from the interest groups representing the governments of the Member States, the employers and the employees' organisations on the Committee**.

2. The members referred to in points (a), (b) and (c) of paragraph 1 shall be appointed by the Council from the members and alternate members of the Advisory Committee on Safety and Health at Work.

The members referred in paragraph 1(a) shall be appointed on a proposal from the Member States.

The members referred in paragraph 1(b) and (c) shall be appointed on a proposal by the respective groups' spokespersons on the Committee.

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

The Council shall at the same time appoint under the same conditions as for the member an alternate member to attend meetings of the Governing Board only in the absence of the member.

The Commission shall appoint the members and alternate members who are to represent it.

When submitting the lists of candidates, the Member States, employers' organisations and employees' organisations, shall endeavour to ensure that the composition of the Governing Board fairly reflects the various economic sectors concerned and to ensure a balanced representation of men and women.

The list of the members of the Governing Board shall be published by the Council in the *Official Journal of the European Union*.

The Council shall at the same time appoint under the same conditions as for the member an alternate member to attend meetings of the Governing Board only in the absence of the member.

The Commission shall appoint the members and alternate members who are to represent it.

When submitting the lists of candidates, **the Commission**, the Member States, employers' organisations and employees' organisations, shall endeavour to ensure that the composition of the Governing Board fairly reflects the various economic sectors concerned and to ensure a balanced representation of men and women **in the composition of the bodies referred to in Article 7 A. The lists shall be submitted within three months of any change in or renewal of the membership of the Advisory Committee for Safety and Health at Work in accordance with the provisions of Articles 3(3) and (4) and 4(1) of Council Decision 2003/C 218/01.**

The list of the members of the Governing Board **and the Bureau** shall be published by the Council in the *Official Journal of the European Union* **and by the Agency on its Internet site.**

Justification

The Commission also has to ensure a balanced representation of men and women among the members it appoints. This balanced representation must be guaranteed not only in the Governing Board but also in the other bodies of the Agency. As for the last subparagraph, the new text aims at enhancing the transparency of the Agency.

Amendment 15

ARTICLE 1, POINT 5

Article 8, paragraph 3 (Regulation (EC) No 2062/94)

3. The term of office of members of the Governing Board shall be three years. It shall be renewable.

3. The term of office of members of the Governing Board shall be three years. It shall be renewable.

The term of office of the members of the Governing Board who are in office on the date of entry into force of Council Regulation (EC) No .../2005 amending this Regulation shall be extended until a new Governing Board has been appointed in accordance with the provisions of paragraph 2.

Upon 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.

Upon 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 16

ARTICLE 1, POINT 5

Article 8, paragraph 7 (Regulation (EC) No 2062/94)

7. The Governing Board shall adopt its rules of procedure, which shall ***enter into force after being approved by the Council, following an opinion given by the Commission.***

7. The Governing Board, ***after receiving an opinion from the Commission,*** shall adopt its rules of procedure, which shall ***lay down the practical arrangements for its activities. The rules of procedure shall be transmitted for information purposes to the European Parliament and the Council. Within a period of three months of the rules of procedure being transmitted to it and acting by a simple majority, the Council may modify those***

rules.

Justification

The amendment clarifies the procedure for the adoption of the Rules of Procedure. The European Parliament is now informed of any change in the Rules.

Amendment 17

ARTICLE 1, POINT 5

Article 8, paragraph 8 (Regulation (EC) No 2062/94)

8. The Governing Board shall establish a Bureau. The Bureau shall be made up of the *chairman* and the three *vice-chairmen* of the Governing Board, one co-ordinator per group referred to in the first subparagraph of paragraph 4 and one more representative of the Commission.

8. The Governing Board shall establish a Bureau ***of 11 members***. The Bureau shall be made up of the *chair* and the three *vice-chairs* of the Governing Board, one co-ordinator per group ***as*** referred to in the first subparagraph of paragraph 4 and one more representative ***of each group and*** of the Commission. ***Each group may designate up to three alternates to attend the meetings of the Bureau, in the absence of the full members.***

Justification

The size of the Bureau is increased to allow for a wider participation in the decision-making activities.

Amendment 18

ARTICLE 1, POINT 5

Article 8, paragraph 9 (Regulation (EC) No 2062/94)

9. Without prejudice to the responsibilities of the Director, as set out in Article 11, the Bureau shall, as delegated by the Governing Board, take all necessary measures for the proper governing of the Agency between the Governing Board meetings, ***except those*** referred to in Articles 10, 13, 14 and 15.

9. Without prejudice to the responsibilities of the Director, as set out in Article 11, the Bureau shall, as delegated by the Governing Board, ***monitor the implementation of the decisions of the Governing Board and*** take all necessary measures for the proper governing of the Agency between the Governing Board meetings. ***The Governing Board may not delegate to the Bureau the powers*** referred

to in Articles 10, 13, 14 and 15.

Justification

Tighter accountability conditions about relationship of Bureau to the Governing Board.

Amendment 19

ARTICLE 1, POINT 5

Article 8, paragraph 10 (Regulation (EC) No 2062/94)

10. The annual ***schedule*** of meetings of the Bureau shall be decided by the Governing Board. The ***chairman*** shall convene additional meetings ***of the Bureau*** at the request of its members.

10. The annual ***number*** of meetings of the Bureau shall be decided by the Governing Board. The ***chair of the Bureau*** shall convene additional meetings at the request of its members.

Justification

This is to preserve the self-regulation of the Bureau. The Governing Board will decide solely on the number of meetings of the Bureau. The chair of the Bureau shall convene additional meetings if requested.

Amendment 20

ARTICLE 1, POINT 5

Article 8, paragraph 11 a (new) (Regulation (EC) No 2062/94)

11a. The Governing Board shall be fully and timely informed of the activities and the decisions of the Bureau.

Justification

The Bureau must be accountable to the Governing Board for its activities and decisions.

Amendment 21

ARTICLE 1, POINT 7

Article 10, paragraph 1, subparagraph 1 (Regulation (EC) No 2062/94)

In Article 10 (1), the first subparagraph is replaced by the following:

(a) In Article 10 (1), the first subparagraph is replaced by the following:

"The Governing Board shall **adopt the Agency's annual and four-year rolling work programme** on the basis of a draft drawn up by the Director referred to in Article 11, after consultation of the Commission services and the Advisory Committee on Safety and Health at Work"

" The Governing Board shall **determine the strategic aims of the Agency. The Governing Board shall in particular adopt the budget, the four-year rolling programme and the annual programme** on the basis of a draft drawn up by the Director referred to in Article 11, after consultation of the Commission services and the Advisory Committee on Safety and Health at Work"

Justification

Amendment proposed by the Council and accepted by your rapporteur.

Amendment 22

ARTICLE 1, POINT 7, POINT (B) (new)

Article 10, paragraph 1, subparagraph 4 (Regulation (EC) No 2062/94)

(b) In Article 10(1), the fourth subparagraph is deleted.

Justification

It was a transitional measure by the time when the Agency was established. Today, it has no meaning.

Amendment 23

ARTICLE 1, POINT 8

Article 11 (Regulation (EC) No 2062/94)

In Article 11, paragraph 2 is replaced by the following:

Article 11 is replaced by the following:

"Article 11

The Director

1. The director shall be appointed by the Commission from a list of candidates submitted by the Governing Board.

2. The director shall be chosen on the grounds of his/her competence. His/her

"2. The *Director* shall be the legal representative of the Agency.

He shall be responsible for :

- (a) the proper preparation and implementation of the decisions and programmes adopted by the Governing Board and the Bureau,
- (b) the management and the day-to-day administration of the Agency,
- (c) the preparation and publication of the report referred to in Article 10(2),
- (d) the performance of the tasks prescribed,
- (e) all staff matters,
- (f) the preparation of the Governing Board meetings and the Bureau meetings."

independence must be beyond doubt.

3. The director shall be appointed for a maximum period of five years. His/Her term of office shall be renewable.

4. The *director* shall be the legal representative of the Agency.

He/She shall be responsible for :

- (a) the proper preparation and implementation of the decisions and programmes adopted by the Governing Board and the Bureau,
- (b) the management and the day-to-day administration of the Agency,
- (c) the preparation and publication of the report referred to in Article 10(2),
- (d) the performance of the tasks prescribed,
- (e) all staff matters,
- (f) the preparation of the Governing Board meetings and the Bureau meetings."

Justification

Contrary to EUROFOUND (Dublin) and CEDEFOP (Thessaloniki), EU-OSHA's Director is appointed by the Governing Board. This amendment aims at streamlining the selection procedure of the Directors of the Agencies within the remit of this EP committee. Moreover, paragraphs 2 and 3 aim at clearly stating the procedure and criteria for the appointment of the Director and at bringing it in line with the provisions concerning EUROFOUND Director.

EXPLANATORY STATEMENT

1. INTRODUCTION

The European Agency for Safety and Health at Work, hereinafter referred to as "the Agency", was established in 1994 by Council Regulation (EC) N° 2062/94¹, in Bilbao, Spain, and became fully operational in 1996.

The main tasks of the Agency are to collect and disseminate technical, scientific and economic information in the Member States for the benefit of Community bodies, Member States and interested parties, to promote and support co-operation and exchange of information and experience among the Member States and in particular to provide the Commission with the necessary information it requires to fulfil its task of identifying, preparing and evaluating legislation and measures in this area, as regards the impact of legislation on enterprises with particular reference to SMEs.

As provided in the Regulation, the Agency has set up an information network, working closely with the Member States' competent national authorities and research centres designated to co-ordinate and transmit the information to and from the Agency. The network is also extended to the EFTA countries and the acceding and candidate countries.

2. CONTEXT

Article 23 of the existing Regulation instructs the Commission to submit a report, no later than five years after the entry into force of the Regulation, accompanied as appropriate by a proposal, on the basis of which, after consultation of the European Parliament, the Council will review the Regulation and any new assignment for the Agency if necessary. In the meantime, an external evaluation was carried out and all stakeholders were consulted. The Commission proposal to amend Regulation N° 2062/94 responds to the Council's invitation to submit, as appropriate, such a proposal.

The Agency has a tripartite Administrative Board composed of national representatives of governments', employers' organisations and employees' organisations (75 members) and the Commission (3 representatives). The national and tripartite composition of the Governing Board of the Agency is a feature shared with two other decentralised Agencies, the European Foundation for the Improvement of Living and Working Conditions, in Dublin, and the European Centre for the Development of Vocational Training (Cedefop), in Thessaloniki. The employers' and the employees' organisations at European level have an observer each in the Board. The Director is the legal representative of the Agency, responsible for the preparation and execution of decisions of the Board and for day-to-day management.

The Board meets twice a year to take decisions related to the work programme and the budget, while its Bureau, in accordance with the Rules of Procedure, takes urgent and necessary measures between the Board meetings and ensures the proper preparation of those meetings. However, the Board is still in charge of a number of cumbersome and time-consuming administrative issues, which do not leave enough room for more important strategic deliberations on the functioning and role of the Agency. Taking into account that due

¹ OJ L 216, 20.8.1994.

to enlargement the members of the Governing Board has increase from 48 to 78, it is important to ensure that the Board maintains its capacity to provide a strategic contribution.

The amendments proposed by the Commission fall into the following main categories:

- those intended to clarify the objectives and tasks of the Agency (better link with the priorities of the Community Strategy; strengthen the Agency's capacity of data analysis; focus more on the needs of SMEs; provide more accessible and comprehensible information to the final users, introduce added value to that information, etc (Articles 2 and 3));
- those intended to take account of the enlargements, clarify and improve the functioning of the Governing Board and strengthen its strategic role and the executive role of the Bureau, while leaving the director accountable and responsible for every-day management (Article 8);
- those intended to reinforce the role of the social partners in the Agency's network with the Member States, (Article 4(2)).
- those intended to reinforce co-operation with other Community bodies in the social policy area (Article 3(2)).

3. THE DRAFT REPORT

Your rapporteur in principle supports the modification to the Council Regulation (EEC) No 2062/94 as proposed by the Commission and as agreed under the form of *general orientations* by the Council. Some of the amendments tabled by your rapporteur reproduce the changes agreed upon by the Council in order to allow for an open debate in Parliament. Other amendments are of a technical nature, or are devised to improve the text or to strengthen the declared aims of the proposal:

a. Gender balance

The proposed amendments are intended to strengthen the references to a balanced representation of men and women in the governing and management bodies of the Agency by addressing this issue in the whole chain of the nomination and election procedure.

b. Transparency and efficiency

On one hand, changes are introduced to provide for a system of checks and counterchecks to ensure that the activities of the main bodies of the Agency are carried out in an efficient way: the Bureau, among other tasks, shall monitor the implementation of the decisions taken by the Governing Board, while the latter will be fully informed on the activities of and the decisions taken by the Bureau.

On the other hand, the Regulation should clearly state the criteria for the appointment of the Director. The amendments proposed reproduce the text relating to the appointment of the Director of the Foundation for the Improvement of Living and Working Conditions, which sets criteria relating to the necessary competence and independence of the Director. The

Director should be appointed by the Commission on a proposal from the Governing Board, as this is the case for other Agencies within the Employment Committee's remit.

14.3.2005

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Employment and Social Affairs

on the proposal for a Council regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work
(COM(2004)0050 - C6-0014/2004 - 2004/0014(CNS))

Draftsman: Giovanni Berlinguer

EXPLANATORY STATEMENT

1. Many of the new Council proposals relate to the Agency's governing and management structures (Articles 7 and 8), but the main proposals consists in assigning to the Agency the task (Article 3) not only of collecting and passing on information, but also of analysing the data relating to health and safety at work. The objective of defining quantifiable objectives for Europe is indeed unattainable without analysis of this kind.
2. Hence the need for more reliable information and comparative data, which are currently lacking because statistics on accidents and illnesses are evaluated in different ways and by different bodies in the various Member States, mainly as a result of differences in insurance legislation rather than actual epidemiological criteria. A great many accidents and even more cases of illness are therefore not recorded.
3. It is right to make a positive assessment of the policies of the European Union and the Member States, which have brought about considerable improvements (13% fewer accidents). These results have certainly been due in part to the work of the European Agency for Safety and Health at Work and the European Foundation for the Improvement of Living and Working Conditions in Dublin, two bodies which carry out different tasks but which complement each other.
4. The fact remains, however, that the number of avoidable accidents and fatal accidents is very high. And, above all, there are an enormous number of illnesses of which work is the sole, or a contributory, cause. It is now necessary to identify not only the highest-risk areas of production (e.g. the construction industry), as has already been done, but also the groups of at-risk people in respect of age (younger and older employees) and working conditions and situations, such as immigrant workers, atypical and precarious work situations and undeclared

employment, i.e. activities which have in common lower qualifications and less trade union representation. Only in this way can one work towards ‘awareness-raising and risk anticipation’ and plan coordinated prevention projects.

5. Nowadays such an undertaking runs counter to the growing tendency to regard safety and health mainly as a cost factor, and rules and inspections as an obstacle to productive development and a hindrance to competitiveness. It should be emphasised that ‘a safe and healthy working environment [is]one of the essential components’ (see COM(2002)0118 of 11.3.2002: *a new Community strategy on health and safety at work 2002-2006*). This can also be confirmed by a more far-ranging comparison: in the global ranking of countries by competitiveness drawn up by the World Economic Forum for 2004, Finland is in first place, and the first six countries include four European nations (Finland, Sweden, Denmark and Norway) which are the most competitive and also have the highest standards for health and safety in the workplace and the best welfare systems.

6. Apart from a reinforcement of the tripartite cooperation between employees, employers and governments, there is a need also to include the ‘fourth partner’, which is made up of the very diverse groups of people who are involved professionally with safety and health in the workplace: researchers, doctors and nurses, hygienists, ergonomists, toxicologists, chemists, etc. It should be noted as a positive development that the ICOH (International Commission on Occupational Health) is now paying increasing attention to the ethical issues of the relationship between work and health, and in the revision of its ‘Code of Ethics’ gives particular prominence to the idea of workers as people rather than simply as links in the production chain. Critical mention should, on the other hand, be made of the fact that in the EU’s Sixth Research and Development Framework Programme there is no mention of assigning funding to the issue of the relationship between work, safety and health, even though new technologies and new risks will make further research necessary.

7. The organisational proposals made by the Council go some way towards meeting the needs set out here. Together with the European Foundation for the Improvement of Living and Working Conditions (Dublin), which is pursuing original research work, the Agency in Bilbao will be able to improve its own activities. The organisation is based on the tripartite model (workers, companies, governments) which has yielded good results at the European level, but now it must be extended to the ‘nerve endings’, that is to say, to the peripheral organisations. It is right to restate that these bodies, which contribute to providing, analysing and using the data, must have a national basis. At the moment, however, in most of the countries they are based solely on the employment ministry or other government sources, which can result in their work being one-sided and their efficiency reduced.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

RECITAL 1

(1) Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work includes provisions concerning the aims, tasks and organisation of the Agency and in particular of its Administrative Board. Those provisions have been amended following the ***accession of Austria, Finland and Sweden***, when new members had to be added to the Administrative Board.

(1) Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work includes provisions concerning the aims, tasks and organisation of the Agency and in particular of its Administrative Board. Those provisions have been amended following the ***recent accessions***, when new members had to be added to the Administrative Board.

Amendment 2

RECITAL 5 A (new)

(5a) In order to achieve the goals set out above, the Agency needs not only to collect and disseminate information, but also to analyse information, identify risks and good practices and promote preventive action. In this respect it is important to clarify that the Agency has the role of a "risk observatory" and that it should analyse risks, in particular emerging ones, and promote preventive action. Risks to workers' family members should be included. Particular attention should also be paid to genotoxicity risks which may have consequences for the offspring of an affected worker.

Amendment 3

RECITAL 6

(6) The Commission Communication on the Evaluation of the Agency, prepared in accordance with Article 23 of Regulation (EC) No 2062/94 and based on an external evaluation carried out in 2001, as well as on

(6) The Commission Communication on the Evaluation of the Agency, prepared in accordance with Article 23 of Regulation (EC) No 2062/94 and based on an external evaluation carried out in 2001, as well as on

¹ Not yet published in OJ.

the contributions of the Administrative Board and of the Commission Advisory Committee for Safety, and Health at Work, underlines the need to amend Regulation (EC) No 2062/94, in order to maintain the efficiency and effectiveness of the Agency and its management structures.

the contributions of the Administrative Board and of the Commission Advisory Committee for Safety, and Health at Work, underlines the need to amend Regulation (EC) No 2062/94, in order to maintain **and improve** the efficiency and effectiveness of the Agency and its management structures.

Amendment 4
RECITAL 13

(13) It is necessary to anticipate the practical consequences for the Agency of the forthcoming enlargement of the Union. The composition and functioning of its Board should be adjusted to take account of the accession of new Member States.

deleted

Amendment 5
ARTICLE 1, POINT 2, POINT (A), POINT (I)
Article 3, paragraph 1, point (a) (Regulation (EC) No 2062/94)

(a) collect, analyse and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties; this collection shall take place to identify existing national priorities and programmes and provide the necessary input to the priorities and programmes of the Community;

(a) collect, analyse and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties; this collection shall take place to identify ***risks and good practices as well as*** existing national priorities and programmes and provide the necessary input to the priorities and programmes of the Community;

Amendment 6
ARTICLE 1, POINT 2, POINT (A), POINT (I)
Article 3, paragraph 1, point (b) (Regulation (EC) No 2062/94)

(b) collect and analyse technical, scientific and economic information on research into safety and health at work and on other research activities which involve aspects connected with safety and health at work and disseminate the results of the research and research activities;

(b) collect and analyse technical, scientific and economic information on research into safety and health at work and on other research activities which involve aspects connected with safety and health at work and disseminate the results of the research and research activities; ***this can be done by***

focusing, as a priority, on certain sectors as well as on certain types of workers who are more exposed to dangers and risks and less well represented by unions, such as temporary workers, immigrants, illegal workers, under-age/juvenile workers etc.; certain types of workplace risks which can affect the health of the worker's family members should also be taken into consideration;

Amendment 7

ARTICLE 1, POINT 2, POINT (A), POINT (I A) (new)

Article 3, paragraph 1, point (c) (Regulation (EC) No 2062/94)

(ia) Point (c) is replaced by the following:

"(c) promote and support cooperation and exchange of information and experience, by way of a systematic collection of data, with the support of Eurostat, amongst the Member States in the field of safety and health at work, including information on training programmes; to that end, promote harmonisation of statistics on work-related accidents and illnesses in order to correct the distortions of reality and concealing of facts in the different Member States resulting from the current disparities in evaluating and analysing work-related accidents and illnesses;"

Amendment 8

ARTICLE 1, POINT 2, POINT (A), POINT (II)

Article 3, paragraph 1, point (h) (Regulation (EC) No 2062/94)

(h) provide technical, scientific and economic information on methods and tools for implementing preventive activities, identify good practices and promote preventive *actions*, paying particular attention to the specific problems of small and medium-sized enterprises;

(h) provide technical, scientific and economic information on methods and tools for implementing preventive activities, identify **risks and** good practices and promote preventive *action*, paying particular attention to the specific problems of small and medium-sized enterprises **and promoting specific solutions for those enterprises;**

Amendment 9
ARTICLE 1, POINT 2, POINT (B)
Article 3, paragraph 2 (Regulation (EC) No 2062/94)

2. The Agency shall work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication. In particular, the Agency shall **ensure appropriate** co-operation with the European Foundation for the Improvement of Living and Working Conditions, **without** prejudice to its own aims.

2. The Agency shall work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication. ***The Agency shall also be able to benefit from the cooperation the Commission already enjoys with the agencies of the United Nations - the World Health Organization (WHO), the International Labour Organization (ILO) - and with the International Committee on Occupational Health (ICOH), in order to keep abreast of work being done by the international organisations.*** In particular, the Agency shall **enhance its** co-operation with the European Foundation for the Improvement of Living and Working Conditions, **being aware there is no** prejudice to its own aims.

Amendment 10
ARTICLE 1, POINT 2 A (NEW)
Article 4, paragraph 2, subparagraph 1 (Regulation (EC) No 2062/94)

(2a) In Article 4(2), the first subparagraph is replaced by the following:

"2. To enable the network to be set up as rapidly and as efficiently as possible, the Member States shall, within six months of the entry into force of Regulation (EC) No 1643/95*, inform the Agency of the main component elements of their national health and safety at work information networks, including any institution which in their judgment could contribute to the work of the Agency, taking into account the need to ensure the fullest possible geographical coverage of their territory. With regard to the focal points, the Member States shall ensure that they function in a manner which respects the principle of

*tripartism, similar to the Agency's
Governing Board.*

** OJ L 156, 7.7.1995, p. 1."*

PROCEDURE

Title	Proposal for a Council regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work
References	COM(2004)0050 - C6-0014/2004 - 2004/0014(CNS)
Committee responsible	EMPL
Committee asked for its opinion Date announced in plenary	BUDG, FEMM, ENVI 15.9.2004
Enhanced cooperation	No
Draftsman Date appointed	Giovanni Berlinguer 1.9.2004
Discussed in committee	24.11.2004
Date amendments adopted	7.3.2005
Result of final vote	for: 38 against: 1 abstentions: 1
Members present for the final vote	Adamos Adamou, Johannes Blokland, John Bowis, Hiltrud Breyer, Martin Callanan, Chris Davies, Karl-Heinz Florenz, Norbert Glante, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Mary Honeyball, Marie Anne Isler Béguin, Dan Jørgensen, Christa Kläß, Jules Maaten, Linda McAvan, Marios Matsakis, Riitta Myller, Guido Sacconi, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Antonios Trakatellis, Thomas Ulmer, Åsa Westlund
Substitutes present for the final vote	Margrete Auken, María del Pilar Ayuso González, Giovanni Berlinguer, Hélène Goudin, Jutta D. Haug, Erna Hennicot-Schoepges, Karsten Friedrich Hoppenstedt, Alojz Peterle, Bart Staes, Robert Sturdy, Andres Tarand, Phillip Whitehead
Substitutes under Rule 178(2) present for the final vote	Dess

PROCEDURE

Title	Proposal for a Council regulation amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work		
References	COM(2004)0050 – C6-0014/2004 – 2004/0014(CNS)		
Legal basis	Article 308 EC		
Basis in Rules of Procedure	Rule 51		
Date of consulting Parliament	10.5.2004		
Committee responsible Date announced in plenary	EMPL 15.9.2004		
Committee(s) asked for opinion(s) Date announced in plenary	FEMM 15.9.2004	ENVI 15.9.2004	BUDG 15.9.2004
Not delivering opinion(s) Date of decision	FEMM 15.9.2004	BUDG 15.9.2004	
Rapporteur(s) Date appointed	Stephen Hughes 11.10.2004		
Discussed in committee	17.1.2005	1.2.2005	16.3.2005
Date adopted	31.3.2005		
Result of final vote	for:	41	
	against:	2	
	abstentions:	1	
Members present for the final vote	Jan Andersson, Roselyne Bachelot-Narquin, Jean-Luc Bennahmias, Emine Bozkurt, Philip Bushill-Matthews, Milan Cabrnach, Mogens N.J. Camre, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Jean Louis Cottigny, Proinsias De Rossa, Harald Ettl, Richard Falbr, Ilda Figueiredo, Roger Helmer, Stephen Hughes, Karin Jöns, Ona Juknevičienė, Jan Jerzy Kułakowski, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Mary Lou McDonald, Thomas Mann, Jan Tadeusz Masiel, Jiří Maštálka, Ana Mato Adrover, Marios Matsakis, Ria Oomen-Ruijten, Csaba Óry, Jacek Protasiewicz, José Albino Silva Peneda, Jean Spautz, Anne Van Lancker		
Substitutes present for the final vote	Mihael Brejc, Marian Harkin, Anne Elisabet Jensen, Jamila Madeira, Elisabeth Schroedter, Marc Tarabella, Claude Turmes, Anja Weisgerber		
Date tabled – A6	14.4.2005	A6-0092/2005	