



Council of the
European Union

Brussels, 23 August 2016
(OR. en)

11531/16

Interinstitutional File:
2016/0254 (COD)

SOC 478
EMPL 312
CODEC 1112

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	23 August 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 528 final
Subject:	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

Delegations will find attached document COM(2016) 528 final.

Encl.: COM(2016) 528 final



Brussels, 23.8.2016
COM(2016) 528 final

2016/0254 (COD)

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**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The proposal aims to revise the founding regulation of the European Agency for Safety and Health at Work (EU-OSHA) from 1994. The reasons for the revision are twofold.

The revision of the EU-OSHA's Founding Regulation will align certain provisions of the existing Regulation governing EU-OSHA with the Common Approach on Decentralised Agencies. Secondly, the revision offers the opportunity to update the objectives and tasks of EU-OSHA. The new objectives and tasks will be adjusted to better reflect the developments in this area as well as new needs.

The revision is not an initiative within the Regulatory Fitness Programme (REFIT).

The other two tripartite Agencies of the European Union, Eurofound and CEDEFOP will also undergo a revision of their respective Founding Regulations at the same time as EU-OSHA.

- **Consistency with existing policy provisions in the policy area**

The EU-OSHA's Founding Regulation has been amended three times, in 1995, 2003, and 2005, mainly to take account of EU enlargement or Treaty changes. However, such amendments have not significantly altered the fundamentals of the Agency.

This revision will provide a clearer description of the role of EU-OSHA in supporting the Commission in shaping policies on health and safety at work. It will update the mandate of EU-OSHA as a centre for the technical, scientific, legal and economic information and qualified expertise of use in the field of safety and health at work.

- **Consistency with other Union policies**

The role of EU-OSHA is to inform and contribute towards better evidence-based policymaking in areas relevant to health and safety at work. The revision thus takes into consideration the existing EU policies on health and safety at work, and foresees complementarity with ongoing and planned research in this area carried out with EU funding, such as those financed under the Horizon 2020 programme.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposed legal basis is article 153 of the Treaty on the Functioning of the European Union (TFEU), which covers the activities carried out by EU-OSHA in the area of health and safety at work where it refers to measures designed to encourage cooperation between Member States in Art 153(2)(a) TFEU.

- **Subsidiarity (for non-exclusive competence)**

This proposal addresses certain aspects relating to how the EU agency operates internally and within the EU institutional framework. Therefore, the objectives of this proposal cannot be achieved by action at national level.

- **Proportionality**

The revision of the Founding Regulation should be considered in terms of its impact on administrative burden and budgetary costs so as to respect the proportionality principle. A general principle which shall guide the revision is the necessity to keep the text of the Founding Regulation simple, clear and flexible, while relying on other forms of regulation (e.g. Rules of Procedure) for detailed provisions. A Founding Regulation should have a mid-term lifespan and ensure the necessary flexibility to allow for possible future developments in the organisation without a need for a further revision.

- **Choice of the instrument**

The instrument will be a Regulation of the European Parliament and the Council repealing and replacing the existing Council Regulation (EC) 2062/94.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The most recent evaluation was conducted by the Agency in 2011 focusing on its Strategy for the period 2009-2013.

- **Stakeholder consultations**

In line with the requirements of Article 154 TFEU, management and labour at EU level have been consulted on both the possible direction of Union action and the content of the envisaged proposal. Both management and labour insisted in their opinion on maintaining the tripartite nature of the Agency and reflecting this in the objectives of the Agency and in the representation of all groups in its governance structures. Otherwise, there were no major suggestions concerning EU-OSHA Founding Regulation.

The Commission has kept the other relevant stakeholders informed on broad decisions concerning this revision exercise consulted them when necessary.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Given the limited revision of the founding act, an impact assessment was not carried out.

- **Regulatory fitness and simplification**

Not applicable. The proposal is not linked to REFIT.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The budgetary implications in terms of human and financial resources, as presented in more detail in the legislative financial statement, are in line with Commission Communication (2013)519.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

In accordance with the Common Approach, the proposal includes a provision on the evaluation of the Agency by the Commission. In addition to making this proposal, the Commission envisages to carry out a cross-cutting evaluation to assess the Agency's objectives, mandates, governance and tasks, also in relation to other agencies acting in the field of labour market, working conditions, vocational education and training and skills.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The revision of the Founding Regulation offers the opportunity to update EU-OSHA's objectives and tasks. In particular, it will allow to define more precisely the role of EU-OSHA in supporting the Commission and other EU institutions and bodies, the Member States, the social partners and those involved in the field in shaping and implementing policies on health and safety at work at both national and European levels.

Furthermore, the revision creates the opportunity to provide for anti-fraud measures, conflict of interest policy, evaluation and review and the establishment of a headquarters agreement. The revision will also harmonise the provisions on programming and reporting with the requirements set by the revised Framework Financial Regulation. The terminology for the management structure will be aligned with the Common Approach. Certain elements of the Founding Act are not being reviewed in the light of the Common Approach in the framework of this proposal, pending further evaluation

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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2)(a) thereof;

Having regard to the proposal from the European Commission;

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Agency for Safety and Health at Work (EU-OSHA) was established by Council Regulation (EC) No 2062/94³ to contribute to improvement of the working environment, as regards the protection of the safety and health of workers, through action designed to increase and disseminate knowledge likely to assist this improvement.
- (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 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.
- (3) Regulation (EC) No 2062/94 has been amended several times. Since further amendments are to be made, it should therefore be replaced and repealed in the interest of clarity.

¹ OJ C , , p. .

² OJ C , , p. .

³ Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1).

- (4) The Agency should be governed and operated in line with the principles of the Joint statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012, to the extent possible. This proposal does not prejudice any further amendments to the Founding Regulation of EU-OSHA which the Commission may wish to propose following further evaluation, as provided for in this act or on its own initiative. The Commission will evaluate the objectives, mandate, governance and tasks of all EU Agencies acting in the field of labour market, working conditions, vocational education and training and skills.
- (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.
- (6) There are already organisations in the European Union and Member States which provide this type of information and services. In order to obtain the maximum benefit at EU level from work already carried out by these organisations, it is appropriate to maintain the existing well-functioning network set up by EU-OSHA under Regulation (EC) No 2062/94 and comprising Member States focal points and their national tripartite networks. It is also important that the Agency have very close functional links with the Advisory Committee on Safety and Health at Work⁴, to ensure good coordination and synergies.
- (7) The financial provisions and provisions for programming and reporting included in Regulation (EC) No 2062/94 should be aligned with Commission Delegated Regulation (EU) No 1271/2013⁵.
- (8) The provisions concerning EU-OSHA's staff included in Regulation (EC) No 2062/94 should be aligned with the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68⁶.
- (9) The Agency should take the necessary measures to ensure safe handling and processing of confidential information. Where required, EU-OSHA will adopt security

⁴ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, OJ C 218, 13.9.2003, p. 1–4

⁵ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 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 Council (OJ L 328, 7, 12.2013, p. 42).

⁶ Council Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968, p. 1), as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

rules as set out in Commission Decision (EU, Euratom) 2015/443⁷ and Commission Decision (EU, Euratom) 2015/444⁸.

- (10) It is necessary to provide for transitional budgetary provisions and transitional provisions on the Management Board, Executive Director and staff to ensure continuation of activities of the Agency pending the entry into force of this Regulation.

HAVE ADOPTED THIS REGULATION:

⁷ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁸ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

CHAPTER I

OBJECTIVES AND TASKS OF THE AGENCY

Article 1 – Establishment and Objective of the Agency

1. The European Agency for Safety and Health at Work (the ‘Agency’ also referred to as ‘EU-OSHA’, is hereby established as a European Union Agency.
2. The objective of the Agency shall be to provide the European Union institutions and bodies, the Member States, the social partners and those involved in the field of safety and health at work with the technical, scientific, legal and economic information and qualified expertise of use in that field.

Article 2 –Tasks

1. The Agency shall perform the following tasks with respect to the policy areas referred to in Article 1(2) :
 - (a) collect, analyse and disseminate technical, scientific and economic information on safety and health at work in the Member States in order to pass it on to the European Union institutions and 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 European Union;
 - (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;
 - (c) promote and support cooperation and exchange of information and experience amongst the Member States in the field of safety and health at work, including information on training programmes;
 - (d) organise conferences and seminars and exchanges of expertise from the Member States in the field of safety and health at work;
 - (e) supply the European Union institutions and bodies and the Member States with the objective available technical, scientific, legal and economic information and qualified expertise they require to formulate and implement judicious and effective policies designed to protect the safety and health of workers; to that end, provide the European Commission in particular with the technical, scientific, legal and economic information and qualified expertise it requires to fulfil its tasks of identifying, preparing and evaluating legislation and measures in the area of the protection of the safety and health of workers, notably as regards the impact of legislation, the adaptation of legislation to technical,

scientific or legislative progress as well as of practical implementation of legislation in enterprises, with particular reference to micro, small and medium-sized enterprises;

- (f) establish, in cooperation with the Member States, and coordinate the network referred to in Article 12, taking into account the national, EU and international bodies and organisations which provide this type of information and services;
 - (g) collect and make available information on safety and health matters from and to third countries and international organisations;
 - (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. With regard to good practices, the Agency shall in particular focus on practices which constitute practical tools to be used in drawing up an assessment of the risks to safety and health at work, and identifying the measures to be taken to tackle them;
 - (i) contribute to the development of European Union strategies and action programmes relating to the protection of safety and health at work, without prejudice to the Commission's sphere of competence;
 - (j) carry out awareness raising and communication activities and campaigns on health and safety at work issues.
2. The Agency shall ensure that the information disseminated is tailored to the intended users. To achieve this objective, the Agency shall work closely with the national focal points referred to in Article 12(1), in accordance with Article 12(2).
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.

CHAPTER II

ORGANISATION OF THE AGENCY

Article 3 – Administrative and management structure

The Agency's administrative and management structure shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 5;

- (b) an Executive Board, which shall exercise the functions set out in Article 10;
- (c) an Executive Director, who shall exercise the responsibilities set out in Article 11;
- (d) a Network, which shall exercise the functions set out in Article 12.

SECTION 1: MANAGEMENT BOARD

Article 4 – Composition of the Management Board

1. The Management Board shall be composed of:
 - (a) one member representing the Government from each Member State;
 - (b) one member representing employers' organisations from each Member State ;
 - (c) one member representing employees' organisations from each member State;
 - (d) three members representing the Commission.

All members referred to points (a)-(d) shall have voting rights.

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 Work⁹.

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

The members referred to in points (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; the proposals shall also be forwarded to the Commission for information.

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

2. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his/her absence. The alternate shall be appointed following the procedure provided for in paragraph 1.
3. Members of the Management Board and their alternates shall be appointed in light of their knowledge in the field of health and safety at work, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to ensure a balanced representation of men and women and to limit turnover of their representatives, in order to guarantee continuity of the Board's work.

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, OJ C 218, 13.9.2003, p. 1-4

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.
5. Within the Management Board, the representatives of governments, employers' organisations and employees' organisations shall each form a group. Each group shall designate a coordinator in order to enhance the efficiency of deliberations within and between the groups. The coordinators of the employers' and employees' groups shall be representatives of their respective organisations at European level and do not need to be designated from among the appointed Board members. Coordinators who are not appointed Board members within the meaning of paragraph 1 shall take part in Management Board meetings without the right to vote.

Article 5 – Functions of the Management Board

1. The Management Board shall:
 - (a) give the general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 6;
 - (b) adopt, by a majority of two-thirds of members entitled to vote, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Chapter III;
 - (c) adopt the consolidated annual activity report together with its assessment on the Agency's activities and send these by 1 July each year to the European Parliament, the Council, the Commission and the European Court of Auditors. The consolidated annual activity report shall be made public;
 - (d) adopt the financial rules applicable to the Agency in accordance with Article 17;
 - (e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;
 - (f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts;
 - (g) adopt and regularly update the communication and dissemination plans based on an analysis of needs;
 - (h) adopt its rules of procedure;
 - (i) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');

- (j) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
 - (k) appoint the Executive Director and where relevant extend his/her term of office or remove him/her from office in accordance with Article 19;
 - (l) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;
 - (m) monitor adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF).
 - (n) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification, taking into consideration the Agency's activity needs as well as having regard to sound budgetary management.
 - (o) authorise the establishment of working arrangements in accordance with Article 30 (1)
2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.
 3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Article 6 – Annual and multi-annual programming

1. Each year, the Executive Director shall, in line with Article 11 (5) c, draw up a programming document containing multiannual and annual programming in line with Article 32 of the Commission delegated Regulation (EU) No 1271/2013¹⁰ and taking into account guidelines set by the Commission.
2. By 30 November each year, the Management Board shall adopt the programming document referred to in paragraph 1 and shall forward it to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.

¹⁰ 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 Council (OJ L 328, 7.12.2013, p. 42).

The programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. 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.
4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme.

5. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. It shall include a strategy for relations with third countries and international organisations, with a specification of associated resources.
6. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 28.

Article 7 – Chairperson of the Management Board

1. The Management Board shall elect a Chairperson and three Deputy Chairpersons as follows – one from amongst the members representing Member States, one from amongst the members representing employers' organisations, one from amongst the members representing employees' organisations and one from amongst the members representing the Commission. The Chairperson and the Deputy Chairpersons shall be elected by a majority of two-thirds of members of the Management Board with voting rights.
2. The term of office of the Chairperson and the deputy Chairpersons shall be two years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.

Article 8 – Meetings of the Management Board

1. The Chairperson shall convene meetings of the Management Board.

2. The Executive Director of the Agency shall take part in the deliberations, without the right to vote.
3. The Management Board shall hold at least one ordinary meeting a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission or at the request of at least one-third of its members.
4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.
5. The Agency shall provide the secretariat for the Management Board.

Article 9– Voting rules of the Management Board

1. Without prejudice to Article 5(1)(a) and (b) and Article 19(7), the Management Board shall take decisions by majority of members with voting rights.
2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his/her alternate shall be entitled to exercise his/her right to vote.
3. The Chairperson shall take part in the voting.
4. The Executive Director shall take part in the deliberations, without the right to vote
5. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

SECTION 2

EXECUTIVE BOARD

Article 10- Executive Board

1. The Management Board shall be assisted by an Executive Board.
2. The Executive Board shall:
 - (a) prepare decisions to be adopted by the Management Board.
 - (b) monitor, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);
 - (c) without prejudice to the responsibilities of the Executive Director, as set out in Article 11, assist and advise him/her in the implementation of the decisions of

the Management Board, with a view to reinforcing supervision of administrative and budgetary management.

3. Where necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters
4. The Executive Board shall be composed of the Chairperson of the Management Board, the three Deputy Chairpersons, the coordinators of the three groups as referred to in Article 4 (5) and one representative of the Commission. Each group referred to in Article 4 (5) may designate up to two alternates to attend the meetings of the Executive Board, in the absence of the full members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.
5. The term of office of members of the Executive Board shall be two years. That term shall be extendable. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.
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.
7. The Management Board shall lay down the rules of procedure of the Executive Board.

SECTION 3

EXECUTIVE DIRECTOR

Article 11 – Responsibilities of the Executive Director

1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.
2. Without prejudice to the powers of the Commission, the Management Board, and the Executive Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.
3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.
4. The Executive Director shall be the legal representative of the Agency.

5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:
- (a) day-to-day administration of the Agency;
 - (b) implementing decisions adopted by the Management Board;
 - (c) preparing the programming document and submitting it to the Management Board after consulting the Commission;
 - (d) implementing the programming document and reporting to the Management Board on its implementation;
 - (e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;
 - (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;
 - (g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;
 - (h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;
 - (i) preparing draft financial rules applicable to the Agency;
 - (j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget.
6. The Executive Director shall also be responsible for deciding whether it is necessary for the purpose of carrying out the Agency's tasks in an efficient and effective manner to establish one or more local offices in one or more Member States. That decision requires the prior consent of the Commission, the Management Board and the Member State where the local office is to be established. That decision shall specify the scope of the activities to be carried out at that local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.

SECTION 4

NETWORK

Article 12 - Network

1. The Agency shall set up a network comprising:
 - the main component elements of the national information networks, including the national social partners' organisations, according to national legislation and/or practice;
 - the national focal points.
2. 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 a national institution designated by them as a national focal point shall coordinate and/or transmit the information to be supplied at national level to the Agency, in the framework of an agreement between each focal point and the Agency on the basis of the work programme adopted by the Agency. The national authorities shall consult the national social partners and take into account their point of view in accordance with national legislation and/or practice.
3. Topics of particular interest identified shall be listed in the Agency's annual work programme.
4. In the light of experience gained, the Agency shall periodically re-examine the main component elements of the network referred to in paragraph 2 and shall make such changes as may be decided by the Management Board, taking account of any new designations made by the Member States.

CHAPTER III

FINANCIAL PROVISIONS

Article 13 - Budget

1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget.
2. The Agency's budget shall be balanced in terms of revenue and of expenditure.
3. Without prejudice to other resources, the Agency's revenue shall comprise:

- (a) a contribution from the Union entered in the general budget of the European Union;
 - (b) any voluntary financial contribution from the Member States;
 - (c) charges for publications and any service provided by the Agency;
 - (d) any contribution from third countries participating in the work of the Agency, as provided for by Article 30.
4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.

Article 14 – Establishment of the budget

1. Each year, the Executive Director shall draw up a provisional draft estimate of the Agency's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.
2. The Management Board shall, on the basis of that provisional draft, adopt a draft estimate of the Agency's revenue and expenditure for the following financial year.
3. The draft estimate of the Agency's revenue and expenditure shall be sent to the Commission by 31 January each year.
4. The Commission shall send the draft estimates to the budgetary authority together with the draft general budget of the Union.
5. On the basis of the draft estimates, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.
6. The budgetary authority shall authorize the appropriations for the contribution to the Agency.
7. The budgetary authority shall adopt the Agency's establishment plan.
8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.
9. For any building project likely to have significant implications for the budget of the Agency the provisions of Delegated Regulation (EU) No 1271/2013 shall apply.

Article 15 – Implementation of the budget

1. The Executive Director shall implement the Agency's budget.

2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of evaluation procedures.

Article 16 - Presentation of accounts and discharge

1. By 1 March of the following financial year, the Agency's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the European Court of Auditors.
2. By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the European Court of Auditors.
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.
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.
4. The Management Board shall deliver an opinion on the Agency's final accounts.
5. The accounting officer shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
6. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.
7. The Executive Director shall send the European Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send this reply to the Management Board.
8. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.
9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

Article 17 – Financial rules

The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.

CHAPTER IV

STAFF

Article 18 – General provisions

1. The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the Agency.
2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations.

Article 19 – Executive Director

1. The Executive Director shall be a member of staff and shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other servants.
2. The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.
For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.
3. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.
4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.
5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.
7. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

Article 20 - Seconded national experts and other staff

1. The Agency may make use of Seconded national experts or other staff not employed by the Agency.
2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.

CHAPTER V

GENERAL PROVISIONS

Article 21 – Legal status

1. The Agency shall be a body of the Union. It shall have legal personality.
2. In each of the Member States the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
3. The seat of the Agency shall be Bilbao, Spain.
4. The Agency may establish local offices in the Member States, subject to their consent and in accordance with Article 11(6).

Article 22 – Privileges and immunities

The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.

Article 23 – Language arrangements

1. The provisions laid down in Regulation No 1 shall apply to the Agency.
2. The Management Board can decide on the languages to be used by the Agency in its internal functioning.
3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the bodies of the European Union.

Article 24 – Transparency

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹¹ shall apply to documents held by the Agency. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.
2. The processing of personal data by the Agency shall be subject to the Regulation (EC) No 45/2001. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.

Article 25 – Combating fraud

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999 of the European Parliament and of the Council¹², within six months from the date of application of this Regulation, the Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt appropriate provisions applicable to all employees of the Agency using the template set out in the Annex to that Agreement.
2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.
3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 and Regulation (Euratom, EC) No 2185/96.
4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

¹² Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ L 136, 31.5.1999, p.1).

Article 26 - Security rules on the protection of classified and sensitive non-classified information

The Agency shall adopt own security rules equivalent to the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Decisions (EU, Euratom) 2015/443 and 2015/444, when required. The security rules of the Agency shall cover, inter alia and where appropriate, provisions for the exchange, processing and storage of such information.

Article 27 - Liability

1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.
3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.
4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.
5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

Article 28 – Evaluation

1. Not later than 5 years after the date referred to in Article 35, and every 5 years thereafter, the Commission shall perform an evaluation in compliance with the Commission guidelines to assess the Agency's performance in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.
2. Where the Commission considers that the continuation of the Agency is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended accordingly or repealed.
3. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public.

Article 29 – Administrative inquiries

The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Article 30 – Cooperation with third countries and international organisations

1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the Agency may cooperate with the competent authorities of third countries and/or with international organisations.

To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union and its Member States

2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect.

Under the relevant provisions of the agreements referred to in paragraph 1, arrangements shall be developed specifying, in particular, the nature, extent and manner in which the third countries concerned will participate in the work of the Agency, including provisions relating to participation in the initiatives undertaken by the Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.

3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent.

Article 31 – Headquarters Agreement and operating conditions

1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located.
2. The Agency's host Member State shall provide the best possible conditions to ensure the functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 32 – Transitional provisions concerning the Management Board

1. The term of office of the members of the Governing Board of the Agency as established on the basis of Article 8 of Regulation (EC) No 2062/94 shall terminate on ... [date of entry into force of this Regulation].

2. The Governing Board established on the basis of Article 8 of Regulation (EC) No 2062/94 shall within the period between ...[date of entry into force of this Regulation] and ... [date of application of this Regulation] exercise the functions of the Management Board as referred to in Article 5 of this Regulation.

Article 33 - Transitional provisions concerning the staff

1. The Director of the Agency appointed on the basis of Article 11 of Regulation (EC) No 2062/94 shall, for the remaining periods of his/her term of office be assigned to the responsibilities of the Executive Director as provided for in Article 11 of this Regulation. The other conditions of his/her contract shall remain unchanged.

Article 34 -Transitional budgetary provisions

The discharge procedure in respect of the budgets approved on the basis of Article 14 of Regulation (EC) No 2062/94 shall be carried out in accordance with the rules established by that Regulation.

CHAPTER VII

FINAL PROVISIONS

Article 35 – Repeal

Council Regulation (EC) No 2062/94 is repealed as from [date of application of this Regulation] and all references to the repealed Regulation shall be construed as references to this Regulation .

Article 36 – Maintenance into force of the internal rules adopted by the Agency

Internal rules adopted by the Governing Board on the basis of Regulation (EC) No 2062/94 shall remain in force after [date of application of this Regulation], unless otherwise decided by the Management Board in the application of this Regulation.

Article 37 – Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from XXX.

However, Articles 32, 33, 34 shall apply from [the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. *Summary of estimated impact on expenditure*
 - 3.2.2. *Estimated impact on EU-OSHA human resources*
 - 3.2.3. *Compatibility with the current multiannual financial framework*
 - 3.2.4. *Third-party contributions*
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council establishing the European Union Agency for Safety and Health at Work (EU-OSHA)

1.2. Policy area(s) concerned in the ABM/ABB structure¹³

04: Employment, social affairs and inclusion

04 03: Employment, social affairs and inclusion

04 03 12: European Agency for Safety and Health at Work (EU-OSHA)

1.3. Nature of the proposal/initiative

The proposal/initiative relates to **a new action**

The proposal/initiative relates to **a new action following a pilot project/preparatory action**¹⁴

The proposal/initiative relates to **the extension of an existing action**

The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Objectives/EU added value in line with Europe 2020 strategy

A new Boost for Jobs Growth and Investment

A deeper and fairer Economic and Monetary Union

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No 1

The Agency's objective is to provide the Union institutions, Member States and interested parties with technical, scientific and economic information of use in the area of health and safety at work.

¹³ ABM: activity-based management; ABB: activity-based budgeting.

¹⁴ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

This appropriation is intended to cover the measures necessary to accomplish the Agency's tasks, and in particular:

- awareness-building and risk anticipation measures, with special emphasis on SMEs,
- operation of the European Risk Observatory based on examples of good practice collected from firms or specific branches of activity,
- preparation and provision of relevant tools for smaller companies to manage health and safety at work,
- operation of the network comprising the main component elements of the national information networks, including the national social partner's organisations, according to national legislation and/or practice, as well as the national focal points,
- also in collaboration with the International Labour Organization and other international organisations, organising exchanges of experience, information and good practices,
- integrating the candidate countries into these information networks and devising working tools which are geared to their specific situation,
- organising and running the European Campaign on Healthy Workplaces as well as the European Week on health and safety, focusing on specific risks and needs of users and final beneficiaries.

ABM/ABB activity(ies) concerned

04 03 12 - European Agency for Safety and Health at Work – Subsidy under Titles 1, 2 and 3

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

EU-OSHA's mission is to 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.

The role is set out in the 1994 Founding Regulation:

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 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.

EU-OSHA's vision is 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.

EU-OSHA is a tripartite organization that is committed to good governance. Good governance includes a number of elements, such as openness and responsiveness, transparency, compliance, effectiveness, efficiency and accountability.

1.4.4. *Indicators of results and impact*

Specify the indicators for monitoring implementation of the proposal/initiative.

The Agency's objectives are clearly defined and updated when necessary. These are formulated in a way that makes it possible to monitor their achievement. Key performance indicators are established to help management evaluate and report on the progress made in relation to their objectives.

Evaluation programmes are implemented by EU-OSHA to assess whether the Agency's activities are relevant to users and sustainable, and if objectives have been met.

1.5. Grounds for the proposal/initiative

1.5.1. *Requirement(s) to be met in the short or long term*

The current corporate strategy identifies six priority areas:

- Anticipating change through foresight projects
- Facts and figures gathering and spreading information for researchers and policy-makers through ESENER, OSH overviews and opinion polls
- Tools for the management of OSH

- Raising awareness of OSH through the Healthy Workplaces Campaigns and other awareness-raising activities
- Networking knowledge particularly through the development of OSHwiki
- Networking and corporate communications

1.5.2. *Added value of EU involvement*

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.

1.5.3. *Lessons learned from similar experiences in the past*

EU-OSHA has been carrying out their activities, in particular collecting and disseminating information in the field of Health and Safety at Work, as well as awareness raising initiatives, since 1995. EU-OSHA can make its most valuable contribution by building upon the core areas of expertise it has developed. The Agency is known for its strong knowledge base in the area of occupational safety and health.

The Agency strives to provide the highest quality information in its fields of expertise: scientifically sound and unbiased. EU-OSHA's vision is that this knowledge is taken up for the development of effective policies that lead to the improvement of health and safety at work in a competitive and fair Europe.

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

EU-OSHA cooperates with other EU Agencies working in related fields. Cooperation agreements exist with the European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) and the European Chemical Agency (ECHA). These agreements foresee in particular the early consultation on work programme development and are complemented by yearly action plans that agree further forms of exchange and, where appropriate, joint activities. This ensures complementarity of activities and allows for synergies to be achieved.

1.6. Duration and financial impact

Proposal/initiative of **limited duration**

– Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY

– Financial impact from YYYY to YYYY

Proposal/initiative of **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Management mode(s) planned

Direct management by the Commission through

– executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

international organisations and their agencies (to be specified);

the EIB and the European Investment Fund;

bodies referred to in Articles 208 and 209;

public law bodies;

bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

Comments

N/A

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

All EU agencies work under a strict monitoring system involving an internal control coordinator, the Internal Audit Service of the Commission, the Governing Board, the Commission, the Court of Auditors and the Budgetary Authority. The system as laid down in the EU-OSHA founding regulation will continue to apply.

2.2. Management and control system

2.2.1. Risk(s) identified

none

2.2.2. Control method(s) envisaged

N/A

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

Anti-fraud measures had not been specifically foreseen in the current founding regulation of EU-OSHA, but the Director and the Governing Board have taken the appropriate measures in accordance with the Internal Control Standards applied across all EU institutions. In line with the Common Approach an anti-fraud strategy was adopted by the Agency in November 2014.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
			from EFTA countries ¹⁶	from candidate countries ¹⁷	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	Heading 1A – Competitiveness for growth and jobs	Diff./Non-diff. ¹⁵				
	04 03 12: European Agency for Safety and Health at Work (EU-OSHA)	Diff.	YES	YES	NO	

- New budget lines requested : N/A

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading.....]	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/N O	YES/N O	YES/N O	YES/NO

¹⁵ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

¹⁶ EFTA: European Free Trade Association.

¹⁷ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated impact on expenditure

The impact on expenditure as presented below is in line with Commission Communication (2013)519.

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework		Competitiveness for growth and jobs											TOTAL		
		1A	2013	2014	2015	2016	2017	2018	2019	2020					
DG Employment, social affairs and inclusion															
• Operational appropriations															
Number of budget line	Commitments	(1)	14,678	14,095	14,679	14,679	14,679	14,973	15,273	15,579	103,957				
	Payments	(2)	14,678	14,095	14,679	14,679	14,973	15,273	15,579	103,957					
Number of budget line	Commitments	(1a)													
	Payments	(2a)													
Appropriations of an administrative nature financed from the envelope of specific programmes															
Number of budget line		(3)													
TOTAL appropriations for DG Employment, social affairs and inclusion	Commitments	=1+1a+3	14,678	14,095	14,679	14,679	14,973	15,273	15,579	103,957					
	Payments	=2+2a	14,678	14,095	14,679	14,679	14,973	15,273	15,579	103,957					

¹⁸ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

										+3															

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EN

3.2.2. Estimated impact on EU-OSHA's human resources

3.2.2.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2016	2017	2018	2019	2020			TOTAL
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Officials (AD Grades)	0	0	0	0	0			
Officials (AST grades)	0	0	0	0	0			
Contract staff	24	24	24	24	24			
Temporary staff	41	40	40	40	40			
Seconded National Experts	0	0	0	0	0			

TOTAL	65	64	64	64	64			
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3.2.2.2. Estimated requirements of human resources for the parent DG

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

	2016	2017	2018	2019	2020		
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	0.8	0.8	0.8	0.8	0.8		
XX 01 01 02 (Delegations)							

XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE) ¹⁹							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the Delegations)							
XX 01 04 yy ²⁰	- at Headquarters ²¹						
	- in Delegations						
XX 01 05 02 (AC, END, INT – Indirect research)							
10 01 05 02 (AC, END, INT – Direct research)							
Other budget lines (specify)							
TOTAL							

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Coordination and representation of the Commission's position towards the Agency.
External staff	

¹⁹ AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT = agency staff; JED = Junior Experts in Delegations.

²⁰ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

²¹ Mainly for the Structural Funds, the European Agricultural Fund for Rural Development (EAFRD) and the European Fisheries Fund (EFF).

3.2.3. *Compatibility with the current multiannual financial framework*

- The proposal/initiative is compatible the current multiannual financial framework.
- The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework²².

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.4. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

²² See Articles 11 and 17 of Council Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020.

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ²³					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article									

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

²³ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.