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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft 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) No 2062/94
(first reading)

- Adoption of the legislative act
- Statements

Commission statement

The Commission regrets that the co-legislators have decided to deviate on several points from the Common Approach of the Parliament, the Council and the Commission on decentralised agencies of 19 July 2012, without providing the necessary justification.

The deletion of the sunset/review clause is not in line with the Common Approach. However, the absence of the sunset clause in the Founding Regulations will not affect in any way the Commission's right of initiative.

The Commission also regrets the deviation from the Common Approach with regard to the process for conducting an overall evaluation of the Agency referring to the need to consult stakeholders, including Members of Parliament and of the Management Board, during the evaluation of the work of agencies. The Commission recalls that such evaluations have to be conducted in full independence. In carrying out evaluations, the Commission will apply its usual practices for stakeholder consultation activities.

The Commission will assess the impact of the deviations from the Common Approach on the functioning of the tripartite agencies at the appropriate opportunity. They should not be considered as a precedent for other agencies.

Finally, the Commission regrets the re-introduction of the function of Deputy Director in the Founding Regulation of Eurofound. The Commission would like to recall that, given the size of this Agency, this provision is disproportionate.

The Commission would also like to stress that it is now the Executive Director's responsibility to decide on the internal structures of each Agency and for CEDEFOP to define the necessary deputising arrangements to ensure continuity of service.

Statement by Italy

on the proposals for the revisions of the three founding regulations of decentralized agencies: Eurofound, Cedefop and EU-OSHA

Italy has been among the most active delegations during the negotiations in the Council on the three files and contributed to the achievement of the General Approach in December 2016.

Italy also contributed positively during the course of the trilogues, by showing flexibility towards the requests of the European Parliament, while keeping the spirit of the General Approach in Council.

With the Common Approach of 2012 and the tripartite nature of the three agencies in mind, we have tried to keep the maximum degree of homogeneity among them, in terms of governance and rules.

The appointment of a Deputy Director by the Executive Director for Eurofound and Cedefop - for the first one on a mandatory basis, for the second on a voluntary basis – is not consistent with the strategic role of the Managing Board, which is the Appointing Authority in the three Agencies.

For this reason, without opposing the agreement, we express our deep regret.
