Basic information

2016/0254(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Agency for Safety and Health at Work (EU-OSHA) **Subject** 4.15.15 Health and safety at work, occupational medicine 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	HOC Czesław (ECR)	28/09/2016
	Shadow rapporteur BECKER Heinz K. (PPE) CHRISTENSEN Ole (S&D) WEBER Renate (ALDE) LÓPEZ BERMEJO Paloma (GUE/NGL) LAMBERT Jean (Verts/ALE) MARTIN Dominique (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	GEIER Jens (S&D)	15/09/2016
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	3507	2016-12-08
Environment	3666	2018-12-20

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	THYSSEN Marianne

European Economic and Social Committee
European Committee of the Regions

Key events

Date	Event	Reference	Summary
23/08/2016	Legislative proposal published	COM(2016)0528	Summary
12/09/2016	Committee referral announced in Parliament, 1st reading		
08/12/2016	Debate in Council		
12/07/2017	Vote in committee, 1st reading		
12/07/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/07/2017	Committee report tabled for plenary, 1st reading	A8-0274/2017	Summary
11/09/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
13/09/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
20/11/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE630.589 GEDA/A/(2018)009050	
11/12/2018	Decision by Parliament, 1st reading	T8-0491/2018	Summary
11/12/2018	Results of vote in Parliament		
20/12/2018	Act adopted by Council after Parliament's 1st reading		
16/01/2019	Final act signed		
16/01/2019	End of procedure in Parliament		
31/01/2019	Final act published in Official Journal		

Technical information

Procedure reference	2016/0254(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 153-p2-a2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/07602

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE599.596	06/03/2017	
Amendments tabled in committee		PE601.228	04/04/2017	
Committee opinion	BUDG	PE597.561	10/05/2017	
Amendments tabled in committee		PE605.953	10/07/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0274/2017	28/07/2017	Summary
Text agreed during interinstitutional negotiations		PE630.589	09/11/2018	
Text adopted by Parliament, 1st reading/single reading		T8-0491/2018	11/12/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)009050	09/11/2018	
Draft final act	00062/2018/LEX	16/01/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0528	23/08/2016	Summary
Commission response to text adopted in plenary	SP(2019)44	23/01/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2016)0528	18/10/2016	
Contribution	PT_PARLIAMENT	COM(2016)0528	11/11/2016	
Contribution	RO_SENATE	COM(2016)0528	11/11/2016	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/0126
OJ L 030 31.01.2019, p. 0058

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

2016/0254(COD) - 16/01/2019 - Final act

PURPOSE: to update the objectives, tasks and governance of the European Agency for Safety and Health at Work (EU-OSHA).

LEGISLATIVE ACT : Regulation (EU) 2019/126 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.

CONTENT: since its creation in 1994, EU-OSHA has played an important role in supporting the improvement of occupational safety and health throughout the Union. The new Regulation updates the objectives, tasks and structures of the Agency in the light of developments in the field of occupational health and safety, as well as technological developments.

Objectives and tasks

EU-OSHA shall provide the Union institutions and bodies, the Member States, the social partners and other actors involved in the field of safety and health at work with relevant technical, scientific and economic information and qualified expertise in that field in order to improve the working environment as regards the protection of the safety and health of workers.

To that end, EU-OSHA shall enhance and disseminate knowledge, provide evidence and services for the purpose of policy making, including research-based conclusions, and shall facilitate knowledge sharing among and between Union and national actors.

The Agency will: (i) collect and analyse technical, scientific and economic information on safety and health at work in the Member States; (ii) provide forums for exchange of experiences and information between the governments, the social partners and other stakeholders at national level; (iii) contribute to the development of Union strategies and action programmes relating to the protection of safety and health at work; (iv) establish a strategy for relations with third countries and (v) carry out awareness raising and communication activities and campaigns.

EU-OSHA shall have its seat in Bilbao.

Administrative and management structure

This will be comprised of:

- a Management Board composed of: (i) for each Member State, one member representing the Government, one member representing the employers 'organisations and one member representing the workers' organisations; (ii) three members representing the Commission and (iii) an independent expert appointed by the European Parliament;

- an Executive Board tasked with preparing meetings of the Management Board to prepare board meetings and supporting its decision-making and monitoring processes; it may take certain provisional decisions on behalf of the Management Board for reasons of urgency;

- an Executive Director, responsible for the overall management of the Agency in accordance with the strategic direction set by the Management, including the day-to-day administration and the management of financial and human resources. He shall report to the European Parliament on the performance of his duties when he is invited to do so;

- a Network comprising (i) the main components of the national information networks, including the national employers' and employees' organisations, in accordance with national law or practice; (ii) the national focal points.

Members of the Management Board and their alternates shall be designated and appointed on the basis of their knowledge in the field of safety and health at work, and aim to ensure a balanced representation of women and men. Each member, at the time of taking office, must sign a written declaration certifying that he is not in a situation of a conflict of interests.

Programming

Each year, the Management Board shall approve a programming document containing a multiannual and an annual work programme, on the basis of a draft drawn up by the Executive Director, taking into account the opinion of the Commission. The programming document will become definitive after the final adoption of the general budget of the Union.

Budget

In order to ensure its full autonomy and independence and to enable it properly to carry out its objectives and tasks, EU-OSHA will be granted an adequate and autonomous budget with revenue stemming mainly from a contribution from the general budget of the Union. The Court of Auditors will audit EU-OSHA’s accounts.

EU-OSHA's work should complement those of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) and the European Centre for the Development of Vocational Training (Cedefop) when they have similar fields of interest while favouring tools that work well, such as memoranda of understanding.

ENTRY INTO FORCE : 20.2.2019.

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

2016/0254(COD) - 28/07/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Czesław HOC (ECR, PL) on the proposal for a regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) 2062/94.

The committee recommended that the European Parliament's position adopted at first reading in accordance with the ordinary legislative procedure should amend the Commission proposal as follows.

Objective and tasks of the Agency: the tripartite Agency should collect and analyse technical, scientific and economic information on safety and **physical and mental health** at work and **workplace inclusion**.

However, the Agency should not only analyse or provide information but use these findings and information to provide policy-makers, including the social partners, with research-based **policy proposals** in the field of health and safety of workers.

The Agency shall also:

- establish a **strategy for relations with third countries** and international organisations concerning matters for which the Agency is competent;
- establish a **communications strategy** which is coherent with and relevant to the strategies and activities of the Commission and those of the other institutions and agencies.

In addition, the Agency shall **cooperate with other Union tripartite agencies in order to avoid overlaps** and to promote synergy between their activities, including the possibility of working jointly, in particular with the European Foundation for the Improvement of Living and Working Conditions (**Eurofound**), the European Centre for the Development of Vocational Training (**Cedefop**) and, where appropriate, with other Union agencies.

Management Board: this shall include the participation of **three independent experts appointed by the European Parliament** after verifying that the appointments raise no conflicts of interest.

Members representing the Government, employers' organisations and employees' organisations shall be appointed by the Council from among the members and alternate members of the Advisory Committee on Safety and Health at Work, on the basis of the **lists of candidates** submitted by the Member States, employers' organisations and European employees' organisations respectively.

When appointing their respective representatives and alternates to the Management Board, the European Parliament, the Commission, the Member States and the social partners shall ensure a balanced representation of men and women. In additions, each member and alternate member shall **sign a written declaration of interests** when taking office. The declarations of interest shall be published on the Agency's website.

A representative of Eurofound, a representative of Cedefop and a representative of the European Training Foundation shall have **observer status** at meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.

The Management Board shall, *inter alia*:

- give the **strategic orientations** for the Agency's activities, coherent with the needs of its main stakeholders;
- adopt rules, including measures for **detecting potential risks at an early stage**, for the prevention and management of conflicts of interest in respect of its members and independent experts, as well as for seconded national experts.

Annual and multi-annual programming: the annual work programme shall comprise detailed objectives and expected results, including performance indicators, as well as activities and programmes that are to be subject to ex-ante or ex-post evaluations.

Executive Director: the Executive Director shall be responsible for the overall management of the Agency in accordance with the strategic direction set out by the Management Board.

The Executive Director shall also be responsible for:

- establishing an **effective monitoring system** to enable the regular evaluations referred to in Article 28 to be carried out and a reporting system to summarise their results;
- ensuring gender balance within the Agency;
- taking decisions with regard to the management of **human resources**;
- taking decisions with regard to the Agency's internal structures and, where necessary, their amendment, taking into account needs relating to the Agency's activities and sound budgetary management;
- establishing an **office in Brussels as a liaison office** to further the Agency's cooperation with the relevant Union institutions.

Once appointed, the Executive Director shall attend a hearing at the responsible committee of the European Parliament.

Budget: in order to ensure its full autonomy and independence, Members suggested that EU-OSHA should be granted an adequate and autonomous budget with revenue stemming essentially from a contribution from the general budget of the Union. The Agency's budget should be prepared in accordance with the principle of performance-based budgeting taking into account its objectives and expected results. EU-OSHA's accounts should be audited by the European Court of Auditors.

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

2016/0254(COD) - 11/12/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 580 votes to 65 with 19 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) 2062/94.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective and tasks of the Agency: EU-OSHA's objective shall be to provide the Union institutions and bodies, the Member States, the social partners and other actors involved in the field of safety and health at work with relevant **technical, scientific and economic information** and qualified expertise in that field in order to improve the working environment as regards the protection of the safety and health of workers.

To that end, EU-OSHA shall enhance and disseminate knowledge, provide evidence and services for the purpose of policy making, including research-based conclusions, and shall facilitate knowledge sharing among and between Union and national actors.

The Agency shall also be tasked to:

- disseminate that information to the Union institutions and bodies, the Member States, the social partners and other actors involved in the field of safety and health at work;
- provide forums for the exchange of experience and information between governments, social partners and other stakeholders at national level;
- contribute, in particular through evidence-based information and analyses, to the implementation of reforms and policies at national level;
- establish a strategy for relations with third countries and international organisations.

The Agency may conclude **cooperation agreements** with other relevant EU agencies to facilitate and promote cooperation with them.

Management Board: this shall also provide for the participation of an **independent expert appointed by the European Parliament**.

Members of the Management Board and their alternates shall be designated and appointed on the basis of their knowledge in the field of safety and health at work, taking into account their relevant skills such as managerial, administrative and budgetary skills and expertise in the area of EU-OSHA's core tasks, in order to carry out an effective oversight role.

Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of **conflict of interests**. EU-OSHA shall publish the statements and updates on its website.

The Management Board shall also provide the strategic orientations for EU-OSHA's activities and adopt each year, by a majority of two-thirds of members with the right to vote and EU-OSHA's programming document, containing EU-OSHA's multiannual work programme and its annual work programme for the following year.

Programming: the Executive Director shall present to the Management Board a draft programming document containing an **annual and multiannual work programme**. Following approval by the Management Board, the draft programming document shall be submitted to the Commission, the European Parliament and the Council by 31 January each year at the latest. The Management Board shall adopt the programming document taking into account the Commission's opinion.

Executive Director: the Executive Director shall be responsible for the management of the agency in accordance with the strategic direction defined by the Management Board and shall report on his activities to the Management Board.

The Executive Director shall also be in charge of:

- ensuring the day-to-day administration of EU-OSHA, including exercising the powers entrusted to him or her in respect of staff matters;
- taking decisions with regard to the management of human resources;
- taking into account the needs relating to EU-OSHA's activities and sound budgetary management;
- setting up an effective monitoring system to ensure that regular evaluations are carried out;
- drawing up the draft financial rules and drawing up the draft estimates of the Agency's revenue and expenditure;
- ensuring gender balance within the agency;
- establishing a **liaison office in Brussels** to promote cooperation between the Agency and the relevant EU institutions.

Budget: in order to ensure its full autonomy and independence, Members suggested that EU-OSHA should be granted an adequate and autonomous budget with revenue stemming essentially from a contribution from the general budget of the Union. The Agency's budget should be prepared in accordance with the principle of performance-based budgeting taking into account its objectives and expected results. EU-OSHA's accounts should be audited by the European Court of Auditors.

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

2016/0254(COD) - 23/08/2016 - Legislative proposal

PURPOSE: to replace and repeal the European Agency for Safety and Health at Work (EU-OSHA's) Founding Regulation and to repeal Council Regulation (EC) 2062/94.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: 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.

It is proposed to revise the founding regulation of this Agency. This revision 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.

CONTENT: the proposed Regulation – based on Article 153 of the TFEU – seeks 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:

- update the objectives and tasks of EU-OSHA;
- align certain provisions of the existing Regulation governing EU-OSHA with the Common Approach on Decentralised Agencies.

EU-OSHA tasks: 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.

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.

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.

Other measures related to the decentralised agencies: the revision also creates the opportunity to provide for:

- anti-fraud measures,
- conflict of interest policy,
- evaluation and review measures,
- the establishment of a headquarters agreement,
- the provisions on programming and reporting with the requirements set by the revised Framework Financial Regulation.