



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION OPINION

on the Draft Rules of Procedure of the Advisory Committee on Safety and Health at Work

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Council Decision 2003/C 218/01 of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work ¹ provides in article 8 that:

"The Committee shall, having received an opinion from the Commission, adopt its rules of procedure which shall lay down the practical arrangements for its activities (...) The rules of procedure shall be transmitted for information purposes to the European Parliament and Council; the latter shall also have the right of call-back."

In fulfillment of this provision and based on a draft prepared by the Secretariat in co-operation with the Bureau of the Advisory Committee on Safety and Health at Work, the Commission has been requested to give its opinion on the enclosed Draft Rules of Procedure (Doc. No. 858/4/04).

This document fully reflects the spirit and content of Council Decision 2003/C 218/01, by taking account of the need to streamline the modus operandi of this consultative body with a view to improving flexibility, accountability and overall performance and efficiency.

In particular, it lays down provisions for fast-track decision-making procedures and co-operation with other committees competent for safety and health at work at European level, in accordance with article 8 of Council Decision 2003/C 218/01.

It also provides practical arrangements in respect of the internal organization of the Advisory Committee, with specific regard to the activities of the interest groups, the Bureau, the working parties and the standing working party for the mining and other extractive industries as they are defined in articles 5 and 6 of Council Decision 2003/C 218/01.

Based on these considerations, the Commission expresses its favourable opinion on the annexed Draft Rules of Procedure of the Advisory Committee on Safety and Health at Work and authorizes the transmission of this opinion to the European Parliament and the Council for information

¹ OJ C 218, 13.9.2003, p. 1.

Draft

Rules of Procedure of the Advisory Committee on Safety and Health at Work

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THE ADVISORY COMMITTEE ON SAFETY AND HEALTH AT WORK,

having regard to Council Decision 2003/C 218/01 of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, and in particular article 8 thereof

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

I. Meetings of the Committee

Convening a meeting

Article 1

- (1) The Chair shall convene all full members at least three weeks before the date set for a meeting. He/she shall simultaneously make the draft agenda comprising the items to be examined and the preparatory documents available to full and alternate members of the committee.
- (2) In an emergency, the Chair may curtail the three weeks' notice referred to in paragraph 1, but shall nonetheless give at least 10 days' notice. Should a document not have been made available in time, the Committee may decide to withdraw the relevant item from the agenda.
- (3) If a meeting is called for by at least one third of the members of the Committee, the Chair shall honour such a request within a period not exceeding two months and in accordance with the arrangements laid down in paragraph 1.

Agenda

Article 2

- (1) At the beginning of a meeting, the Committee shall approve the agenda which shall consist of the items included on the draft agenda referred to in Article 1(1) and any other items falling within the competence of the Committee, proposed by the Chair, the spokesperson of an interest group or any other member.
- (2) During a meeting, each member may propose the inclusion of an item on the agenda for the subsequent meeting.

Attendance at meetings

Article 3

- (1) Committee meetings shall only be attended by members, co-ordinators of the interest groups, observers and experts entitled to participate.
- (2) Full members shall inform the Chair whether they propose to attend a meeting in person or to be represented by their alternates. An alternate member shall attend meetings only when the member for whom he / she deputies are unable to be present.
- (3) Each interest group may be accompanied by up to two experts. These are allowed to participate only if the Chair is informed at least three days before the meeting.
- (4) The Bureau may propose to the Chair to invite the vice-chair and the rapporteur of a working party to be present at the meeting where documents or opinions related to their working party are discussed.

Minutes of Committee meetings

Article 4

- (1) Minutes shall be drawn up by the Secretariat for each meeting of the Committee.
- (2) The minutes shall comprise:
 - a) a list of those present,
 - b) a concise record of the debate,
 - c) the opinions delivered by the Committee and an indication of the voting figures for each vote taken.
 - d) general information from the Commission.
- (3) The Committee shall approve the minutes.
- (4) The minutes shall be submitted for approval by the Committee only if a draft, at least in EN, DE and FR has been made available to full and alternate members no later than 10 days before the date envisaged for the meeting. Should this document not have been made available in time, it shall be held over for approval until the next Committee meeting.
- (5) Motions for amendment of the draft minutes shall be submitted, preferably in writing, before or during the meeting at which they are to be approved.

II. Decision-making procedures

Opinions

Article 5

- (1) The opinions of the Committee shall be delivered at meetings, according to article 7 of Council Decision 2003/C 218/01.
- (2) Blank votes and abstentions shall be considered as votes validly cast.

Article 6

- (1) On each opinion to be delivered, the Chair first calls on the spokesperson of each interest group to express his/her view on behalf of the Committee members he/she represents.
- (2) The opinion is unanimously adopted if the Chair verifies that there is complete agreement on the substance of the question or if the amendments proposed are unanimously accepted by the three spokespersons and no member objects. Otherwise a vote shall be taken.
- (3) Voting shall be by show of hands or by roll call.
- (4) If the result of a vote by show of hands is challenged, the Chair must then have a vote by roll call.
- (5) When a motion is put to the vote, the Chair shall authorise any member if he/she so requests, to give a brief explanation of the reasons for his/her vote.

Article 7

- (1) Motions that the Committee should not express an opinion on a question or that consideration of a question should be postponed shall be voted on before any motion dealing with the substance of the question.
- (2) In the case of amendments, a vote shall be taken first on the one which is furthest removed from the basic text. In the case of amendments to amendments, a vote shall be taken first on those dealing with the amendment furthest removed from the basic text, beginning with the most fundamental amendment to the amendment.
- (3) The final vote shall be taken on the text as it stands after the previous voting.

Article 8

- (1) The Chair may move the closure of the debate when he/she considers that members have had an opportunity to express their views. Each member may also move for closure.
- (2) If a member asks to speak on closure he or she shall have priority over other speakers.

- (3) Every motion to close the debate shall be put to a vote.

Article 9

- (1) The voting figures shall be stated in each opinion delivered by the Committee.
- (2) Opinions shall be addressed to the Commission and shall be made available to the full and alternate members of the Committee.

Decisions other than opinions

Article 10

The rules laid down in article 5 to 9 shall apply, *mutatis mutandis*, to any decisions to be taken by the Committee and to the adoption of any other documents.

Fast-track decision-making procedure

Article 11

- (1) Notwithstanding the opinions and decisions adopted under the arrangements set out in articles 5 to 10, where necessary and in substantiated cases, the Committee or the Chair may entrust drafting an opinion or establishing any other draft decisions to the Bureau. Such draft opinions or decisions shall be submitted to the Committee for adoption by written procedure.
- (2) To this end, the Secretariat shall address to the full members of the Committee the draft document drawn up by the Bureau on which the opinion of the Committee is sought as well as an explanatory note requesting the vote and specifying the time-limit for reply. This time-limit cannot in any case be less than 14 calendar days.
- (3) In substantiated cases, an alternate member may deputise for a full member if the latter is prevented from voting and has notified the Secretariat of the Committee of his/her intention to be replaced at least one week before the time-limit set for the written procedure to be finalised. In this case, it is incumbent upon the full member to provide his/her alternate member with all relevant information on the ongoing written procedure.
- (4) Any member of the Committee who does not express his/her opposition or intention to abstain from voting on the draft document within the time limit referred to in paragraph 2 of this article shall be considered to have given his/her tacit agreement to the proposal.
- (5) The adoption is only valid if an absolute majority of the votes is obtained. The Committee shall without delay be informed by the Secretariat of the result of consultation.
- (6) However, if the written procedure has been initiated by the Chair, the Bureau may request that the relevant question be further examined at a meeting of the Committee. In this case, the fast-track decision-making procedure shall be terminated without result and the Chair shall put the item on the agenda of a subsequent Committee meeting.

II. Internal organisation

Interest groups

Article 12

- (1) The members of the Committee representing national governments, trade unions and employers' organisations are established in three separate interest groups. Each interest group shall designate its own spokesperson and co-ordinator.
- (2) The interest groups hold separate preparatory meetings ahead of Committee meetings. They additionally meet at least twice a year.
- (3) The rules laid down in article 3 shall apply, mutatis mutandis, to the meetings of the interest groups.

Bureau

Article 13

- (1) The Bureau, made up in accordance with article 5(4) of Council Decision 2003/C 218/01, is chaired by one of the spokespersons of the interest groups.
- (2) In order to enable each interest group to hold such office on a regular basis, the chairperson of the Bureau is designated on the basis of an annual rotation-system. At the same time, a vice-chairperson and a rapporteur shall be appointed.
- (3) The Bureau shall meet at least three weeks before the meeting of the Committee in order to discuss and prepare the agenda. Additional meetings shall be held on a regular basis to appropriately organise the activities of the Committee. The minutes of each meeting shall be drawn up by the Secretariat of the Committee.
- (4) At Bureau's meetings, the chairperson shall be represented by the vice-chairperson if he/she is unable to attend.
- (5) The Bureau may allocate particular duties to one or more of its members.

Working parties

Article 14

- (1) In accordance with article 6(4) first sub-paragraph of Council Decision 2003/C 218/01, the Committee may establish working parties, representing all interest groups, to examine particular issues.
- (2) The Committee decides in which specific areas the working parties should be set up.
- (3) It defines in writing their terms of reference, which specify their tasks and indicate, when appropriate, the length of the mandate. The terms of reference of a working party may at any time be modified by the Committee.
- (4) The Committee may disband a working party if it deems fit, with the exception of the standing working party for the mining and other extractive industries.

- (5) Conclusions resulting from the working party proceedings shall not be subject to voting.

Article 15

- (1) On a proposal by the Bureau, the Committee shall appoint, from among its full and alternate members, a chairperson to each working party. Each working party shall appoint, from among its members, a vice-chair and a rapporteur being responsible for drawing up the minutes of the working party's meetings and the draft opinions to be submitted for adoption to the Committee.
- (2) In appointing chairpersons, the Committee shall endeavour to ensure that, taking all working parties together, such offices are distributed fairly between representatives of governments, trade unions and employers' organisations.
- (3) The chairperson shall report to the Committee for the working party.
- (4) If he/she is unable to attend, the chairperson shall be represented by the vice-chair.

Article 16

- (1) Without prejudice to Article 15(1), members of working parties shall be designated and may be released by their respective interest groups.
- (2) Each interest group may nominate one alternate member to a working party, who may attend in case a member of the working party is unable to be present. The Secretariat shall be informed at least three days before the meeting of such a change in attendance.
- (3) The working party may allocate particular duties to one or more of its members.
- (4) Each working party is assisted by at least one Commission representative.

Meetings of the working parties

Article 17

- (1) The Secretariat, in agreement with the chair of the working party, shall convene all members of a working party at least two weeks before the date set for a meeting. The Secretariat shall simultaneously make available the draft agenda comprising the items to be examined and the preparatory documents to all members of the working party and to the co-ordinators of the interest groups.
- (2) At the beginning of a meeting, the working party shall approve the draft agenda and the minutes of the previous meeting, amending them if necessary. The chairperson shall direct the proceedings.
- (3) Only nominated members, Commission's representatives and, if necessary, experts invited to give technical inputs shall attend.

Standing working party

Article 18

- (1) In accordance with Article 6(4) second sub-paragraph of Council Decision 2003/C 218/01, a standing working party for the mining and other extractive industries is set up within the Committee.
- (2) The standing working party shall deal on a regular basis with questions relating to safety and health at work in the mining and other extractive industries. Having regard to Article 2(2) of Council Decision 2003/C 218/01, it shall notably:
 - a) provide advice and support to the Committee to achieve its tasks with reference to the mining and other extractive industries;
 - b) submit draft opinions for adoption by the Committee on future Community initiatives which affect safety and health at work in the mining and other extractive industries.

Article 19

- (1) On a proposal by the Bureau, the Committee shall appoint, from among its full and alternate members, a chairperson, a vice-chairperson and a rapporteur to the standing working party. Their term of office shall be three years. An appropriate mandate rotation system shall be set up, in order to enable each interest group to be represented in each office.
- (2) The Committee shall nominate the members of the standing working party on the basis of a list of experts submitted by the interest groups. These nominations shall be subjected to an annual review, according to the priorities defined in the annual work programme of the standing working party as referred to in Article 21(3).
- (3) In appointing such members, the Committee shall endeavour to ensure that the composition of the standing working party fairly reflects the various economic sectors involved, the geographical distribution and the representation of different extractive sectors.
- (4) The chairperson, or if he/she is unable to attend the vice-chairperson or the rapporteur, shall report to the Committee for the standing working party.

Article 20

Article 14(3) and 14(5), Article 16(2) to (4), and Article 17 shall apply, *mutatis mutandis*, to the activities of the standing working party.

IV. Committee's work programme

Annual work programme

Article 21

- (1) The Committee shall accomplish its tasks on the basis of an annual work programme prepared by the Bureau and discussed and adopted by the Committee at its last plenary meeting each year.
- (2) The annual work programme shall take into account the progress of the activities planned and the new projects for the following year and for the subsequent years resulting from the implementation of the Community programmes on health and safety at work and the pro-active initiative of the Committee.
- (3) Without prejudice to Article 21(1) and (2), the draft annual work programme of the standing working party for the mining and other extractive industries shall be adopted by the Committee as part of its annual work program.
- (4) The Bureau, in co-operation with the Secretariat, shall define the timetable of meetings for the following year and shall regularly revise it, following advances in the implementation of the work programme.

Annual report

Article 22

- (1) The Committee shall submit an annual report to the Commission on its activities. This report shall be transmitted for information by the Secretariat to the European Agency for Safety and Health at Work, the European Foundation for the Improvement of Living and Working Conditions, the Senior Labour Inspectors Committee and the Scientific Committee for Occupational Exposure Limits to Chemical Agents.
- (2) The annual report of the Committee shall refer to the calendar year.

V. Practical arrangements

Secretariat

Article 23

- (1) The Commission shall provide secretarial support for the Committee, the Bureau and the working parties in accordance with Article 6(5) of Council Decision 2003/C 218/01. The Commission will nominate one of its officials as secretary of the Committee.
- (2) Correspondence intended for the Committee shall be addressed to the Commission, for the attention of the secretary of the Committee.

Co-operation

Article 24

- (1) In order to improve the consistency and complementarity of the activities of the Advisory Committee with the activities of other bodies competent for occupational health and safety at European level a standing co-operation shall be set up, in particular with the European Agency for Safety and Health at Work, the European Foundation for the Improvement of Living and Working Conditions, the Senior Labour Inspectors Committee and the Scientific Committee for Occupational Exposure Limits to Chemical Agents.
- (2) This co-operation shall imply, *inter alia*, the exchange of information on work programmes and activity reports, the participation of observers in the plenary meetings of the Advisory Committee, and the undertaking — when necessary — of common initiatives in the field of health and safety at work.

Transparency

Article 25

- (1) The principles and conditions concerning public access to the Committee's documents shall be the same as those defined in Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents. It is for the Commission to take a decision on requests for access to the Committee's documents.
- (2) The Committee's discussion shall be kept confidential.

Revision of the rules of procedure

Article 26

- (1) The Committee, having received an opinion from the Commission, shall adopt by absolute majority of its members any revision of its rules of procedure.
- (2) The revision of the rules of procedure shall be transmitted for information purposes to the European Parliament and Council.
- (3) The revision shall enter into force after the Council, having been informed, has not exercised its right of call-back.