Council Regulation (EC) No 1111/2005 of 24 June 2005 amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions

COUNCIL REGULATION (EC) No 1111/2005

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amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament[(1)],

Whereas:

(1) Council Regulation (EEC) No 1365/75, of 26 May 1975, on the creation of a European Foundation for the Improvement of Living and Working Conditions[(2)] includes provisions concerning the organisation of the Foundation, and in particular of its Administrative Board. These provisions have been amended several times following each accession of new Member States, when new members had to be added to the Administrative Board.

(2) The external evaluation of the European Foundation for the Improvement of Living and Working Conditions (hereinafter the Foundation) carried out in 2001 underlines the need to adapt the provisions of Regulation (EEC) No 1365/75 in order to maintain the efficiency and effectiveness of the Foundation and its management structures, including a revision of the provisions concerning the Committee of Experts.

(3) The European Parliament has called upon the Commission to reconsider the composition and working methods of agencies' boards and to put forward appropriate proposals.

(4) A joint opinion concerning the future governance and functioning of the Boards of the Foundation, the European Agency for Safety and Health at Work and the European Centre for the Development of Vocational Training has been submitted to the Commission by their respective management or Administrative Boards.

(5) The tripartite governance of the Foundation, the European Agency for Safety and Health at Work and the European Centre for the Development of Vocational Training by representatives of national governments, employers' organisations and employees' organisations is fundamental to the success of those bodies.

(6) The participation of the social partners in the governance of those three Community bodies creates a specificity which requires them to function according to common rules.

Changes to legislation: *Council Regulation (EC) No 1111/2005 is up to date with all changes known to be in force on or before 24 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The existence within the tripartite Board of the three groups drawn from government, employers and employees and the designation of a coordinator for the groups of employers and employees have proved to be essential. That arrangement should therefore be formalised and also extended to the government group.

(8) The maintenance of the tripartite representation from each Member State ensures that all major stakeholders are involved and that account is taken of the diversity of interests and approaches which characterise social issues.

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

(10) The Bureau provided for in the Rules of Procedure of the Board needs to be strengthened in order to ensure continuity in the functioning of the Foundation and efficiency in its decision-making; the composition of the Bureau should continue to reflect the tripartite structure of the Board.

(11) According to Article 3 of the Treaty, the Community shall aim to eliminate inequalities and promote equality between men and women in all its activities. Therefore, it is appropriate to make provision for encouraging a balanced representation of men and women in the composition of the Board.

(12) The Board should be able to ensure a formal contribution of independent experts for a limited duration in accordance with specific needs in relation to the implementation of the work programme.

(13) It is appropriate to treat the staff of the European Foundation for the Improvement of Living and Working Conditions, which has been the only Community Agency with its own Staff Regulations, in the same manner as other servants engaged under contract by the Communities and to entitle them to the same benefits of the reformed Staff Regulations by respecting acquired rights, especially with respect to careers and pension rights.

(14) Regulation (EEC) No 1365/75 should therefore be amended accordingly.

(15) The Treaty provides for no powers other than those under Article 308 thereof, for the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1365/75 is amended as follows:

1. in Article 3, paragraph 2 is replaced by the following:

2. The Foundation shall cooperate as closely as possible with specialised institutions, foundations and bodies in the Member States and at international level. In particular, the Foundation shall ensure appropriate cooperation with the European Agency for Safety and Health at Work, without prejudice to its own aims.;

2. Article 5 is replaced by the following:

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Article 5

The governing and management structure of the Foundation shall comprise:

(a) a Governing Board;

(b) a Bureau;

(c) a Director and Deputy Director.;

3. Article 6 is replaced by the following:

Article 6

1 The Governing Board shall consist of:

a one member representing the Government from each Member State;

b one member representing the employers' organisations from each Member State;

c one member representing the employees' organisations from each Member State;

d three members representing the Commission.

2 The members referred to in paragraph 1(a), (b) and (c) shall be appointed by the Council on the basis of one member for each Member State and for each of the abovementioned categories. The Council shall at the same time appoint under the same conditions as for the members an alternate to attend meetings of the Governing Board only in the absence of the member.

The Commission shall appoint the members and alternates who are to represent it, taking into account a balanced representation of men and women.

When submitting the lists of candidates, the Member States, employers' organisations and employees' organisations shall endeavour to ensure a balanced representation of men and women in the composition of the Governing Board.

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

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

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.

4 The Governing Board shall elect its chair and three vice-chairs, one from each of the three groups referred to in paragraph 7 and one from among the Commission representatives, to serve for a period of one year, which may be renewed.

5 The chair shall convene the Governing Board at least once a year. The chair shall convene additional meetings at the request of at least one-third of the members of the Governing Board.

6 Decisions by the Governing Board shall be taken by an absolute majority of its members.

7 Within the Governing Board, the representatives of governments, employees' organisations and employers' organisations shall each form a group. Each group shall designate a coordinator who will take part in the meetings of the

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Governing Board. The coordinators of the employees' and employers' groups shall be representatives of their respective organisations at European level. Coordinators who are not appointed Board members within the meaning of paragraph 1 shall take part in meetings without the right to vote.

8 The Governing Board shall establish a Bureau of 11 members. The Bureau shall be made up of the chair and the three vice-chairs of the Governing Board, one coordinator per group as referred to in paragraph 7, and one more representative of each group and of the Commission. Each group may designate up to three alternates to attend the meetings of the Bureau, in the absence of the full members.

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

10 Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Governing Board for decision.

11 The Governing Board shall be fully and promptly informed on the activities of and the decisions taken by the Bureau.;

4. Article 7 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. The Governing Board shall govern the Foundation whose guidelines it shall lay down. On the basis of a draft submitted by the director, the Governing Board shall, in agreement with the Commission, adopt the Foundation's annual and four-year rolling programmes.;

(b) paragraph 2 is replaced by the following:

2. The Governing Board, having received an opinion from the Commission, shall adopt its rules of procedure, which shall lay down the practical arrangements for its activities. The rules of procedure shall be transmitted for information to the European Parliament and the Council. However, within a period of three months of the rules of procedure being transmitted to it and acting by a simple majority, the Council may modify those rules.;

(c) the following paragraph is added:

4. Without prejudice to the responsibilities of the Director set out in Articles 8 and 9, the Bureau shall, as delegated by the Governing Board, monitor the implementation of the decisions of the Governing Board and take all necessary measures for the proper management of the Foundation between the Governing Board meetings. The Governing Board may not delegate to the Bureau the competences referred to in Articles 12 and 15.;

5. Articles 9 and 10 are replaced by the following:

Article 9

1 The Director shall be responsible for the management of the Foundation as well as for the implementation of the decisions of and the programmes adopted by the Governing Board and the Bureau. The Director shall be the legal representative of the Foundation.