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NOTE

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	11531/2016
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

With a view to the attachés meeting on 26 October, delegations will find attached a table with the provisionally agreed text in the fourth column.

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

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	1
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2)(a) thereof;		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2)(a) thereof;	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2)(a) thereof;	2
Having regard to the proposal from the European Commission;		Having regard to the proposal from the European Commission;	Having regard to the proposal from the European Commission;	3
After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	4
Having regard to the opinion of the European Economic and Social Committee ¹ ,		Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	5
Having regard to the opinion of the Committee of the Regions ² ,		Having regard to the opinion of the Committee of the Regions ² ,	Having regard to the opinion of the Committee of the Regions ² ,	6
Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure ³ ,	Acting in accordance with the ordinary legislative procedure ³ ,	7

¹ OJ C , , p. .

² OJ C , , p. .

³ Position of the European Parliament of ... [(OJ ...)/(not yet published in the Official Journal)] and decision of the Council of ...

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Whereas:		Whereas:	Whereas:	8
(1) The European Agency for Safety and Health at Work (EU-OSHA) was established by Council Regulation (EC) No 2062/94 ⁴ 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.	Amendment 1 (1) The European Agency for Safety and Health at Work (EU-OSHA) was established by Council Regulation (EC) No 2062/94 ⁴ 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 <i>and research-based policy proposals</i> likely to assist this improvement. <i>EU-OSHA's main aim should be to provide information that is specialised and that makes a substantive contribution in its area of expertise.</i>	(1) The European Agency for Safety and Health at Work ("EU-OSHA" or "Agency") was established by Regulation (EC) No 2062/94 ⁴ of the Council 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.	(1) The European Agency for Safety and Health at Work ("EU-OSHA") was established by Regulation (EC) No 2062/94 ⁴ 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.	9
(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	Amendment 2 (2) Since its establishment in 1994 EU-OSHA has, <i>by virtue of its expertise</i> , played an important role in supporting the improvement of health and safety at work throughout the European Union. At the same time there	(2) Since it was established in 1994 EU-OSHA has played an important role in supporting the improvement of health and safety at work throughout the [...] Union. At the same time there have been developments in	(2) Since <i>it was established</i> in 1994, EU-OSHA has played an important role in supporting the improvement of health and safety at work throughout the Union. At the same time there have been developments in the	10

⁴ 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).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	have been developments in the area of occupational safety and health (OSH) and working environments including technological developments, particularly in the digital area, which add to the challenge of promoting high OSH standards. 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 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.	area of occupational safety and health (OSH) and technological developments. Consequently, the terminology used to describe the objectives and tasks of EU-OSHA in Regulation (EC) No. 2062/94 should be adapted.	
(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.		(3) Regulation (EC) No 2062/94 has been amended several times. Since further amendments are to be made, it should [...] be replaced and repealed in the interest of clarity.	(3) Regulation (EC) No 2062/94 has been amended several times. Since further amendments are to be made, it should be replaced and repealed in the interest of clarity.	11
	Amendment 3 <i>(3a) This Regulation therefore repeals Regulation (EC) No 2062/94, with the aim of updating EU-OSHA's mandate and tasks to better reflect its current activities, including the need to pay particular attention to micro, small and medium-sized enterprises.</i>			12
(4) The Agency should be		(4) The rules governing the	(4) The rules governing the	13

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		Agency should, to the extent possible and taking into account its tripartite nature, be established in accordance 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 [...].	Agency should, <i>to the extent possible and taking into account its tripartite nature, be established</i> in accordance 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.	
		(4a) This Regulation does not preclude 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,		14

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		governance and tasks of all Union 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.	Amendment 4 (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 them is required. <i>The agencies should therefore complement one another in their work where they have similar fields of interest, while boosting tools that function well, such as the Memorandum of Understanding between the EU-OSHA and Eurofound. They should exploit</i> ways to enhance efficiency and synergies <i>and avoid any duplication in their mandates, objectives and activities between each other and</i>	(5) As the three tripartite Agencies, namely 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 and working environment, [...] vocational education and training and skills, close coordination among them [...] is required and [...] ways to enhance efficiency and synergies should be exploited. In addition, where relevant, the Agency should seek to engage in efficient cooperation with the [...] in-house research capacities of Union institutions and external specialised bodies.	(5) As the three tripartite agencies, namely 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, vocational education and training, and skills, close coordination among them is required. <i>The agencies should therefore complement one another in their work where they have similar fields of interest, while boosting tools that function well, such as Memoranda of Understanding. They should exploit</i> ways to enhance efficiency and synergies <i>and avoid any duplication in their activities between each other and between them and the</i>	15

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>between them and the Commission.</i> In addition, whenever relevant, EU-OSHA should seek to <i>cooperate efficiently</i> with the in-house research capacities <i>of the Union institutions.</i>		<i>and the Commission.</i> In addition, where relevant, the Agency should seek to <i>cooperate efficiently</i> with the in-house research capacities <i>of Union institutions and external specialised bodies.</i>	
			<i>(x) The European Commission should consult the main stakeholders including members of the Management Board and members of the European Parliament during the evaluation.</i>	15a
	Amendment 5 <i>(5a) The tripartite nature of EU-OSHA, Eurofound, and Cedefop, represents a highly valuable expression of a comprehensive approach based on the social dialogue between the social partners and Union and national authorities, which is extremely important for the purpose of finding joint and sustainable social and economic solutions.</i>		<i>(5a) The tripartite nature of Eurofound, EU-OSHA and Cedefop is a highly valuable expression of a comprehensive approach based on the social dialogue between the social partners and Union and national authorities, which is extremely important for the purpose of finding joint and sustainable social and economic solutions.</i>	16
			<i>(5aa) When referring to safety and health at work in this Regulation, it is understood that it refers to both physical and</i>	16a

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
			<i>mental health.</i>	
		(5a) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end, the Member States, the national employers and employees organisations and the Commission should be represented in a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing the Agency's multi-annual programming and its annual work program, the Management Board should lay down the strategic priorities of the Agency's activities.	(5b) <i>In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end, the Member States, the national employers and employees organisations and the Commission should be represented in a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing the Agency's multi-annual programming and its annual work program, the Management Board should lay down the strategic priorities of the Agency's activities. Moreover, the rules adopted by the Management Board for the prevention and management of conflicts of interests should include measures for detecting potential risks at an early stage.</i>	17
		(5b) In order for the Agency to function properly, the	(5c) <i>In order for the Agency to function properly, the Member</i>	18

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		Member States, the European employers and employees organisations and the Commission should ensure that persons to be appointed to the Management Board have appropriate knowledge in the field of health and safety at work with a view to making significant and strategic decisions, and to overseeing the Agency's activity.	<i>States, the European employers and employees organisations and the Commission should ensure that persons to be appointed to the Management Board have appropriate knowledge in the field of health and safety at work with a view to making significant and strategic decisions, and to overseeing the Agency's activity.</i>	
		(5c) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, the Executive Board should, where appropriate, take provisional decisions subject to final endorsement by the Management Board. The rules of procedure of the Executive Board should be adopted by the Management Board.	<i>(5d) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, the Executive Board should, where necessary, because of urgency, take certain provisional decisions on behalf of the Management Board. The rules of procedure of the Executive Board should be adopted by the Management Board.</i>	19
		(5d) The Executive Director should be responsible for the overall management of the	<i>(5e) The Executive Director should be responsible for the overall management of the</i>	20

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		Agency according to the strategic direction set by the Management Board, including day-to-day administration, financial and human resources management. The Executive Director should exercise the powers entrusted to him/her. These powers may be suspended under exceptional circumstances, such as conflicts of interest or a serious failure to comply with obligations under the Staff Regulations.	<i>Agency according to the strategic direction set by the Management Board, including day-to-day administration, financial and human resources management. The Executive Director should exercise the powers entrusted to him/her. These powers may be suspended under exceptional circumstances, such as conflicts of interest or a serious failure to comply with obligations under the Staff Regulations.</i>	
			<i>(5x) The principle of equality is a fundamental principle of Union law. It requires that equality between women and men must be ensured in all areas, including employment, work and pay. All parties should aim to achieve a balanced representation between men and women on the Management Board. This aim should also be pursued by the Management Board with regard to its Chairperson and Deputy Chairpersons taken together as well as by the groups representing the governments,</i>	21

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
			<i>employers' organisations and employees' organisations in the Management Board with regard to the designation of alternates to attend the meetings of the Executive Board.</i>	
		(5e) The Agency currently operates a liaison office in Brussels. The possibility of operating that office should be maintained.	(5f) The Agency operates a liaison office in Brussels. The possibility of operating that office should be maintained.	21a
(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		(6) There are already organisations in the [...] Union and Member States which provide this type of information and services. In order to obtain the maximum benefit at Union 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	(6) There are already organisations in the Union and Member States which provide this type of information and services. In order to obtain the maximum benefit at Union 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	22

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Committee on Safety and Health at Work ⁵ , to ensure good coordination and synergies.		functional links with the Advisory Committee on Safety and Health at Work ⁵ , to ensure good coordination and synergies.	functional links with the Advisory Committee on Safety and Health at Work ⁵ , to ensure good coordination and synergies.	
	Amendment 6 <i>(6a) Regarding EU-OSHA's governance, in order to ensure a change in its membership over time, the Management Board should consider limiting the number of consecutive terms that its members can serve, by means of its operating rules or other mechanisms;</i>			23
	<i>(6b) In order to ensure its full autonomy and independence and to enable it properly to perform its objectives and tasks in accordance with this Regulation, 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 Union budgetary procedure should be applicable to EU-OSHA as far as the Union contribution and any other subsidies chargeable to the</i>		<i>(6b) In order to ensure its full autonomy and independence and to enable it properly to perform its objectives and tasks assigned in accordance with this Regulation, 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 Union budgetary procedure should be applicable to EU-OSHA as far as the Union contribution and any other</i>	24

⁵ 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

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>general budget of the Union are concerned. EU-OSHA's accounts should be audited by the European Court of Auditors.</i>		<i>subsidies chargeable to the general budget of the Union are concerned. EU-OSHA's accounts should be audited by the European Court of Auditors.</i>	
(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 1271/2013 ⁶ .		[...]	(7) The new financial provisions and provisions for programming and reporting <i>governing the Agency replacing those found</i> in Regulation (EEC) No 2062/94 should be aligned with Commission Delegated Regulation (EU) No 1271/2013 ⁶ . <i>According to this Regulation, the Agency should undertake both ex-ante and ex-post evaluations for all programmes and activities which entail significant spending. These evaluations should be taken into account by the Agency in its multi-annual and annual programming.</i>	25
		(7a) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level	(7a) <i>In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level</i>	26

⁶ 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).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		governance structure should be introduced. To that end, the Member States, the national employers and employees organisations and the Commission should be represented in a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing the Agency's multi-annual programming and its annual work program, the Management Board should lay down the strategic priorities of the Agency's activities.	<i>governance structure should be introduced. To that end, the Member States, the national employers and employees organisations and the Commission should be represented in a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing the Agency's multi-annual programming and its annual work program, the Management Board should lay down the strategic priorities of the Agency's activities. Moreover, the rules adopted by the Management Board for the prevention and management of conflicts of interests should include measures for detecting potential risks at an early stage.</i>	
		(7b) In order for the Agency to function properly, the Member States, the European employers and employees organisations and the Commission should ensure that persons to be appointed to the Management Board have	<i>(7b) In order for the Agency to function properly, the Member States, the European employers and employees organisations and the Commission should ensure that persons to be appointed to the Management Board have appropriate</i>	27

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		appropriate knowledge in the field of vocational education and training, skills and qualifications with a view to making significant and strategic decisions, and to overseeing the Agency's activity.	<i>knowledge in the field of vocational education and training, skills and qualifications with a view to making significant and strategic decisions, and to overseeing the Agency's activity.</i>	
		(7c) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, the Executive Board should, where appropriate, take provisional decisions subject to final endorsement by the Management Board. The rules of procedure of the Executive Board should be adopted by the Management Board.	<i>(7c) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, the Executive Board should, where appropriate, take provisional decisions subject to final endorsement by the Management Board. The rules of procedure of the Executive Board should be adopted by the Management Board.</i>	28
		(7d) The Executive Director should be responsible for the overall management of the Agency according to the strategic direction set by the Management Board, including day-to-day administration,	<i>(7d) The Executive Director should be responsible for the overall management of the Agency according to the strategic direction set by the Management Board, including day-to-day administration,</i>	29

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		financial and human resources management. The Executive Director should exercise the powers entrusted to him/her [...]. These powers may be suspended under exceptional circumstances, such as conflicts of interest or a serious failure to comply with obligations under the Staff Regulations.	<i>financial and human resources management. The Executive Director should exercise the powers entrusted to him/her. These powers may be suspended under exceptional circumstances, such as conflicts of interest or a serious failure to comply with obligations under the Staff Regulations.</i>	
(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 259/68 ⁷ .		(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 (" Conditions of Employment of Other Servants "), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁷ .	(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 (" Conditions of Employment of Other Servants "), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁷ .	31
	Amendment 8 <i>(8a) The translation services required for EU-OSHA's</i>		<i>(8a) The translation services required for the agency should</i>	32

⁷ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>functioning should be provided, to the extent possible, by the Translation Centre of the Bodies of the European Union (Translation Centre). Where appropriate, such as because of the urgency of a translation or the high workload of the Translation Centre, or where a translation forms an integral part of a larger project, other translation service providers should also be able to provide translation services. Such other translation service providers should ensure the same level of quality as the Translation Centre at a cost that is no higher, should comply with Union environmental, labour and social standards, and should respect public procurement rules, where appropriate.</i>		<i>be provided by the Translation Centre of the Bodies of the European Union (Translation Centre). The agency should work together with the Translation Centre to establish indicators for quality, timeliness and confidentiality, to identify clearly the agency's needs and priorities, and create transparent and objective procedures for the translation process.</i>	
(9) The Agency should take the necessary measures to ensure safe handling and processing of confidential information. Where required, EU-OSHA will adopt security rules as set out in		(9) The Agency should take the necessary measures to ensure the safe handling and processing of confidential information. Where required, EU-OSHA should adopt security rules as	(9)The Agency should take the necessary measures to ensure the safe handling and processing of confidential information. Where required, EU-OSHA should adopt security rules as set out in	34

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Commission Decision (EU, Euratom) 2015/443 ⁸ and Commission Decision (EU, Euratom) 2015/444 ⁹ .		set out in Commission Decision (EU, Euratom) 2015/443 ⁸ and Commission Decision (EU, Euratom) 2015/444 ⁹ .	Commission Decision (EU, Euratom) 2015/443 ⁸ and Commission Decision (EU, Euratom) 2015/444 ⁹ .	
		(7) The new financial provisions and provisions for programming and reporting governing the Agency replacing those found in Regulation (EEC) No 2062/94 should be aligned with Commission Delegated Regulation (EU) No 1271/2013 ⁶ .		35
(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.		(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.	(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.	36
HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	37
CHAPTER I		CHAPTER I	CHAPTER I	38
OBJECTIVES AND TASKS OF THE AGENCY		OBJECTIVES AND TASKS OF THE AGENCY	OBJECTIVES AND TASKS OF THE AGENCY	39
<i>Article 1 – Establishment and Objective of the Agency</i>		<i>Article 1 – Establishment and objectives of the Agency</i>	<i>Article 1 – Establishment and objectives of the Agency</i>	40
1. The European Agency for		1. The European Agency for	1. The European Agency for	41

⁸ 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).

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

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Safety and Health at Work (the 'Agency' also referred to as 'EU-OSHA', is hereby established as a European Union Agency.		Safety and Health at Work ('EU-OSHA' or the 'Agency'), is hereby established as a [...] Union Agency.	Safety and Health at Work ("EU-OSHA"), is hereby established as a 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.	Amendment 9 2. <i>In order to improve the working environment with regard to the protection of the safety and health of workers, the objective of the tripartite Agency shall be to provide the 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.</i>	2. The objective of the Agency shall be to provide the [...] 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, [...] and economic information and qualified expertise of use in that field, in order to improve the working environment as regards the protection of the health and safety of workers.	2. <i>In order to improve the working environment as regards the protection of the health and safety of workers, the objective of the Agency shall be to provide the 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 and economic information and qualified expertise of use in that field. To this end, the Agency shall enhance and disseminate knowledge, provide evidence and services for policy making, including research-based conclusions, and facilitate knowledge sharing among and between Union and national actors.</i>	42
<i>Article 2 –Tasks</i>		<i>Article 2 –Tasks</i>	<i>Article 2 –Tasks</i>	43
1. The Agency shall perform the following tasks with respect to		1. The Agency shall perform the following tasks with respect to	1. The Agency shall perform the following tasks with respect to	44

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
the policy areas referred to in Article 1(2):		the policy areas referred to in Article 1(2):	<i>the policy areas referred to in Article 1(2), while fully respecting the responsibilities of the Member States:</i>	
(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;	Amendment 10 (a) collect, analyse and disseminate technical, scientific and economic information on safety and <i>physical and mental</i> 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 Union;	(a) collect and analyse [...] technical, scientific and economic information on safety and health at work in the Member States in order to: i) identify risks and good practices as well as existing national priorities and programmes; ii) provide the necessary input for the priorities and programmes of the Union; and iii) disseminate it to the Union institutions and bodies, Member States, social partners and interested parties;	(a) collect and analyse technical, scientific and economic information on safety and health at work in the Member States in order to: i) identify risks and good practices as well as existing national priorities and programmes; ii) provide the necessary input for the priorities and programmes of the Union; and iii) disseminate it to the Union institutions and bodies, Member States, social partners and interested parties;	45
(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	Amendment 11 (b) collect and analyse technical, scientific and economic information on research into safety and <i>physical and mental</i> health at work and on other research activities which involve aspects connected with safety and health at work and	(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	(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	46

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
research and research activities;	<i>workplace inclusion</i> and disseminate the results of the research and research activities;	research and research activities;	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;	Amendment 12 (c) promote and support cooperation and exchange of information and experience amongst the Member States in the field of safety and <i>physical and mental</i> health at work, including information on training programmes;	(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;	(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;	47
(d) organise conferences and seminars and exchanges of expertise from the Member States in the field of safety and health at work;		(d) organise conferences and seminars and exchanges of expertise from the Member States in the field of safety and health at work;	(d) organise conferences and seminars and exchanges of expertise from the Member States in the field of safety and health at work;	48
(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	Amendment 13 (e) supply the 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 <i>promote workplace inclusion and</i> protect the safety and <i>physical and mental</i> health of workers, <i>including the prevention</i>	(e) supply the [...] Union institutions and bodies and the Member States with the objective [...] technical, scientific [...] and economic information available and the 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 [...]	(e) supply the Union institutions and bodies and the Member States with the objective technical, scientific and economic information <i>available</i> and <i>the</i> qualified expertise they require to formulate and implement judicious and effective policies designed to protect the safety and health of workers, <i>including the prevention and anticipation of</i>	49

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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;	<i>and anticipation of potential hazards</i> ; to that end, provide the 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;	Commission in particular with the technical, scientific, [...] 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;	<i>potential hazards</i> ; to that end, provide the Commission in particular with the technical, scientific, 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;	
	Amendment 14 <i>(ea) based on its own analysis and research, provide policy makers, including the social partners, with research-based policy proposals in the field of safety and health of workers;</i>			50
(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		(f) establish, in cooperation with the Member States, and coordinate the network referred to in Article 12, taking into account the national, Union and	(f) provide forums for exchange of experiences and information between governments, social partners and stakeholders at national level;	51

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
bodies and organisations which provide this type of information and services;		international bodies and organisations which provide that type of information and services;		
		(fa) contribute, through evidence based information and analyses, to the implementation of reforms, and policies at national level;	<i>(fa) contribute, including through evidence-based information and analyses, to the implementation of reforms and policies at national level;</i>	52
(g) collect and make available information on safety and health matters from and to third countries and international organisations;	Amendment 15 (g) collect and make available information on safety and health matters from and to third countries and international organisations;	(g) collect and make available information on safety and health matters from and to third countries and international organisations;	(g) collect and make available information on safety and health matters from and to third countries and international organisations;	53
(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	Amendment 16 (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	(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 micro , small and medium-sized enterprises. With regard to good practices, the Agency shall in particular focus on practices which constitute practical tools	(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 micro , small and medium-sized enterprises. With regard to good practices, the Agency shall in particular focus on practices which constitute practical tools	54

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
drawing up an assessment of the risks to safety and health at work, and identifying the measures to be taken to tackle them;	drawing up an assessment of the risks to safety and <i>physical and mental</i> health at work, and identifying the measures to be taken to tackle them;	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;	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;		(i) contribute to the development of [...] Union strategies and action programmes relating to the protection of safety and health at work, without prejudice to the Commission's sphere of competence;	(i) contribute to the development of Union strategies and action programmes relating to the protection of safety and health at work, without prejudice to the Commission's sphere of competence;	55
	Amendment 17 <i>(ia) establish a strategy for relations with third countries and international organisations concerning matters for which the Agency is competent;</i>		<i>(ia) establish a strategy for relations with third countries and international organisations concerning matters for which the Agency is competent;</i>	56
(j) carry out awareness raising and communication activities and campaigns on health and safety at work issues.	Amendment 18 (j) carry out awareness raising and communication activities and campaigns on <i>physical and mental</i> health and safety at work issues;	j) carry out awareness raising and communication activities and campaigns on health and safety at work issues.	j) carry out awareness raising and communication activities and campaigns on health and safety at work issues.	58
	Amendment 19 <i>(ja) establish a communications strategy which is coherent with and relevant to the strategies and</i>			59

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>activities of the Commission and those of the other institutions and agencies.</i>			
	Amendment 20 <i>1a. Before commissioning an external organisation to undertake studies in the Agency's areas of expertise, the Union institutions shall consult the Agency in order to check its availability and shall allocate resources to the Agency for that purpose.</i>		<i>1a. When new studies are needed, and before taking policy decisions, the EU institutions should take into account the Agency's expertise and any studies that it has conducted in the area concerned or that it is able to conduct, in accordance with the Financial Regulation.</i>	60
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).		2. The Agency shall ensure that the information disseminated and the tools made available are 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).	2. The Agency shall ensure that the information disseminated and the tools made available are 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).	61
			<i>2a. The Agency may conclude cooperation agreements with other relevant Union agencies in order to facilitate and promote cooperation with them.</i>	62

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	Amendment 21 3. In carrying out its tasks, the Agency shall maintain a close dialogue particularly with specialised bodies, whether public or private, <i>national or international, with public authorities, with educational institutions, with workers' and employers' organisations and, where they exist, with national tripartite bodies, where they exist.</i> The Agency, without prejudice to its own aims, shall ensure cooperation with other Union <i>agencies</i> aimed at avoiding overlaps and promoting synergy and complementarity in their activities, <i>including the possibility of working jointly,</i> in particular with <i>Eurofound, with Cedefop</i> and, where relevant, with other <i>Union agencies.</i>	3. In carrying out its tasks, the Agency shall maintain a close dialogue particularly with specialised bodies, whether public or private, <i>national or international,</i> public authorities and workers' and employers' organisations. The Agency, without prejudice to its own <i>objectives and purposes</i> shall <i>cooperate</i> with other [...] Union agencies [...], in particular with <i>Eurofound and Cedefop [...], [...] promoting synergies and complementarity in their activities, while avoiding duplication of efforts.</i>	3. In carrying out its tasks, the Agency shall maintain a close dialogue particularly with specialised bodies, whether public or private, national or international, <i>with public authorities, with academic and research bodies</i> and with workers' and employers' organisations, <i>and with national tripartite bodies, where they exist.</i> The Agency, without prejudice to its own <i>objectives and purposes</i> shall <i>cooperate</i> with other Union <i>agencies, in particular with Eurofound and Cedefop,</i> promoting <i>synergies</i> and complementarity <i>with</i> their activities, <i>while avoiding duplication of efforts.</i>	63
CHAPTER II		CHAPTER II	CHAPTER II	64
ORGANISATION OF THE AGENCY		ORGANISATION OF THE AGENCY	ORGANISATION OF THE AGENCY	65
<i>Article 3 – Administrative and management structure</i>		<i>Article 3 – Administrative and management structure</i>	<i>Article 3 – Administrative and management structure</i>	66
The Agency's administrative and management structure shall		The Agency's administrative and management structure shall	The Agency's administrative and management structure shall	67

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
comprise:		comprise:	comprise:	
(a) a Management Board, which shall exercise the functions set out in Article 5;		(a) a Management Board, which shall exercise the functions set out in Article 5;	(a) a Management Board, which shall exercise the functions set out in Article 5;	68
(b) an Executive Board, which shall exercise the functions set out in Article 10;		(b) an Executive Board, which shall exercise the functions set out in Article 10;	(b) an Executive Board, which shall exercise the functions set out in Article 10;	69
(c) an Executive Director, who shall exercise the responsibilities set out in Article 11;		(c) an Executive Director, who shall exercise the responsibilities set out in Article 11;	(c) an Executive Director, who shall exercise the responsibilities set out in Article 11;	70
(d) a Network, which shall exercise the functions set out in Article 12.		(d) a Network, which shall exercise the functions set out in Article 12.	(d) a Network, which shall exercise the functions set out in Article 12.	71
SECTION 1: MANAGEMENT BOARD		SECTION 1: MANAGEMENT BOARD	SECTION 1: MANAGEMENT BOARD	72
<i>Article 4 – Composition of the Management Board</i>		<i>Article 4 – Composition of the Management Board</i>	<i>Article 4 – Composition of the Management Board</i>	73
1. The Management Board shall be composed of:		1. The Management Board shall be composed of:	1. The Management Board shall be composed of:	74
(a) one member representing the Government from each Member State;		(a) one member representing the Government from each Member State;	(a) one member representing the Government from each Member State;	75
(b) one member representing employers' organisations from each Member State;		(b) one member representing employers' organisations from each Member State;	(b) one member representing employers' organisations from each Member State;	76
(c) one member representing employees' organisations from each member State;		(c) one member representing employees' organisations from each member State;	(c) one member representing employees' organisations from each member State;	77
(d) three members representing the Commission.		(d) three members representing the Commission.	(d) three members representing the Commission.	78
	Amendment 22			79

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>(da) three independent experts appointed by the European Parliament.</i>		<i>(e) one independent expert appointed by the European Parliament;</i>	
All members referred to points (a)-(d) shall have voting rights.		All members referred to points (a)-(d) shall be entitled to vote .	<i>Each of the</i> members referred to in points (a)-(d) shall have the right to vote .	80
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 Work ¹⁰ .	Amendment 23 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 Work ¹⁰ on the basis of lists of candidates submitted by the Member States, the European employers' and employees' organisations respectively.	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 Work ¹⁰ .	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 Work ¹⁰ . The Commission shall appoint the members referred to in point (d). The responsible committee of the European Parliament shall appoint the expert referred to in point (e).	81
The members referred to in point (a) shall be appointed on a proposal from the Member States.	Amendment 24 deleted	The members referred to in point (a) shall be appointed on a proposal from the Member States.	The members referred to in point (a) shall be appointed on a proposal from the Member States.	82
	Amendment 25			83

¹⁰ 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.

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
The members referred to in points (b) and (c) shall be appointed on a proposal by the respective groups' spokespersons on the Committee.	deleted	The members referred to in points (b) and (c) shall be appointed on a proposal by the respective groups' spokespersons in the Advisory Committee on Safety and Health at Work.	The members referred to in points (b) and (c) shall be appointed on a proposal by the respective groups' spokespersons in the Advisory Committee on Safety and Health at Work.	
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.	Amendment 26 deleted	The proposals from the three groups within the Advisory Committee on Safety and Health at Work shall be submitted to the Council; the proposals shall also be forwarded to the Commission for information.	The proposals from the three groups within the Advisory Committee on Safety and Health at Work shall be submitted to the Council; the proposals shall also be forwarded to the Commission for information.	84
The Commission shall appoint the members who are to represent it.		The Commission shall appoint the members who are to represent it.	The Commission shall appoint the members who are to represent it.	85
	Amendment 27 <i>The responsible committee of the European Parliament shall appoint the experts referred to in point (da) of the first subparagraph after verifying that the appointments raise no conflicts of interest.</i>			85a
2. Each member of the		2. Each member of the	2. Each member of the	86

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		Management Board shall have an alternate. The alternate shall represent the member in his/her absence. The alternate shall be appointed following the procedure [...] in paragraph 1.	Management Board shall have an alternate. The alternate shall represent the member in his/her absence. The alternates shall be appointed <i>in accordance with the procedure provided for</i> 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.	Amendment 28 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 <i>on</i> the Management Board shall make efforts to limit turnover of their representatives, in order to guarantee continuity of the Board's work. <i>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.</i>	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 their relevant skills in order to function effectively in an oversight role. All parties represented in the Management Board shall endeavour to [...] limit turnover of their representatives, in order to guarantee continuity of the Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.	3. Members of the Management Board and their alternates shall be <i>designated and</i> appointed in light of their knowledge in the field of health and safety at work, taking into account <i>their relevant skills such as managerial, administrative and budgetary skills and expertise in the Agency's core tasks, in order to effectively carry out an oversight role.</i> All parties represented in the Management Board shall <i>endeavour</i> to limit turnover of their representatives, in order to ensure continuity of the board's work. <i>All parties shall aim to achieve a balanced representation between men and women on the Management Board.</i>	87
	Amendment 29			88

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>3 a. Each member and alternate member shall sign a written declaration of interests when taking office and shall update it when there is a change of circumstances in that regard. The Agency shall publish the declarations of interest and updates on its website.</i>		<i>3a. Each member and alternate member shall sign a written statement declaring that he/she is not in a situation of conflict of interest when taking office and shall update it when there is a change of circumstances in that regard. The Agency shall publish the statements and updates on its website.</i>	
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.	Amendment 30 4. The term of office for members and their alternates shall be four years. <i>That term may be renewed.</i> 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 term of office for members and their alternates shall be four years. That term 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 term of office for members and their alternates shall be four years. That term 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.	89
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		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 the deliberations within and between the groups. The coordinators of	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 the deliberations within and between the groups. The coordinators of	90

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		the employers' and employees' groups shall be representatives of their respective organisations at European level and may be designated from among the appointed Management Board members. Coordinators who are not appointed Management Board members within the meaning of paragraph 1 shall take part in Management Board meetings without the right to vote.	the employers' and employees' groups shall be representatives of their respective organisations at European level and may be designated from among the appointed Management Board members. Coordinators who are not appointed Management Board members within the meaning of paragraph 1 shall take part in Management Board meetings without the right to vote.	
	Amendment 31 <i>5a. A representative of Eurofound, a representative of Cedefop and a representative of the European Training Foundation shall have the right to participate as observers at the meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.</i>			91
<i>Article 5 – Functions of the Management Board</i>		<i>Article 5 – Functions of the Management Board</i>	<i>Article 5 – Functions of the Management Board</i>	92
1. The Management Board shall:		1. The Management Board shall:	1. The Management Board shall:	93
	Amendment 32			94
(a) give the general orientation	(a) give the strategic orientations	(a) give the strategic orientation	(a) give the strategic	

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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;	for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of <i>the</i> members entitled to vote and in accordance with Article 6;	for the Agency's activities;	<i>orientations</i> for the Agency's activities;	
		(aa) [...] adopt each year, by a majority of two-thirds of the members entitled to vote and in accordance with Article 6 , the Agency's programming document, containing the Agency's multi-annual programming and its annual work programme for the following year ;	(aa) adopt each year, <i>by a majority of two-thirds of members with the right to vote and in accordance with Article 6</i> , the Agency's programming document, <i>containing the Agency's multi-annual programming and its annual work programme for the following year</i> ;	95
(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;		(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;	(b) adopt, by a majority of two-thirds of members <i>with the right to vote</i> , the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Chapter III;	96
(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		(c) adopt the consolidated annual activity report together with its assessment on the Agency's activities and send these before 1 July each year to the European Parliament, the Council, the Commission and the [...] Court of Auditors. The consolidated annual activity	(c) adopt the consolidated annual activity report together with its assessment on the Agency's activities and send these <i>by</i> 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be	97

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
report shall be made public;		report shall be made public;	made public;	
(d) adopt the financial rules applicable to the Agency in accordance with Article 17;		(d) adopt the financial rules applicable to the Agency in accordance with Article 17;	(d) adopt the financial rules applicable to the Agency in accordance with Article 17;	98
(e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;		(e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;	(e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;	99
(f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts;	Amendment 33 (f) adopt rules, <i>including measures for detecting potential risks at an early stage</i> , for the prevention and management of conflicts of interest in respect of its members and independent experts, <i>as well as for seconded national experts and other staff not employed by the Agency as referred to in Article 20</i> ;	(f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts;	(f) adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts, <i>as well as for seconded national experts and other staff not employed by the Agency as referred to in Article 20</i> ;	100
(g) adopt and regularly update the communication and dissemination plans based on an analysis of needs;	Amendment 34 (g) adopt and regularly update the communication and dissemination plans based on an analysis of needs <i>and reflect this in the Agency's programming document</i> ;	(g) adopt and regularly update the communication and dissemination plans based on an analysis of needs;	(g) adopt and regularly update the communication and dissemination plans based on an analysis of needs <i>and reflect this in the Agency's programming document</i> ;	101
(h) adopt its rules of procedure;		h) adopt its rules of procedure;	(h) adopt its rules of procedure;	102
(i) in accordance with paragraph		(i) [...] exercise, in accordance	(i) exercise, in accordance with	103

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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');		with paragraph 2, with respect to the staff of the Agency, the powers: - of the Appointing Authority conferred by the Staff Regulations of Officials of the European Union [...], and - of the Authority empowered to conclude a Contract of Employment [...] conferred by the Conditions of Employment of Other Servants [...], ("the appointing authority powers");	paragraph 2, with respect to the staff of the Agency, the powers: - of the Appointing Authority conferred by the Staff Regulations of Officials of the European Union and - of the Authority Empowered to Conclude a Contract of Employment conferred by the Conditions of Employment of Other Servants, ("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;		(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;	(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;	104
(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;		(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;	(k) appoint the Executive Director and where relevant extend the term of office or remove the Executive Director from office in accordance with Article 19;	105
(l) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent		(l) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally	(l) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally	106

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
in the performance of his/her duties;		independent in the performance of his/her duties;	independent in the performance of his/her duties;	
		(la) lay down the rules of procedure of the Executive Board;	<i>(la) lay down the rules of procedure of the Executive Board;</i>	107
(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);		(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).	(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);	108
(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;	deleted	(n) [...]		109
(o) authorise the establishment of working arrangements in accordance with Article 30(1).		(o) authorise the establishment of cooperation arrangements with the competent authorities of third countries and with international organisations in accordance with Article 30(1).	(o) authorise the establishment of <i>cooperation</i> arrangements <i>with the competent authorities of third countries and with international organisations</i> in accordance with Article 30 (1).	110
2. The Management Board shall adopt, in accordance with Article		2. The Management Board shall adopt, in accordance with	2. The Management Board shall adopt, in accordance with	111

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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 setting out the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	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 setting out the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	
		Where exceptional circumstances so require, the Management Board may [...] suspend temporarily the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the Executive Director. In such cases, the Management Board shall delegate them, for a limited period , to one of its members representing the Commission or to a staff member other than the Executive Director.	Where exceptional circumstances so require, the Management Board may temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the <i>Executive Director. In such cases the Management Board shall</i> delegate them, <i>for a limited period</i> , to one <i>of the representatives of the Commission whom it nominates</i> or to a staff member other than the Executive Director.	112
3. Where exceptional circumstances so require, the		3. [...]		113

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.				
<i>Article 6 – Annual and multi-annual programming</i>		<i>Article 6 – [...] Multi-annual programming and annual work programmes</i>	<i>Article 6 –Multi-annual and annual programming</i>	114
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 1271/2013 ¹¹ and taking into account guidelines set by the Commission.		1. Each year, the Executive Director shall, in accordance with Article 11(5)c, draw up a programming document containing multiannual and annual programming in accordance with Article 32 of the [...] Delegated Regulation (EU) No 1271/2013 ¹¹ and after consultation of the Advisory Committee on Safety and Health at Work.	1. Each year, the Executive Director shall, in accordance with Article 11(5)c, draw up a programming document containing multiannual and annual programming in accordance with Article 32 of the Delegated Regulation (EU) No 1271/2013 ¹¹ .	115
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		2. The Executive Director shall put forward the draft programming document referred to in paragraph 1 to the Management Board. The draft	2. The Executive Director shall put forward the draft programming document referred to in paragraph 1 to the Management Board. Following	116

¹¹ 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).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.		programming document, following the approval of* the Management Board, shall be sent to the Commission, the European Parliament and the Council no later than 31 January each year, as well as any later updated version of that document. The Management Board shall adopt the programming document referred to in paragraph 1, taking into account the opinion of the Commission.	<i>approval by</i> the Management Board, the draft programming document shall be sent to the Commission, the European Parliament and the Council no later than 31 January each year, as well as any later updated version of that document. <i>The Management Board shall adopt the programming document referred to in paragraph 1, taking into account the opinion of the Commission</i>	
The programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.		The programming document referred to in paragraph 1 shall become definitive after final adoption of the general budget of the Union and if necessary shall be adjusted accordingly.	The programming document <i>referred to in paragraph 1</i> shall become definitive after final adoption of the general budget of the Union and if necessary shall be adjusted accordingly.	117
		5. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. The strategic programming shall be updated where appropriate, considering in particular [...] the outcome of the evaluation referred to in Article 28.	5. The multi-annual programme shall set out overall strategic programming including objectives, expected results and performance indicators, <i>avoiding programming overlaps with other agencies</i> . It shall also set out resource programming including multi-annual budget and staff. It shall include a strategy for relations with third	118

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
			countries and international organisations.	
		The multi-annual work programme 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 referred to in Article 30, the actions linked to this strategy, and a specification of associated resources.	<i>The multi-annual programme</i> 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 referred to in Article 29, the actions linked to this strategy, and a specification of associated resources.	119
		The resource programming shall be updated annually. [...]		120
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	Amendment 35 3. The annual work programme shall comprise detailed objectives and expected results including performance indicators, <i>as well as activities and programmes that are to be subject to ex ante or ex post evaluation.</i> 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	3. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 5 and [...] shall comprise: (a) detailed objectives and expected results including performance indicators; (b) [...] a description of the actions to be financed; (c) an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-	3. The annual work programme <i>shall be coherent with the multi-annual programme referred to in paragraph 5 and</i> shall comprise: (a) detailed objectives and expected results including performance indicators; (b) a description of the actions to be financed, <i>including planned measures that aim to increase efficiency;</i> (c) an indication of the financial and human resources allocated to each action, in accordance	121

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	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 multi-annual programming shall include the strategy for relations with third countries and international organisations referred to in Article 30 and the actions linked to this strategy.	based budgeting and management. [...] It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. [...]	with the principles of activity-based budgeting and management; <i>(d) possible actions for relations with and international organisations referred to in Article 30.</i> It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.	
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.		4. The Management Board shall amend the [...] 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.	4. The Management Board shall amend the adopted annual work programme when a new activity is assigned 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.	122
Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme.		Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme.	Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme.	123

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		[...]		124
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.	Amendment 36 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. <i>Where new tasks are conferred upon the Agency by the Union institutions or by Union legal acts, this shall be taken into account in its resource and financial programming.</i>	[...]	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. Where new <i>activities</i> are conferred upon the Agency <i>to fulfil its tasks laid down in Article 2 of this Regulation</i> , this shall be taken into account in its resource and financial programming, <i>without prejudice to the powers of the Budgetary Authority.</i>	125
<i>Article 7 – Chairperson of the</i>		<i>Article 7 – Chairperson of the</i>	<i>Article 7 – Chairperson of the</i>	126

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
<i>Management Board</i>		<i>Management Board</i>	<i>Management Board</i>	
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.	Amendment 37 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 <i>the</i> members of the Management Board with voting rights. <i>The Management Board shall ensure a balanced representation between men and women for the Chairperson and the Deputy Chairpersons, taken together.</i>	1. The Management Board shall elect a Chairperson and three Deputy Chairpersons as follows: (a) one from amongst the members representing Member States; (b) one from amongst the members representing employers' organisations; (c) one from amongst the members representing employees' organisations; and (d) 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 entitled to vote.	1. The Management Board shall elect a Chairperson and three Deputy Chairpersons as follows: (a) one from among the members representing Member States; (b) one from among the members representing employers' organisations; (c) one from among the members representing employees' organisations; and (d) one from among the members representing the Commission. The Chairperson and the Deputy Chairpersons shall be elected by a majority of two-thirds of <i>the</i> members of the Management Board with <i>the right to vote</i>.	127
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		2. The term of office of the Chairperson and the deputy Chairpersons shall be one year. Their term of office shall be renewable [...]. If, however, their membership of the Management Board ends at any	2. The term of office of the Chairperson and the Deputy Chairpersons shall be one year. Their term of office <i>shall</i> be renewable [...]. If, however, their membership of the Management Board ends at any	128

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
their term of office, their term of office shall automatically expire on that date.		time during their term of office, their term of office shall automatically expire on that date.	time during their term of office, their term of office shall automatically expire on that date.	
<i>Article 8 – Meetings of the Management Board</i>		<i>Article 8 – Meetings of the Management Board</i>	<i>Article 8 – Meetings of the Management Board</i>	129
1. The Chairperson shall convene meetings of the Management Board.		1. The Chairperson shall convene meetings of the Management Board.	1. The Chairperson shall convene meetings of the Management Board.	130
2. The Executive Director of the Agency shall take part in the deliberations, without the right to vote.		2. The Executive Director of the Agency shall take part in the deliberations, without the right to vote.	2. The Executive Director of the Agency shall take part in the deliberations, without the right to vote.	131
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.		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.	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.	132
4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.		4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.	4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer. <i>EEA–EFTA States may be represented in the Management Board meetings with observer status, if the EEA Agreement foresees their participation in the Agency's activities.</i>	133
5. The Agency shall provide the		5. The Agency shall provide the	5. The Agency shall provide the	134

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
secretariat for the Management Board.		secretariat for the Management Board.	secretariat for the Management Board.	
	Amendment 38 <i>5a. The Agency shall publish information about the meetings of the Management Board on its website in a timely and transparent manner.</i>			135
<i>Article 9– Voting rules of the Management Board</i>		<i>Article 9– Voting rules of the Management Board</i>	<i>Article 9– Voting rules of the Management Board</i>	136
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.		1. Without prejudice to Article 5(1)(aa) and (b), Article 7(1) and Article 19(7), the Management Board shall take decisions by majority of members entitled to vote . However, decisions in the framework of the annual work programme and with budgetary consequences for the national focal points shall also require the consent of the majority of the government group.	1. Without prejudice to points (aa) and (b) of Article 5(1), the second subparagraph of Article 7(1) and Article 19(7), the Management Board shall take decisions by majority of members with the right to vote . However, decisions in the framework of the annual work programme and with budgetary consequences for the national focal points shall also require the consent of the majority of the government group.	137
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.		2. Each member entitled to vote shall have one vote. In the absence of a member entitled to vote , his/her alternate shall be entitled to exercise his/her right to vote.	2. Each member with the right to vote 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	138

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
3. The Chairperson shall take part in the voting.		3. The Chairperson shall take part in the voting.	3. The Chairperson shall take part in the voting.	139
4. The Executive Director shall take part in the deliberations, without the right to vote.		4. The Executive Director shall take part in the deliberations, without being entitled to vote.	4. The Executive Director shall take part in the deliberations, <i>without the right to vote.</i>	140
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.		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.	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.	141
SECTION 2: EXECUTIVE BOARD		SECTION 2: EXECUTIVE BOARD	SECTION 2: EXECUTIVE BOARD	142
<i>Article 10 - Executive Board</i>		<i>Article 10 - Executive Board</i>	<i>Article 10 - Executive Board</i>	143
1. The Management Board shall be assisted by an Executive Board.		1. The Management Board shall be assisted by an Executive Board.	1. The Management Board shall be assisted by an Executive Board.	144
2. The Executive Board shall:		2. The Executive Board shall, in particular :	2. The Executive Board shall:	145
(a) prepare decisions to be adopted by the Management Board;		(a) prepare decisions to be adopted by the Management Board.	(a) prepare decisions to be adopted by the Management Board;	146
(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		(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 [...] OLAF;	(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 OLAF;	147

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
(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.		(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 11, [...] advise him / her, where necessary , in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.	(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 11, advise him/her, where necessary , in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.	148
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.	Amendment 39 3. Where necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board.	3. Where necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board [...].	3. Where necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, including the suspension of the delegation of the appointing authority powers, in accordance with the conditions referred to in Article 5(2) , and budgetary matters.	147
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	Amendment 40 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.	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	4. The Executive Board shall be composed of the Chairperson of the Management Board, the three Deputy Chairpersons, the coordinators of the three groups referred to in Article 4(5) and one representative of the	148

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	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, <i>ensuring a balanced representation between men and women</i> . 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.	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 be entitled to vote.	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, <i>without</i> 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.	Amendment 41 5. The term of office of members of the Executive Board shall be two years. That term <i>may</i> be <i>renewed</i> . The term of office of members of the Executive Board shall end when their membership of the Management Board ends.	5. The term of office of members of the Executive Board shall be two years. That term shall be renewable . The term of office of members of the Executive Board shall end when their membership of the Management Board ends.	5. The term of office of members of the Executive Board shall be two years. That term shall be <i>renewable</i> . The term of office of members of the Executive Board shall end when their membership of the Management Board ends.	149
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.	Amendment 42 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. <i>Each coordinator shall inform</i>	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.	6. The Executive Board shall meet three times a year. In addition, it shall meet on the initiative of <i>the</i> Chairperson or at the request of its members. <i>Each coordinator shall make</i>	150

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>members of his or her own group, after each meeting, of the content of the discussion, in a timely and transparent manner.</i>		<i>the best effort to inform members of his or her own group, after each meeting, of the content of the discussion, in a timely and transparent manner.</i>	
7. The Management Board shall lay down the rules of procedure of the Executive Board.		7. [...]		151
SECTION 3: EXECUTIVE DIRECTOR		SECTION 3: EXECUTIVE DIRECTOR	SECTION 3: EXECUTIVE DIRECTOR	152
<i>Article 11 – Responsibilities of the Executive Director</i>		<i>Article 11 – Responsibilities of the Executive Director</i>	<i>Article 11 – Responsibilities of the Executive Director</i>	153
1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.	Amendment 43 1. The Executive Director shall <i>be responsible for the overall management of the Agency in accordance with the strategic direction set by the Management Board and</i> shall be accountable to the Management Board.	1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.	1. The Executive Director shall <i>be responsible for the management of the Agency in accordance with the strategic direction set by the Management Board and</i> shall be accountable to the Management Board.	154
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		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	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	155

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
nor from any other body.		government or from any other body.	government or 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.		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.	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.	156
4. The Executive Director shall be the legal representative of the Agency.		4. The Executive Director shall be the legal representative of the Agency.	4. The Executive Director shall be the legal representative of the Agency.	157
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:		5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation, in particular [...]:	5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation, in particular:	158
(a) day-to-day administration of the Agency;		(a) day-to-day administration of the Agency, including exercising the powers entrusted to him/her in respect of staff matters, in accordance with Article 5(1)(i);	(a) the day-to-day administration of the Agency, including exercising the powers entrusted to him/her in respect of staff matters, in accordance with Article 5(2);	159
(b) implementing decisions adopted by the Management Board;		(b) implementing decisions adopted by the Management Board;	(b) implementing decisions adopted by the Management Board;	160
			(ba) in accordance with the decision referred to in Article	161

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
			<i>5(2), taking decisions with regard to the management of human resources;</i>	
			<i>(bb) taking decisions with regard to the Agency's internal structures and, where necessary, their amendment, taking into account the needs relating to the Agency's activities and sound budgetary management;</i>	162
(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;		(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;	(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;	163
(d) implementing the programming document and reporting to the Management Board on its implementation;		(d) implementing the programming document and reporting to the Management Board on its implementation;	(d) implementing the programming document and reporting to the Management Board on its implementation;	164
(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;		(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;	(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;	165
	Amendment 44 <i>(ea) 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</i>		<i>(ea) establishing an effective monitoring system to enable the regular evaluations referred to in Article 28 to be carried out and a reporting system to</i>	166

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>their results;</i>		<i>summarise their results;</i>	
		(i) preparing draft financial rules applicable to the Agency;	<i>(eb) preparing draft financial rules applicable to the Agency;</i>	167
		(j) implementing the Agency's budget and preparing its draft statement of estimates of revenue and expenditure [...].	<i>(ec) preparing the Agency's draft statement of estimates of revenue and expenditure, as part of the Agency's programming document; and implementing the Agency's budget;</i>	168
(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;	Amendment 45 (f) preparing an action plan following-up conclusions of internal or external audit reports and <i>the</i> evaluations <i>referred to in Article 28</i> , 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;	(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by [...] OLAF and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;	(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;	169
	Amendment 46 <i>(fa) ensuring gender balance within the Agency;</i>		<i>(fa) aiming at ensuring gender balance within the Agency;</i>	170
(g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other		(g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any	(g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any	171

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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;		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;	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;		(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval.	(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;	172
(i) preparing draft financial rules applicable to the Agency;		[...]		173
(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget.		[...]		174
	Amendment 47 <i>(ja) in accordance with the decision referred to in Article 5(2), taking decisions with regard to the management of human resources;</i>		<i>(ja) in accordance with the decision referred to in Article 5(2), taking decisions with regard to the management of human resources;</i>	175
	Amendment 48 <i>(jb) taking decisions with regard to the Agency's internal structures and, where necessary,</i>		<i>(jb) taking decisions with regard to the Agency's internal structures and, where</i>	176

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>their amendment, taking into account needs relating to the Agency's activities and sound budgetary management.</i>		<i>necessary, their amendment, taking into account the needs relating to the Agency's activities and sound budgetary management;</i>	
			<i>jc) cooperating with other Union agencies, where relevant, and concluding cooperation agreements with them.</i>	177
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.	Amendment 49 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 local <i>office in Brussels as a liaison office to further the Agency's cooperation with the relevant Union institutions</i> . That decision <i>shall be subject to</i> 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	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 [...] a liaison office to further the Agency's cooperation with the relevant Union institutions . That decision requires the prior consent of the Commission, the Management Board and the Member State where the liaison office is to be located . That decision shall specify the scope of the activities to be carried out by that liaison office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.	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 <i>a liaison office in Brussels to further the Agency's cooperation with the relevant Union institutions</i> . That decision requires the prior consent of the Commission, the Management Board and the Member State where the <i>liaison</i> office is to be <i>located</i> . That decision shall specify the scope of the activities to be carried out <i>by</i> that <i>liaison</i> office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.	178

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	functions of the Agency.			
SECTION 4: NETWORK		SECTION 4: NETWORK	SECTION 4: NETWORK	179
<i>Article 12 - Network</i>		<i>Article 12 - Network</i>	<i>Article 12 - Network</i>	180
1. The Agency shall set up a network comprising:		1. The Agency shall set up a network comprising:	1. The Agency shall set up a network comprising:	181
- the main component elements of the national information networks, including the national social partners' organisations, according to national legislation and/or practice;		(a) the main component elements of the national information networks, including the national social partners' organisations, according to national legislation and/or practice;	(a) the main component elements of the national information networks, including the national social partners' organisations, according to national legislation and/or practice;	182
- the national focal points.		(b) the national focal points.	(b) the national focal points.	183
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.		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.	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.	184
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		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	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	185

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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.	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.		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.	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.	186
3. Topics of particular interest identified shall be listed in the Agency's annual work programme.		3. Topics of particular interest identified shall be listed in the Agency's annual work programme.	3. Topics of particular interest identified shall be listed in the Agency's annual work programme.	187
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.		4. [...]		188
CHAPTER III		CHAPTER III	CHAPTER III	189
FINANCIAL PROVISIONS		FINANCIAL PROVISIONS	FINANCIAL PROVISIONS	190
<i>Article 13 - Budget</i>		<i>Article 13 - Budget</i>	<i>Article 13 - Budget</i>	191
1. Estimates of all the revenue and expenditure of the Agency		1. Estimates of all the revenue and expenditure for the Agency	1. Estimates of all revenue and expenditure for the Agency shall	192

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget.		shall be prepared for each financial year, which shall correspond to the calendar year, and shall be shown in the Agency's budget.	be prepared each financial year and shall be shown in the Agency's budget. The financial year shall correspond to the calendar year.	
2. The Agency's budget shall be balanced in terms of revenue and of expenditure.		2. The Agency's budget shall be balanced in terms of revenue and of expenditure.	2. The Agency's budget shall be balanced in terms of revenue and of expenditure.	193
3. Without prejudice to other resources, the Agency's revenue shall comprise:		3. Without prejudice to other resources, the Agency's revenue shall comprise:	3. Without prejudice to other resources, the Agency's revenue shall comprise:	194
(a) a contribution from the Union entered in the general budget of the European Union;		(a) a contribution from the Union entered in the general budget of the [...] Union;	(a) a contribution from the Union entered in the general budget of the European Union;	195
(b) any voluntary financial contribution from the Member States;		(b) any voluntary financial contribution from the Member States;	(b) any voluntary financial contribution from the Member States;	196
(c) charges for publications and any service provided by the Agency;		(c) charges for publications and any service provided by the Agency;	(c) charges for publications and any service provided by the Agency;	197
(d) any contribution from third countries participating in the work of the Agency, as provided for by Article 30.		(d) any contribution from third countries participating in the work of the Agency, as provided for by Article 30.	(d) any contribution from third countries participating in the work of the Agency, as provided for by Article 30.	198
4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.		4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.	4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.	199
<i>Article 14 – Establishment of the budget</i>		<i>Article 14 – Establishment of the budget</i>	<i>Article 14 – Establishment of the budget</i>	200

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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.	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.	201
	Amendment 50 <i>1a. The provisional draft estimates shall be based on the objectives and expected results of the annual programming document referred to in Article 6(1) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.</i>		<i>The provisional draft estimates shall be based on the objectives and expected results of the annual programming document referred to in Article 6(1) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.</i>	202
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.		2. The Management Board shall, on the basis of the provisional draft estimate , adopt a draft estimate of the Agency's revenue and expenditure for the following financial year, and shall be* sent to the Commission by 31 January each year.	2. The Management Board shall, on the basis of the provisional draft estimate , adopt a draft estimate of the Agency's revenue and expenditure for the following financial year, and shall send it to the Commission by 31 January each year.	203
3. The draft estimate of the Agency's revenue and expenditure shall be sent to the		3. [...]		204

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	Amendment 51 4. The Commission shall <i>submit</i> the draft estimates to the budgetary authority <i>and to the Agency</i> together with the draft general budget of the Union.	4. The Commission shall send the draft estimate to the European Parliament and the Council ("the budgetary authority") together with the draft general budget of the Union.	4. The Commission shall send the draft estimate to the European Parliament and the Council ("the budgetary authority"), together with the draft general budget of the Union. <i>The draft estimates shall also be made available to the Agency.</i>	205
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.		5. On the basis of the draft estimate, 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 on the Functioning of the European Union (TFEU).	5. On the basis of the draft estimate, 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 TFEU.	206
6. The budgetary authority shall authorize the appropriations for the contribution to the Agency.		6. The budgetary authority shall authorize the appropriations for the contribution from the Union to the Agency.	6. The budgetary authority shall authorise the appropriations for the contribution from the Union budget to the Agency	207

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
7. The budgetary authority shall adopt the Agency's establishment plan.		7. The budgetary authority shall adopt the Agency's establishment plan.	7. The budgetary authority shall adopt the Agency's establishment plan.	208
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.		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.	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. <i>Any modification to the budget, including the establishment plan, shall follow the same procedure.</i>	209
		8a. Any modification to the budget, including the establishment plan, shall follow the same procedure.		210
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.		9. For any building project likely to have significant implications for the budget of the Agency the [...] Delegated Regulation (EU) No 1271/2013 shall apply.	9. For any building project likely to have significant implications for the budget of the Agency the Delegated Regulation (EU) No 1271/2013 shall apply.	211
<i>Article 15 – Implementation of the budget</i>		<i>Article 15 – Implementation of the budget</i>	<i>Article 15 – Implementation of the budget</i>	212
1. The Executive Director shall implement the Agency's budget.		1. The Executive Director shall implement the Agency's budget.	1. The Executive Director shall implement the Agency's budget.	213
2. Each year the Executive Director shall send to the budgetary authority all		2. Each year the Executive Director shall send to the budgetary authority all	2. Each year the Executive Director shall send to the budgetary authority all	214

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
information relevant to the findings of evaluation procedures.		information relevant to the findings of any evaluation procedures.	information relevant to the findings of evaluation procedures.	
<i>Article 16 - Presentation of accounts and discharge</i>		<i>Article 16 - Presentation of accounts and discharge</i>	<i>Article 16 - Presentation of accounts and discharge</i>	215
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.		1. [...] The Agency's accounting officer shall send the provisional accounts for the financial year (Year N) to the Commission's Accounting Officer and to the Court of Auditors by 1 March of the following financial year (year N + 1) .	1. The Agency's accounting officer shall send the provisional accounts for the financial year (Year N) to the Commission's Accounting Officer and to the Court of Auditors by 1 March of the following financial year (year N + 1) .	216
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.		2. [...] The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council, the Commission and the [...] Court of Auditors by 31 March of year N + 1 .	2. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council, the Commission and the Court of Auditors by 31 March of year N + 1 .	217
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.	Amendment 52 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 European Court of Auditors.	2a. [...] The Commission's accounting officer shall send the Agency's provisional accounts for year N , consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1 .	2a. The Commission's accounting officer shall send the Agency's provisional accounts for year N , consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1 .	218
	Amendment 53			219

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.	3. On receipt of the European 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.	3. On receipt of the [...] Court of Auditors' observations on the Agency's provisional accounts for year N , pursuant to Article 148 of the [...] Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹² , the accounting officer shall draw up the Agency's final accounts for that year under his/her own responsibility. The Executive Director shall submit them to the Management Board for an opinion.	3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts for year N , pursuant to Article 148 of the Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ¹² , the accounting officer shall draw up the Agency's final accounts for that year under his/her own responsibility. The Executive Director shall submit them to the Management Board for an opinion.	
4. The Management Board shall deliver an opinion on the Agency's final accounts.		4. The Management Board shall deliver an opinion on the Agency's final accounts for year N .	4. The Management Board shall deliver an opinion on the Agency's final accounts for year N .	220
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.	Amendment 54 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 European Court of Auditors, together with the Management	5. The Agency's accounting officer shall, by 1 July of year N + 1 , send the final accounts for year N to the European Parliament, the Council, the Commission and the Court of Auditors, together with the	5. The Agency's accounting officer shall, by 1 July of year N + 1 , send the final accounts for year N to the European Parliament, the Council, the Commission and the Court of Auditors, together with the	221

¹² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	Board's opinion.	Management Board's opinion.	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.		6. The final accounts for year N shall be published in the <i>Official Journal of the European Union</i> by 15 November of [...] year N + 1 .	6. The final accounts for year N shall be published in the <i>Official Journal of the European Union</i> by 15 November of year N + 1 .	222
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.		7. The Executive Director shall send to the [...] Court of Auditors, by 30 September of year N + 1 , a reply to the observations made in its annual report . The Executive Director shall also send the reply to the Management Board.	7. The Executive Director shall send to the Court of Auditors, by 30 September of year N + 1 , a reply to the observations made in its annual report . The Executive Director shall also send the reply to the Management Board.	223
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.		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 year N , in accordance with Article 109(3) of Commission Delegated Regulation (EU) No 1271/2013 .	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 year N , in accordance with Article 109(3) of Commission Delegated Regulation (EU) No 1271/2013 .	224
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		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	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	225

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
budget for year N.		the budget for year N.	the budget for year N.	
<i>Article 17 – Financial rules</i>		<i>Article 17 – Financial rules</i>	<i>Article 17 – Financial rules</i>	226
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.		The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.	The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.	227
CHAPTER IV		CHAPTER IV	CHAPTER IV	228
STAFF		STAFF	STAFF	229
<i>Article 18 – General provisions</i>		<i>Article 18 – General provisions</i>	<i>Article 18 – General provisions</i>	230
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.		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.	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.	231
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		2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of	2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of	232

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
accordance with Article 110 of the Staff Regulations.		Other Servants in accordance with Article 110 of the Staff Regulations.	Other Servants in accordance with Article 110 of the Staff Regulations.	
<i>Article 19 – Executive Director</i>		<i>Article 19 – Executive Director</i>	<i>Article 19 – Executive Director</i>	233
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.		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.	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.	234
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.	Amendment 55 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. <i>The Commission shall consult the Management Board and shall obtain its consent, by written procedure if necessary, before proposing its short-list of candidates. Once appointed, the Executive Director shall attend a hearing at the responsible committee of the European Parliament.</i> For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management	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.	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. <i>The selected candidate shall be invited to make a statement before the European Parliament and to answer questions from Members of Parliament. This exchange of views shall not unduly delay the appointment.</i>	235

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	Board.			
For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.		For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.	For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.	235a
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.		3. The term of office of the Executive Director shall be five years. Before the end of that period, the Management Board shall request the Commission to undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.	3. The term of office of the Executive Director shall be five years. Before 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.	236
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.		4. The Management Board, [...] taking into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once and for no more than five years.	4. The Management Board, [...] taking into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once and for no more than five years.	237
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.		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.	5. An Executive Director whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the overall period.	238
	Amendment 56			239

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.	6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission, <i>on the basis of a reasoned assessment of his or her performance as Executive Director.</i>	6. The Executive Director may be removed from office only upon a decision of the Management Board [...]. It shall, when taking such a decision, take into account an assessment carried out by the Commission on the request of the Management Board.	6. The Executive Director may be removed from office only upon a decision of the Management Board. <i>When taking such a decision, the Management Board shall take into account the Commission's assessment of the Executive Director's performance [in office], as referred to in paragraph 3.</i>	
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.		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 entitled to vote.	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 <i>with the right to vote.</i>	240
<i>Article 20 - Seconded national experts and other staff</i>		<i>Article 20 - Seconded national experts and other staff</i>	<i>Article 20 - Seconded national experts and other staff</i>	241
1. The Agency may make use of Seconded national experts or other staff not employed by the Agency.		1. The Agency may make use of Seconded national experts or other staff not employed by the Agency.	1. The Agency may make use of Seconded national experts or other staff not employed by the Agency.	242
2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.		2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.	2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.	243
CHAPTER V		CHAPTER V	CHAPTER V	244
GENERAL PROVISIONS		GENERAL PROVISIONS	GENERAL PROVISIONS	245

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
<i>Article 21 – Legal status</i>		<i>Article 21 – Legal status</i>	<i>Article 21 – Legal status</i>	246
1. The Agency shall be a body of the Union. It shall have legal personality.		1. The Agency shall be a body of the Union. It shall have legal personality.	1. The Agency shall be a body of the Union. It shall have legal personality.	247
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.		2. In each [...] Member State the Agency shall enjoy the most extensive legal capacity accorded to legal persons under national laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.	2. In each of the Member States the Agency shall enjoy the most extensive legal capacity accorded to legal persons under national law. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.	248
3. The seat of the Agency shall be Bilbao, Spain.		3. The seat of the Agency shall be Bilbao, Spain.	3. The seat of the Agency shall be Bilbao, Spain.	249
4. The Agency may establish local offices in the Member States, subject to their consent and in accordance with Article 11(6).	Amendment 57 4. The Agency may establish <i>a liaison office in Brussels</i> in accordance with Article 11(6).	4. The Agency may establish a liaison office to further the Agency's cooperation with the relevant Union institutions , [...] in accordance with Article 11(6).	4. The Agency may establish <i>a liaison office in Brussels to further the Agency's cooperation with the relevant Union institutions</i> , in accordance with Article 11(6).	250
<i>Article 22 – Privileges and immunities</i>		<i>Article 22 – Privileges and immunities</i>	<i>Article 22 – Privileges and immunities</i>	251
The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.		[...] Protocol No 7 on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.	Protocol No 7 on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.	252
<i>Article 23 – Language arrangements</i>		<i>Article 23 – Language arrangements</i>	<i>Article 23 – Language arrangements</i>	253

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
1. The provisions laid down in Regulation No 1 shall apply to the Agency.		1. The provisions laid down in Regulation No 1 ¹³ shall apply to the Agency.	1. The provisions laid down in Regulation No 1 ¹³ shall apply to the Agency.	254
2. The Management Board can decide on the languages to be used by the Agency in its internal functioning.		2. [...]	2. The Management Board can decide on the languages to be used by the Agency in its internal functioning.	255
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.	Amendment 58 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 or, where appropriate, by other translation services.	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.	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.	256
<i>Article 24 – Transparency</i>		<i>Article 24 – Transparency</i>	<i>Article 24 – Transparency</i>	257
	Amendment 59 - 1. The Agency shall act with a high level of transparency.		- 1. The Agency shall act with a high level of transparency.	258
1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council ¹⁴ shall apply to documents held by the Agency.		1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council ¹⁴ shall apply to documents held by the Agency.	1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council ¹⁴ shall apply to documents held by the Agency.	259
The Management Board shall, within six months of the date of its first meeting, adopt the		1a. The Management Board shall, within six months of the date of its first meeting, adopt	2. The Management Board shall, within six months of the date of its first meeting, adopt the	260

¹³ OJ 17, 6.10.1958, p. 385.

¹⁴ 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

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
detailed rules for applying Regulation (EC) No 1049/2001.		the detailed rules for applying Regulation (EC) No 1049/2001.	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.		2. The processing of personal data by the Agency shall be subject to the Regulation (EC) No 45/2001 of the European Parliament and of the Council ¹⁵ . 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.	3. The processing of personal data by the Agency shall be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹⁵ . 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.	261
<i>Article 25 – Combating fraud</i>		<i>Article 25 – Combating fraud</i>	<i>Article 25 – Combating fraud</i>	262
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 Council ¹⁶ , within six months		1. In order to facilitate the fight against fraud, corruption and any other illegal activities under Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the	1. In order to facilitate the fight against fraud, corruption and any other illegal activities under Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ¹⁷	263

¹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

¹⁶ 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).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		Council ¹⁷ , by ... [six months from the date of application of this Regulation], the Agency shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by [...] OLAF ¹⁸ and shall adopt appropriate provisions applicable to all employees of the Agency using the template set out in the Annex to that Agreement.	<i>by ... /six months from the date of application of this Regulation], the Agency shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by OLAF¹⁸ and shall adopt appropriate provisions applicable to all employees of the Agency using the template set out in the Annex to that Agreement.</i>	
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.		2. The [...] Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections , over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	2. The Court of Auditors shall have the power of audit, on the basis of documents, and of on-the-spot inspections , over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	264
3. OLAF may carry out investigations, including on-the-		3. OLAF may carry out investigations, including on-the-	3. OLAF may carry out investigations, including on-the-	265

¹⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

¹⁸ OJ L 136, 31.5.1999, p. 15.

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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 agreement or grant decision or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96 ¹⁹ .	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 agreement or grant decision or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96 ¹⁹ .	
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.		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 [...] Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	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 Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	266
<i>Article 26 - Security rules on the protection of classified and</i>		<i>Article 26 - Security rules on the protection of classified and</i>	<i>Article 26 - Security rules on the protection of classified and</i>	267

¹⁹ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
<i>sensitive non-classified information</i>		<i>sensitive non-classified information</i>	<i>sensitive non-classified information</i>	
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 ²⁰ and 2015/444 ²¹ , 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.		The Agency shall adopt its own security rules equivalent to the Commission's security rules for protecting EU Classified Information (EUCI) and sensitive non-classified information, as set out in the [...] Decisions (EU, Euratom) 2015/443 ²⁰ and 2015/444 ²¹ , 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.	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 ²⁰ and 2015/444 ²¹ , 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.	268
<i>Article 27 - Liability</i>		<i>Article 27 - Liability</i>	<i>Article 27 - Liability</i>	269
1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.		1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.	1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.	270
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.		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.	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.	271
3. In the case of non-contractual		3. In the case of non-contractual	3. In the case of non-contractual	272

²⁰ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

²¹ 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).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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.	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.		4. The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for damages referred to in paragraph 3.	4. The Court of Justice of the European Union shall have jurisdiction relating to compensation for damages referred to in paragraph 3.	273
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.		5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or in the Conditions of Employment of Other Servants applicable to them.	5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or in the Conditions of Employment of Other Servants applicable to them.	274
<i>Article 28 – Evaluation</i>		<i>Article 28 – Evaluation</i>	<i>Article 28 – Evaluation</i>	275
	Amendment 60 <i>-1. In accordance with Article 30(4) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council²², the Agency shall carry out ex-ante evaluations of those of its activities which entail</i>		<i>-1. In accordance with Article 29(5) Commission Delegated Regulation (EU) No 1271/2013, the Agency shall carry out ex-ante and ex-post evaluations of those programmes and activities which entail significant</i>	276

²² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation EC, EURATOM) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>significant expenditure as well as ex-post evaluations.</i>		<i>spending.</i>	
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.	Amendment 61 1. No later than 5 years after the date referred to in Article 37, and every 5 years thereafter, the Commission shall submit an evaluation in compliance with the Commission guidelines to assess the Agency's performance in relation to its objectives, mandate and tasks. The Commission shall consult the Management Board during its evaluation. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the related additional financial, budgetary and human resources if new tasks are conferred on the Agency or if the workload linked to existing task increases.	1. By ... [5 years after the entry into force of this Regulation], and every 5 years thereafter, the Commission shall ensure that an evaluation is carried out 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 amend the mandate of the Agency, and the financial implications of any such amendments.	1. By ... [5 years after the entry into force of this Regulation], and every 5 years thereafter, the Commission shall ensure that an evaluation is carried out in compliance with the Commission guidelines to assess the Agency's performance in relation to its objectives, mandate and tasks. The Commission shall consult members of the Management Board and other main stakeholders during its evaluation. The evaluation shall, in particular, address the possible need to amend the mandate of the Agency, and the financial implications of any such amendments.	277
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.		2. [...]		278

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		3. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation's findings. The findings of the evaluation shall be made public.	3. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation's findings. The findings of the evaluation shall be made public.	279
<i>Article 29 – Administrative inquiries</i>		<i>Article 29 – Administrative inquiries</i>	<i>Article 29 – Administrative inquiries</i>	280
The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.		The activities of the Agency shall be subject to [...] inquiries by the European Ombudsman in accordance with Article 228 of the TFEU.	The activities of the Agency shall be subject to inquiries by the European Ombudsman in accordance with Article 228 TFEU .	281
<i>Article 30 – Cooperation with third countries and international organisations</i>		<i>Article 30 – Cooperation with third countries and international organisations</i>	<i>Article 30 – Cooperation with third countries and international organisations</i>	282
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.	Amendment 62 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 establish working arrangements with the authorities of third	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 [...] 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 international organisations.	283

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
	<i>countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union and its Member States.</i>			
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.		To this end, the Agency may, subject to the authorisation of the Management Board after 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 or its Member States.	To this end, the Agency may, subject to the authorisation of the Management Board after 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 or its Member States.	284
2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect.		2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect.	2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect.	285
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		Under the relevant provisions of the agreements referred to in the first subparagraph , 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	Under the relevant provisions of the agreements referred to in the first subparagraph , 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	286

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.		undertaken by the Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.	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.		3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent.	3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent.	287
<i>Article 31 – Headquarters Agreement and operating conditions</i>		<i>Article 31 – Headquarters Agreement and operating conditions</i>	<i>Article 31 – Headquarters Agreement and operating conditions</i>	288
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.		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.	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.	289

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		2. The Agency's host Member State shall provide the necessary conditions to ensure the functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.	2. The Agency's host Member State shall provide the necessary conditions to ensure the functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.	290
CHAPTER V		CHAPTER VI	CHAPTER VI	291
TRANSITIONAL PROVISIONS		TRANSITIONAL PROVISIONS	TRANSITIONAL PROVISIONS	292
<i>Article 32 – Transitional provisions concerning the Management Board</i>		<i>Article 32 – Transitional provisions concerning the Management Board</i>	<i>Article 32 – Transitional provisions concerning the Management Board</i>	293
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].		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].	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].	294
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		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	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	295

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
in Article 5 of this Regulation.		Board as referred to in Article 5 of this Regulation.	Board as referred to in Article 5 of this Regulation.	
<i>Article 33 - Transitional provisions concerning the staff</i>		<i>Article 33 - Transitional provisions concerning the staff</i>	<i>Article 33 - Transitional provisions concerning the staff</i>	296
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.		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.	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.	297
			<i>1a. In case of an ongoing selection and appointment procedure of the Executive Director at the time of the entry into force of this Regulation, Article 6 of the Regulation (EEC) 337/75 shall apply until the finalisation of that procedure.</i>	298
		2. This Regulation shall not affect the rights and obligations of staff engaged under Regulation (EC) No. 2062/94. Their employment contracts may be renewed under this Regulation in	<i>2. This Regulation shall not affect the rights and obligations of staff engaged under Regulation (EEC) No 337/75. Their employment contracts may be renewed under this Regulation in accordance with</i>	299

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
		accordance with the Staff Regulations and Conditions of Employment of Other Servants.	<i>the Staff Regulations and Conditions of Employment of Other Servants.</i>	
			<i>Any liaison office of the Agency which is operational at the time of entry into force of this Regulation shall be maintained.</i>	300
<i>Article 34 -Transitional budgetary provisions</i>		<i>Article 34 -Transitional budgetary provisions</i>	<i>Article 34 -Transitional budgetary provisions</i>	301
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.		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 therein .	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 thereby .	302
CHAPTER VII		CHAPTER VII	CHAPTER VII	303
FINAL PROVISIONS		FINAL PROVISIONS	FINAL PROVISIONS	304
<i>Article 35 – Repeal</i>		<i>Article 35 – Repeal</i>	<i>Article 35 – Repeal</i>	305
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.		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.	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.	306
<i>Article 36 – Maintenance into force of the internal rules adopted by the Agency</i>		<i>Article 36 – Maintenance in force of the internal rules adopted by the Agency</i>	<i>Article 36 – Maintenance into force of the internal rules adopted by the Agency</i>	307

Cion proposal	EP amendments	Council Position (General Approach)	Provisionally agreed	
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.		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.	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.	308
<i>Article 37 – Entry into force</i>		<i>Article 37 – Entry into force</i>	<i>Article 37 – Entry into force</i>	309
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	310
It shall apply from XXX.		2. It shall apply from [date of application] .	It shall apply from <i>[please insert first day of the month following entry into force]</i> .	311
However, Articles 32, 33, 34 shall apply from [the date of entry into force of this Regulation].		However, Articles 32, 33, 34 shall apply from [the date of entry into force of this Regulation].	However, Articles 32, 33, 34 shall apply from <i>[the date of entry into force of this Regulation]</i> .	312
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	313
Done at Brussels,		Done at Brussels,	Done at Brussels,	314
<i>For the European Parliament / For the Council</i>		<i>For the European Parliament / For the Council</i>	<i>For the European Parliament / For the Council</i>	315
<i>The President / The President</i>		<i>The President / The President</i>	<i>The President / The President</i>	316