

STATUTE

OF THE
EUROPEAN FORUM
OF THE INSURANCE AGAINST
ACCIDENTS AT WORK AND
OCCUPATIONAL DISEASES

Statute of the European Forum

Preface

The idea of setting up a European Forum of statutory accident insurance in order to pursue the process of convergence of insurance schemes covering accidents at work and occupational diseases evolved during the European conference entitled "The Creation of Europe", which was held in Florence from 13th to 16th November 1991.

The statutory accidents insurance institutions in the countries of Europe recognise:

- that in spite of the diversity of their respective legal frameworks and organisations, as well as the kind and scale of benefits paid in each country, their tasks and goals are by large identical;
- that all are animated by the same spirit of solidarity and, above all, by the desire to work towards ensuring the welfare of the insured and working people;
- that these objectives are based on ethical, social and legal obligations that are an integral part of European culture and traditions.

Guided by this awareness and by the shared conviction that it is necessary to support actively the process initiated by the European Union (EU) of aligning aims and policies in the field of social security, as well as insurance against accidents at work and occupational diseases, those present and undersigned have taken the initiative to set up this Forum.

The Forum shall be organised for the time being as a loose network in the form of a working pool and community of interests of central organisations of institutions for insurance against accidents at work and occupational diseases.

Its object is to contribute the knowledge and experience of institutions for insurance against accidents at work and occupational diseases to the process of convergence on the way to the formation of a European social union, to inform and advise the institutions and executive bodies of the European Union, and above all, to watch over the preservation and development of the elements indispensable to the effective protection of people in their work in view of the occupational risks including prevention, rehabilitation and compensation for victims and survivors.

Although the process of convergence in Europe at present only affects accident insurance systems in EU member states, all central European organisations of institutions for insurance against accidents at work and occupational diseases may be permitted to participate in the European Forum.

Article 1*Purpose*

A European Forum of insurance against accidents at work and occupational diseases, the European Accidents Insurance Forum (hereinafter referred to as "the Forum"), shall be established in order to:

- 1 promote and ensure the continuance of the basic idea of insurance against accidents at work and occupational diseases and to aim at a distinct part for it within the national systems of social security;
- 2 pursue the process of convergence of systems in Europe.

Article 2*Platform of the European accident insurance*

The Forum shall be an independent European organisation, which shall loosely unite public or private national central organisations or offices that represent the bodies responsible nation-wide for insurance against accidents at work and occupational diseases.

Article 3*Objectives*

The objectives of the Forum shall be:

- 1 to analyse and outline the essential structural elements of European insurance against accidents at work and occupational diseases in the interest of employees and employers, while taking into account established European legal traditions as well as technological and social change;
- 2 to obtain and exchange reciprocal information at the earliest possible time on EU plans (e.g., drafts of directives, recommendations, programmes, actions pending at the Court of Justice of the European Communities), possibly through joint representation in Brussels;

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- 3 to inform and advise the bodies and offices of the European Union in realising and stabilising a social Europe;
 - 4 to exchange information concerning major developments in national legislation and, if necessary, to offer technical assistance in discussions on national reforms;
 - 5 to further the systematic exchange of information and experience between institutions for insurance against accidents at work and occupational diseases, particularly as regards the handling of insurance coverage, accident prevention, rehabilitation - especially in respect of prosthetic care - compensation, organisation, financing and quality control;
 - 6 to organise conferences and seminars on topics related to the process of convergence and to provide technical services (expert reports, studies, statistics, data base management, training, consulting) within the process of convergence;
 - 7 to further the Forum's aims by all suitable means of communication, e.g. by launching joint campaigns for the prevention of accidents at work and occupational diseases, films, videos, by publishing "Forum News" and through the Internet;
 - 8 to promote co-operation between more advanced and less developed insurance institutions;
 - 9 to co-operate with European institutions and organisations that develop operations in the field of social security, including research institutes that specialise in the prevention of accidents at work and occupational diseases.

Article 4*Membership*

Institutions of EU member states can join the Forum if they comply with the terms of Article 2.

Institutions in other European countries can also join the Forum if they comply with the terms of Article 2.

Representatives of institutions that want to introduce accident insurance schemes or a social insurance scheme including the risk of work accidents and occupational diseases in Europe at national level can be invited to take part in the technical conferences of the Forum as observers.

Article 5*Accession and exclusion*

An application for membership shall be submitted by the Bureau to the members in due time in writing with a description of the tasks and the legal status and a recommendation to the Plenary Assembly.

Members who do not any longer comply with the terms of Article 2 or did not take part in the activities of the Forum for more than two years can be excluded from the Forum on suggestion of the Bureau, the member being heard on his demand. The excluded institution shall be informed in written.

Accession and exclusion become effective with the decision taken by the Plenary Assembly.

The accession shall be documented by signing the Charter of the Statute of the Forum.

Article 6

Plenary Assembly

The Plenary Assembly (members' assembly) has the following tasks:

- 1 to decide on the Statute;
- 2 to decide on accession and exclusion of members (Art 5);
- 3 to elect the members who assume the presidency and the vice-presidency (Art 7);
- 4 to acknowledge the co-opted members of the Bureau (Art 8);
- 5 to take note of the appointment of the Commissioner for European Relations (Art 9);
- 6 to decide on all other questions that are not transferred to another organ of the Forum according to this Statute or in accordance with the decision taken by the Plenary Assembly.

In cases of par 1 No 1 and 2 the Plenary Assembly, as a matter of principle, decides unanimously. Objections to an application for membership can only be raised by a member due to non-submission of the terms and conditions of Article 2.

In cases of par 1 No 3 to 6 unanimity it shall aim at as well; nevertheless a simple majority suffices.

Article 7*President and Bureau*

The member entrusted with the presidency for a year (Art 6 par 1 No 3) nominates the President who as a rule shall be president or director general of this member institution or member of its board. The President is responsible for the day-to-day work of the Forum and shall arrange at least one Forum conference.

Paragraph 1, 1st sentence applies also for the Vice-President who shall be chosen in good time, possibly a year in advance, and who shall take over the President's seat after the expiry of the term of the President.

The President, the Vice-President and the Past-President form the Bureau with whom the acting President shall deliberate on the administration of his office.

Article 8*Long-term ensuring of the guidance*

To ensure the work of the Forum in the long run the Bureau shall appoint three persons among the members who supplied the President in the past for the period of three years (co-opted members). In case of need they support the Bureau's work. A new appointment is allowed.

Article 9*Commissioner for European Relations*

To make a continuous co-operation easier for partners of the Forum the Bureau including its co-opted members shall appoint a Commissioner for European Relations for a period of three years among the members, whose countries are member states of the European Union. Re-election is allowed.

The Commissioner for European Relations shall support the President in his contacts with European and international organisations. Together with the President he shall report annually to the EU about the activities of the Forum.

Article 10*Duties and rights of the members*

All members shall have equal duties and rights.

To make the fulfillment of the tasks according to Art 3 No 2 and 3 easier, as a rule, the presidency shall only rest with institutions from member countries of the EU and founder members of the Forum. Exceptions may be decided unanimously by the Plenary Assembly.

The Forum aims at common positions towards EU bodies and offices. In cases of initiatives according to Art 3 No 3 members from countries not belonging to the EU have an advisory capacity.

Several Forum members representing one country shall have only one vote between them in the event that a vote is taken.

Article 11*Working forms*

In the Plenary Assembly of the Forum the members are represented by their presidents/directors general or their authorised representatives.

Only the President and possibly the Commissioner for European Relations can act in the name of the Forum. If a member wishes the Forum to act he shall contact the President.

The Plenary Assembly may establish working groups for cooperation in professional questions on the technical level.

Close bilateral professional contacts between the members outside the official Forum activities are advocated.

Article 12*Official statements of the Forum*

The Forum strives to give its view in writing on programmes and occurrences with strong social political relevance for the European insurance against accidents at work and occupational diseases from the sphere of, e.g., the European Commission, the European Parliament, the Court of Justice of the European Communities or the Council of Europe.

Such statements need the consent of all members whose countries are members in the European body in question.

In case a member cannot agree with one or the other item of a Forum statement this shall be indicated in the statement.

In case a member cannot support a Forum statement at all the statement cannot be made in the name of the Forum. In such a case the other members may give the statement in their own name.

Statements which did not find the approval of all members shall be put on the agenda of the next Plenary Assembly for discussion.

Due to possible practical or time necessities deadlines may be fixed for participation in statements.

Article 13*Partnerships of the Forum*

The Forum shall strive to be a leading interlocutor of the EU.

The Forum has a short-term (one year) and a permanent address. The address of the acting President is the short-term address, the address of the Commissioner for European Relations is the permanent address.

The members have the possibility to institutionalise the Forum more formally in the future. This also applies to a permanent location of the Forum headquarters.

The Forum shall co-operate closely with European interest groups representing social insurance institutions such as the European Forum Health Insurance and the European Forum Pension Insurance.

Article 14*Co-operation with the International Social Security Association (ISSA)*

The co-operation of the Forum with the International Social Security Association is settled under an agreement which is enclosed in the Statute as an annex.

Furthermore the Forum shall co-operate with institutions being active in the field of insurance against accidents at work and occupational diseases world-wide.

Article 15*Fees and costs*

The Forum shall not impose membership fees.

The costs of organising events shall, as a rule, be borne by the host institution. However, participation fees may be levied for Forum events.

The costs of implementing joint projects shall be spread among members as agreed on a case-by-case basis.

The Forum shall make every effort to obtain EU funds for activities, such as conferences, which are conducive to the process of European convergence.

Assuming special technical and financial tasks by individual members is advocated; nevertheless, as a rule, an equal engagement of all Forum members is to be aimed at.

Article 16*Charter of the Statute*

The Statute of the Forum, layed down in the Charter of 20th June 1992, is kept at the Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro (INAIL) in Rome.

Porto, 21st June 2001

For the institutions of insurance against accidents at work and occupational diseases:

in the Republic of Austria

in the Kingdom of Belgium

in the Kingdom of Denmark

in the Republic of Finland

in the French Republic

in the Federal Republic of Germany

in the Hellenic Republic

in the Italian Republic

in the Grand Duchy of Luxembourg

in the Kingdom of Norway

in the Republic of Poland

in the Portuguese Republic

in Romania

in the Russian Federation

in the Kingdom of Spain

in the Kingdom of Sweden

in the Swiss Confederation