**57th Ordinary Plenary Meeting of the BEREC Office Management Board (MB)**

**Hybrid Meeting**

**Conclusions**

**Chairperson: Konstantinos Masselos**

President of the Hellenic Telecommunications

& Post Commission (EETT)

7-8 December 2023

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Annex I – List of documents

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| Main results of the 57th BEREC Office Management Board Meeting |

The BEREC Office Management Board (MB) held its 57th Ordinary Plenary Meeting in hybrid mode on 7-8 December 2023.

During the Meeting, the MB discussed and/or approved the following documents:

# Documents approved as regular items:

## For publication:

* MB (23) 91 MB Agenda
* MB (23) 100 Decision for the appointment of the Reporting Officers for the Director’s appraisal
* MB (23) 101 Decision on the adoption of the Single Programming Document of the BEREC Office for the period 2024-2026
* MB (23) 102 Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2024-2026
* MB (23) 103 Budget 2024 and Establishment Plan of the BEREC Officer

## For internal use:

* MB (23) 92 BEREC Communications plan 2024
* MB (23) 93 Message House 2024

## For information:

* MB (23) 94 Conclusions of the 4th BAG meeting
* MB (23) 95 ECA Annual report of EU agencies for the 2022 financial year
* MB (23) 96 2022 Audit of EU agencies in brief
* MB (23) 97 Draft BAG Composition 2024
* MB (23) 98 Schedule for the Work of BAG 2024
* MB (23) 99 Overview of the Commission’s comments on the draft SPD of the BEREC Office for the period 2024-2026
* Ares(2023)5931916 Commission Opinion on the draft Single Programming Document of the Agency for Support for the Body of European Regulators for Electronic Communications (BEREC Office) for the period 2024-2026.

The BEREC Office Management Board was also updated on the procedure for the appointment of the new BEREC Office Director and on the second day of the meeting conducted interviews of the selected candidates.

# Next meeting

The next Ordinary Plenary Meeting of the MB will take place in hybrid mode on **8 March 2024, virtually**.

# Follow-up actions

The follow-up actions arising from the Meeting conclusions were presented in Annex I to the Minutes.

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| Introduction and participation |

The BEREC Office Management Board held its 57th Ordinary Plenary Meeting in hybrid mode on 7-8 December 2023.

The Meeting was attended by the Heads and/or High-level Representatives of the national regulatory authorities (NRAs) with primary responsibility for overseeing the day-to-day operations of the markets for electronic communications networks and services established in each Member State of the European Union (EU) and by the European Commission (EC). The Heads and High-level Representatives of the NRAs with which BEREC has concluded Working Arrangements (WA) were also present.

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| List of documents |

The list of final documents approved by the meeting for publication, in compliance with the BEREC Regulation and the MB transparency rules, is presented in Annex I to the Conclusions.

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| Items discussed |

A short overview of the information under each agenda item, a summary record of the proceedings and a record of the conclusions reached by the MB are presented below.

# Opening of the Meeting and adoption of the Agenda

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| **Document(s)** | MB (23) 91 Draft MB Agenda |
| **Introduction by** | MB Chairperson (EETT) |
| **Information presented** | The MB Chairperson opened the Meeting and presented the Agenda for approval by the MB. The MB members were invited to propose any additional issues to be raised or presented under ‘Any Other Business’. |
| **Conclusion** | The Agenda was adopted with no changes. |

# BEREC Communication activities

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| **Document(s)** | MB (23) 92 Draft BEREC Communications plan 2024  MB (23) 93 Draft Message House 2024 |
| **Introduction by** | Communications ENG Co-Chairs (AGCOM/ANCOM) |
| **Information presented** | The Co-Chairs presented two documents: the Draft BEREC Communications Plan 2024 and the Draft Message House 2024.  The BEREC Communications Plan 2024 sets out the communication activities planned for the year. The Plan supports BEREC’s overall strategic objectives – including promoting competition, investment and the internal market as well as empowering and protecting end users.  The planned activities are developed and executed by the BEREC Communications Expert Networking Group in collaboration with the BEREC Office Communications Team. The latter is also responsible for running the day-to-day communications activities for BEREC and its Chair as well as for the BEREC Office, such as organising regular public events, drafting and publishing press releases, news items, newsletters and information for the website, producing audio-visual and digital contents, running social media campaigns and managing media relations.  Together with the BEREC External Communications Strategy and the BEREC Communications Plan 2024, the Message House 2024 is the framework used to guide all of the BEREC communications from social media to traditional outlets in terms of the messages used. It is a strategic tool that ensures all communications go in the same direction, as approved by the BEREC Chair. |
| **Conclusion** | The MB approved the documents for internal use. |

# Recent activities of the BEREC Office Advisory Group (BAG)

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| **Document(s)** | For information:  MB (23) 94 Conclusions of the 4th BAG meeting  MB (23) 95 ECA Annual report of EU agencies for the 2022 financial year  MB (23) 96 2022 Audit of EU agencies in brief  MB (23) 97 Draft BAG Composition 2024  MB (23) 98 Draft Schedule for the Work of BAG 2024  MB (23) 99 Overview of the Commission’s comments on the draft SPD of the BEREC Office for the period 2024-2026  Ares(2023)5931916 Commission Opinion on the draft Single Programming Document of the Agency for Support for the Body of European Regulators for  For approval:  MB (23) 100 Draft Decision for the appointment of the Reporting Officers for the Director’s appraisal  MB (23) 101 Draft Decision on the adoption of the Single Programming Document of the BEREC Office for the period 2024-2026  MB (23) 102 Draft Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2024-2026  MB (23) 103 Draft Budget 2024 and Establishment Plan of the BEREC Office |
| **Introduction by** | BAG Chair (BNetzA)  BEREC Office Director |
| **Information presented** | The BAG Chair informed the MB about the recent BEREC Office Advisory Group activities, including the outcome of its 4th BAG Ordinary Meeting held on 10 November 2023. She briefly presented the documents listed above and the BAG opinion on them.  The MB was updated on the following:   * Oral update on the BEREC regulation Art. 48 evaluation status; * BEREC Office staff matters: * Selection of the Director of the BEREC Office (oral update under next agenda item, selection the following day) * Designation of Reporting Officers to appraise the Director for 2023   It was suggested to follow a simplified procedure, i.e. appraisal 2022 would be carried over to the following year; however, the MB needs to appoint the reporting officers. It was suggested to have the same set of persons as last year;   * Communications plan for 2024 (already reported) * BAG composition for 2024 and the calendar of work; * ECA annual report for 2022 and audit 2023;   BAG Chair reported ECA has started the audit of 2023 and has completed the audit for the period from January to August 2023, for which a clean clearance letter was received (no findings).  ECA also published its reports for the financial year 2022, which consists of a compliance and financial report and the so called “horizontal” report on the implementation of certain priority policies.  The compliance and financial report contains no findings for the BEREC Office.  The Director of the BEREC Office added that the so called ‘horizontal’ report focuses on the sustainability actions and reporting of all agencies. He noted that in that report the BEREC Office is among the agencies that still do not have sustainability action plan and respective report. The Director underlined that this finding will not lead to non-compliance and that it does not mean that the Agency is doing nothing in this area. He recalled that the BEREC Office is more and more digitised, paperless and tries to take other measures to reduce its environmental footprint. The formalisation of these efforts is planned for Q1/2024 when the Sustainability ENG should present results of its work.   * SPD 2024-2026 and Budget 2024;   It was reported that the documents are ready for approval since the EU budget had already been adopted.   * House of Europe (HoE)   The Director of the BEREC Office recalled that in March 2021 the EP and EC opened their project for HoE in Riga and that it was concluded that BEREC Office would join it. Initial plan was to close the project by the end of 2023, but there was a delay and after market research EP decided that it would be more cost-efficient to purchase a building rather than rent it. He informed the MB that the EP has proposed the signature of tri-lateral protocol between all future partners in the projects, which will precede the launch of the procurement procedure still planned for 2023.  The EP has also suggested to the BEREC Office to consult the EC services with a view to verify if there would be a possibility for obtaining one-time financing from the EU budget for the purchase of the BEREC Office part of the building, similarly to the EC representation in Latvia.  In that respect the Director has requested to get the BAG advice on the terms of the draft protocol and has sent a letter to DG Connect, as the BEREC Office parent DG, to verify the feasibility of obtaining the one-time financing, as suggested by the EP.  In terms of the next steps in the projects, the contract signature is planned for mid-2024 and move in to the new premises for mid-2025, which seems to be very ambitious. The Director also recalled that in case this project would not materialise there is a fall back option and BEREC Office would proceed with its own project for which there is time since contract for current premises is valid until 2028.   * 3rd countries NRAs participation in BEREC and BEREC Office   Discussion under BoR was recalled. If the final text is ready this would require also a MB approval via e-voting procedure since the MB also approves the working arrangements.  The BEREC Office Director also updated the MB on the lifecycle of the budgeting/reporting/programming situation for the years 2022, 2023, 2024 and 2025 as it is for December 2023. |
| **Conclusion** | The MB approved the documents for publication. |

# Update on the procedure for the appointment of the new BEREC Office Director

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| **Document(s)** | No documents. |
| **Introduction by** | MB Chairperson (EETT) |
| **Information presented** | The MB Chairperson recalled that in June 2023 the BEREC Office had published a vacancy for new BEREC Office Director in view of the approaching end of the mandate of the current Director on 31 March 2024.  He informed the MB that according to the BEREC Regulation the Director should be appointed by the Management Board (MB) following an open and transparent selection. The successful candidate should be selected on the basis of merit, management, administrative and budgetary skills, as well as professional experience relevant to the electronic communications networks and services.  He recalled that in spring the MB appointed a Selection Panel to choose the most suitable candidates for interviews with the MB. Following a proposal from the Panel, it was decided to invite 3 candidates to interviews with the MB, which would take place the following day.  The MB was asked to discuss the procedure, including for the vote, in order to ensure a smooth preparation of all steps.  It was noted that as a general rule, according to the MB Rules of Procedure [Article 10 (4)] the voting at MB meetings is by show of hands. Secret ballot may be used upon request by at least two voting MB members supported by a majority of the MB. The MB Chairperson asked if there are any members that would request having a secret ballot.  Two MB members requested for a vote by a secret ballot. The MB approved their request with required majority.  As a result the MB Chairperson informed that there is a need to appoint tellers for the vote, and requested the MB members for volunteers.  Four MB members volunteered for this role: Klaus Steinmaurer (RTR), Michel Van Bellinghen (BiPT), Wilhelm Eschweiler (BnetzA), and Dan Sjoblom (PTS).  The MB approved all the candidates for tellers.  The MB Chairperson informed the MB about the next steps and proceeding for the selection of the BEREC Office Director:   * Start at 8.30 in order to agree on questions, which the MB will ask to the candidates. It was suggested that each candidate be provided with 30 minutes to answer the questions; * The first candidate will join around 9.00. * There will be a 5-minute break between the interviews of each candidate; * After the interviews the MB should dedicate approximately 30 minutes for a comparative assessment of the merits of the candidates. * Afterwards the voting will start.   It was recalled that each MB Member can cast their vote for one candidate only. If during that round of voting no candidate obtains a 2/3 majority of the votes of all Members, the candidate with the least support will be withdrawn from the selection process and a new voting round will be organized on the same basis. If two candidates with equal votes have equal least support both of them will be eliminated.  Rounds will run until there is one remaining candidate.  The MB Chairperson also recalled that the session for interviews would be a restricted session, limited only to those MB members, who were involved in the procedure for the selection of the Director since the beginning, the CN Chair and the Boards’ Support Team Leader who would join us to provide assistance and to record the proceedings.  The MB Chairperson emphasised that the deliberations of the MB under this agenda item should be treated as confidential and should not be disclosed to any third party.  He also reminded the MB about rules on conflict of interest of the MB members as defined in Decision No MB/2019/16 which are also applicable to this procedure. He asked the MB members to signal any potential conflict of interest. |
| **Conclusion** | The MB agreed to select the Director of the BEREC Office by a secret vote and appointed tellers for the voting procedure. |

# Any Other Business (AOB)

## 5.1 Information on the 58th MB Ordinary Meeting (8 March 2024, virtually)

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| **Document(s)** | No documents. |
| **Introduction by** | MB Chairperson (EETT) |
| **Information presented** | The MB was informed that the next MB Ordinary Meeting will be held remotely. |
| **Conclusion** | The MB took note of the information. |

# Recruitment of the Director of the BEREC Office – interviews and voting

This agenda item was taken in a restricted session, in which only one representative per NRA participated with the assistance of BEREC CN Chair and Boards Support Team Leader from BEREC Office.

The minutes of the restricted part of the meeting are presented in a separate confidential document.