

## **45<sup>th</sup> Ordinary Plenary Meeting of the BEREC Office Management Board (MB)**

Hosted virtually

# **Conclusions**

**Chairperson: Dan Sjöblom**

Director-General

Swedish Post and Telecom Authority (PTS)

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## Main Results of the 45<sup>th</sup> BEREC Office MB Meeting

The BEREC Office Management Board held its 45<sup>th</sup> Ordinary Plenary Meeting virtually on 11 December 2020.

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

### 1. Documents approved for internal use:

- MB (20) 78 BEREC Communications Plan 2021

### 2. Documents approved for publication:

- MB (20) 86 MB Decision on the designation of two Reporting Officers to appraise the Director of the BEREC Office
- MB (20) 89 Decision of the Management Board of the Agency for Support for BEREC (BEREC Office) for the Approval of the Headquarters Agreement between the BEREC Office and the Host Member State

### 3. Documents submitted for information:

- MB (20) 79 Conclusions of the 4th BAG meeting
- MB (20) 80 Final ABM Deliverables
- MB (20) 81 Transfers by the Director of the BEREC Office in the BEREC Office Budget in the period July – September
- MB (20) 82 ECA Report 2020
- MB (20) 83 Final Strategic Internal Audit Plan
- MB (20) 84 Order of the EDPS pursuant to Article 58(1)(a) of Regulation (EU) 2018/1725 to provide information
- MB (20) 85 Explanatory Note of the EDPS letter requesting information from the BEREC Office on personal data transfers to third countries and international organisations
- MB (20) 88 Note on the Joint Project with the Latvian Government for a Headquarters agreement between the Government of Latvia and the BEREC Office
- MB (20) 90 Final Report on the Outcome of the Joint Project between the Agency for Support for BEREC and the Government of the Republic of Latvia on the Headquarters Agreement

### 4. Documents submitted for adoption via e-voting:

- MB (20) 87 Draft Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2021-2023

### 5. Other topics discussed:

The Management Board of the BEREC Office was updated on the recent activities of the BAG. The European Commission informed the MB about the Recommendation of the European Parliament regarding gender balance in the Management Board.

### 6. Next Meeting

The next Ordinary Plenary Meeting of the MB will take place on **12 March 2020**, and will be virtual.

## Introduction and participation

The BEREC Office MB held its 45<sup>th</sup> Ordinary Plenary Meeting virtually on 11 December 2020.

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 operation of the markets for electronic communications networks and services established in each Member State of the European Union (EU) and by the European Commission. Heads and high-level representatives of the NRAs with whom BEREC has concluded working arrangements with were also present.

## 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 to the Conclusions.

## Items discussed

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

### 1 Opening of the meeting and adoption of the agenda

<b>Document(s)</b>	MB (20) 77 Draft MB Agenda
<b>Introduction by</b>	MB Chairperson (PTS)
<b>Information presented</b>	The MB Chairperson opened the Meeting and presented the Agenda for approval by the MB. The MB members were invited to suggest any additional issues to be raised or presented under “Any Other Business” (AOB).
<b>Conclusions</b>	The MB adopted the agenda with no changes.

### 2 BEREC Communications activities

<b>Document(s)</b>	MB (20) 78 Draft BEREC Communications Plan 2021
<b>Introduction by</b>	Communications ENG Co-Chairs (MCA/ComReg)
<b>Information presented</b>	<p>With a view to strengthening the perception of BEREC as an impartial, independent, European, forward-looking, expert body, the BEREC Communications Plan 2021 provides information on the planned communications campaign throughout next year and beyond.</p> <p>The Co-Chairs informed the MB that, in 2021, the focus would be on the promotion of the future of connectivity and the potential of very high capacity networks. They reported on the main objectives for 2021:</p>

	<ul style="list-style-type: none"> <li>- Inform and invite the key target audiences to communicate publicly to their own target audiences;</li> <li>- Invite our NRAs to multiply the message to their own target audiences.</li> </ul> <p>The ENG Co-Chairs presented to the MB the target audiences and timeline for activities planned for 2021.</p> <p>They also outlined ongoing activities for 2021.</p>
<b>Conclusions</b>	The MB approved the document for internal use.

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

<b>Document(s)</b>	<p>MB (20) 79 Conclusions of the 4<sup>th</sup> BAG meeting</p> <p>MB (20) 80 Final ABM Deliverables</p> <p>MB (20) 81 Transfers by the Director of the BEREC Office in the BEREC Office Budget in the period July – September</p> <p>MB (20) 82 ECA Report 2020</p> <p>MB (20) 83 Final Strategic Internal Audit Plan</p> <p>MB (20) 84 Order of the EDPS pursuant to Article 58(1)(a) of Regulation (EU) 2018/1725 to provide information</p> <p>MB (20) 85 Explanatory Note of the EDPS letter requesting information to the BEREC Office on personal data transfers to third countries and international organisations</p>
<b>Introduction by</b>	<p>BAG Chair (BNetZA)</p> <p>BEREC Office Director</p>
<b>Information presented</b>	<p>The BAG Chair reported to the MB on the recent BAG activities. She briefly presented the documents discussed by the BAG at its last meeting held on 12 November 2020, together with the BAG opinion on them.</p> <p>The BAG Chair reported on the SPD 2021-2023 and current work on it. She noted that the document needs to be updated in light of the more precise and recent BEREC Office budget, as well as of the staffing agreed by the MB. She also reported that a section on Covid-19 and its budget implications was added in the document and that the BREXIT section was updated.</p> <p>She also informed the MB about the EDPS request for information on personal data transfers to third countries and international organisations. She noted that, following the recent ECJ rulings related to transfers of personal data to the USA (“Privacy Shield”), the EDPS initiated a mapping exercise regarding personal data sent by the BEREC Office to third countries (incl. e.g. candidate countries) and international organisations.</p> <p>The BAG Chair informed the MB about the new composition of the BAG for 2021 due to personal changes.</p> <p>The BAG Chair also reported on the ECA audit for the first 9 months of 2020, which finished with “no preliminary findings”. She highlighted that the ECA was satisfied with the fast shift to the virtual work mode due to the COVID-19 crisis.</p>

	<p>She also informed the MB about the decision regarding the appointment of two reporting officers for the appraisal of the BEREC Office Director. She noted that the draft decision as submitted to the MB is following the previous MB decision that two MB Vice-Chairs are to be appointed as reporting officers.</p> <p>The BEREC Office Director briefed the MB about the status of the BEREC Office budget 2020 execution. He informed the MB about the COVID-19 impact on the BEREC Office budget and the steps taken to mitigate the penalty resulting from savings.</p>
<b>Conclusions</b>	The MB took note of the information.

#### **4 Draft MB Decision on the designation of two Reporting Officers to appraise the Director of the BEREC Office**

<b>Document(s)</b>	MB (20) 86 Draft MB Decision on the designation of two Reporting Officers to appraise the Director of the BEREC Office
<b>Introduction by</b>	BAG Chair (BNetzA)
<b>Information presented</b>	<p>The Director of the BEREC Office is subject to an annual appraisal exercise. The reference period for the annual appraisal is from 1 January to 31 December of the preceding year. The annual appraisal exercise should be organised at the beginning of each calendar year following the end of the reference period, in this case at the beginning of 2021.</p> <p>The BAG Chair informed the MB about the procedure and two designated Reporting Officers who will carry out this task. She reported that, as the Commission had not yet adopted the new procedure, the appraisal exercise will be carried out under the old regime.</p>
<b>Conclusions</b>	The MB approved the document for publication.

#### **5 Single programming document (SPD) 2021-2023**

<b>Document(s)</b>	MB (20) 87 Draft Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2021-2023
<b>Introduction by</b>	BEREC Office Director
<b>Information presented</b>	<p>According to Article 23 of Regulation (EU) 2018/1971 of the European Parliament and of the Council, each year, the Director shall draw up a draft single programming document and, by 31 January each year, the Management Board shall adopt the draft single programming document and forward it to the Commission for it to provide its opinion. The draft single programming document shall also be submitted to the European Parliament and to the Council.</p> <p>In conformity with the Framework Financial Regulation for decentralised agencies, and in particular Article 32, the BEREC Office has drawn up a programming document containing strategies and multiannual and annual programming of resources, including objectives, expected results,</p>

	<p>performance indicators and a detailed description of the activities and financial and human resources allocated to them for the year 2020.</p> <p>On 31 January 2019, the Management Board adopted by electronic voting procedure draft Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2021-2023, which was subsequently submitted to the Commission for its opinion.</p> <p>The European Commission adopted its opinion on the Single Programming Document of the Activities of the Agency for Support for BEREC ('BEREC Office') for the period 2021-2023 on 22 October 2020.</p> <p>The BEREC Office Director recalled that the single programming document and the annual budget of the BEREC Office shall become final after the adoption of the general budget of the Union, which had not been agreed yet.</p>
<b>Conclusions</b>	The MB took note of the information and agreed to adopt the document via e-voting procedure.

## 6 Headquarters agreement of the BEREC Office

<b>Document(s)</b>	<p>MB (20) 88 Note on the Joint Project with the Latvian Government for Headquarters agreement between the Government of Latvia and the BEREC Office</p> <p>MB (20) 89 Draft Decision of the Management Board of the Agency for Support for BEREC (BEREC Office) for the Approval of the Headquarters Agreement between the BEREC Office and the Host Member State</p> <p>MB (20) 90 Final Report on the Outcome of the Joint Project between the Agency for Support for BEREC and the Government of the Republic of Latvia on the Headquarters Agreement</p>
<b>Introduction by</b>	BEREC Office Director
<b>Information presented</b>	<p>The new Headquarters Agreement shall be concluded by 21 December 2020, in accordance with the provision of the BEREC Regulation. To that end, the MB adopted the mandate in March 2019 for engaging in the envisaged joint project. The government of Latvia finalised its position only in November 2019 and the formal kick-off meeting was organised at the beginning of January 2020. An ambitious timeline was agreed to have the final text ready for signature in May, with a ratification process to be completed in October, however due to the circumstances affecting normal working conditions and imposing different restrictions, the timeline was revised to leave more flexibility, but still keeping the initial date as a final deadline for signature of the Agreement.</p> <p>The Director of the BEREC Office reported that the draft Agreement had been agreed upon. He informed the MB on the next steps towards final approval of the Headquarters Agreement and its entry into force. The signature of the document was planned for 21 December 2020.</p>
<b>Conclusions</b>	The MB approved the decision on the HQ agreement for publication.

## **7 Gender balance – Follow-up to the Recommendation of the European Parliament regarding the Management Board**

<b>Document(s)</b>	No document
<b>Introduction by</b>	European Commission representative
<b>Information presented</b>	The EC representative informed the MB about the Recommendation of the European Parliament regarding the Management Board gender balance. He recalled that the EP raised this topic several times in the discharge procedure. He welcomed the gender balance ratio reached by the BEREK Office and expressed the view that the MB will follow. He acknowledged, however, that this is out of the MB control and fully depends on the decisions made by the appointing authorities at national level.
<b>Conclusions</b>	The MB took note of the information.

## **8 AOB**

### **8.1 Information on the 46<sup>th</sup> MB ordinary meetings (11-12 March 2021, virtual meeting)**

<b>Document(s)</b>	No documents
<b>Introduction by</b>	MB Chairperson (PTS)
<b>Information presented</b>	The MB Chairperson confirmed that the meeting will be held virtually and that it will be preceded by the workshop.
<b>Conclusions</b>	The MB took note of the information.