

52nd Ordinary Plenary Meeting of the BEREC Office Management Board (MB)

Hosted in hybrid format

Conclusions

Chairperson: Annemarie Sipkes

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Services Department
Netherlands Authority for Consumers and Markets (ACM)

7 October 2022

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Annex I - List of documents

Main Results of the 52nd BEREC Office MB Meeting

The BEREC Office Management Board held its 52nd Ordinary Plenary Meeting on 7 October 2022, in hybrid form.

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

1. Document approved for publication as regular items:

- MB/2022/22/04 Decision of the Management Board of the Agency for Support for BEREC ('BEREC Office') on the approval of budgetary transfer from Title 2 to Title 1 pursuant to the provision of Article 26 (2) of the BEREC Office Financial Regulation;

2. Document approved for submission to the European Commission (EC) for ex ante agreement:

- MB (22) 54 Up-dated draft MB Decision on the probationary period, management trial period and annual appraisal of the Director;

3. Documents submitted for information:

- MB (22) 44 Draft MB Agenda;
- MB (22) 45 Conclusions of the 3rd BAG meeting;
- MB (22) 46 BEREC Office consolidated interim activity report for the period January – June 2022;
- MB (22) 47 Proposal of the Director to the Management Board to agree on transfers of appropriations from Title 2 to Title 1, pursuant to the provision of Article 26 (2) of the BEREC Office Financial Regulation;
- MB (22) 48 Note from DG Budget to the Directors of ACER, BEREC, CEPOL, EIGE, EIT, EPPO, EUSPA: Accounting for EU Agencies – from centralisation to sharing;
- MB (22) 49 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 2023-2025;
- MB (22) 50 Update on the annual budgetary exercise and draft EU Budget 2023;
- MB (22) 51 Final Audit report on Organisational preparedness for the implementation of BEREC Working Groups' activities;
- MB (22) 52 BEREC Office Action plan to IAS Final audit report on Organisational preparedness for the implementation of BEREC Working Groups' activities;
- Ares (2022)4340520 Letter from the Director-General of DG HR to the Chairperson of the BEREC Office Management Board concerning the BEREC Office request for the Commission's agreement on implementing rules on the probationary period, management trial period and annual appraisal of the Director;

4. Next Meeting

The next Ordinary Plenary Meeting of the MB will take place on 9 December 2022, Prague, Czech Republic.

5. Follow-up actions

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

Introduction and participation

The BEREC Office Management Board held its 52nd Ordinary Plenary Meeting on 7 October 2022, in a hybrid form.

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 which BEREC has concluded working arrangements were also present.

List of documents

The list of documents distributed for the 52nd MB Meeting is included in Annex III to the Minutes. The list of the final documents approved by the Meeting for publication, in compliance with the BEREC Regulation and the MB transparency rules, is presented in Annex IV to the Minutes.

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

Document(s)	MB (22) 44 Draft MB Agenda
Introduction by	MB Chairperson (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	The MB Chairperson opened the Meeting and presented the Agenda for approval by the MB. The MB members were invited to suggest any additional issue to be raised or presented under “Any other business” (AOB).
Conclusion	The Agenda was adopted with no changes.

2 Appointment of Chairperson 2024 and Deputy Chairpersons for 2023

Document(s)	No documents
Introduction by	MB Chairperson (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	Based on Article 17(1) of the BEREC Regulation, the Chairperson and the Deputy Chairpersons of the Management Board shall be the persons appointed as the Chair and Vice-Chairs of the Board of Regulators. The same term of office shall apply. During the 52 nd BoR Plenary Meetings held on 6 October 2022 in Salzburg, Austria, the BoR agreed on the election process and the number of Vice-Chairs and elected:

	<ul style="list-style-type: none"> - Mr Tonko Obuljen – Chairman of the Council of the Croatian Regulatory Authority for Network Industries (HAKOM), Croatia – for the post of BEREC Chair 2024; - Ms Hana Továrková – Chairperson of the Czech Telecommunication Office Council (CTU), Czech Republic – for the post of BEREC Vice-Chair 2023; - Mr Robert Mourik – Chairperson of Commission for Communications Regulation (ComReg), Ireland – for the post of BEREC Vice-Chair 2023; - Mr Branko Kovijanić – President of the Council of the Agency for Electronic Communications and Postal Services (EKIP), Montenegro – for the post of Representative of the participants without voting rights to the Miniboard 2023.
Conclusion	The MB noted the appointment of the Chair and Vice-Chairs of the Board of Regulators as the Chairperson and the Deputy Chairpersons of the Management Board.

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

Document(s)	<p><u>For information:</u></p> <p>MB (22) 45 Conclusions of the 3rd BAG meeting</p> <p>MB (22) 46 BEREC Office consolidated interim activity report for the period January – June 2022</p> <p>MB (22) 47 Proposal of the Director to the Management Board to agree on transfers of appropriations from Title 2 to Title 1, pursuant to the provision of Article 26 (2) of the BEREC Office Financial Regulation</p> <p>MB (22) 48 Note from DG Budget to the Directors of ACER, BEREC, CEPOL, EIGE, EIT, EPPO, EUSPA: Accounting for EU Agencies – from centralisation to sharing</p> <p>MB (22) 49 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 2023-2025</p> <p>MB (22) 50 Update on the annual budgetary exercise and draft EU Budget 2023</p> <p>MB (22) 51 Final Audit report on Organisational preparedness for the implementation of BEREC Working Groups’ activities</p> <p>MB (22) 52 BEREC Office Action plan to IAS Final audit report on Organisational preparedness for the implementation of BEREC Working Groups’ activities</p> <p><u>For approval:</u></p> <p>MB (22) 53 Draft Decision of the Management Board of the Agency for Support for BEREC (‘BEREC Office’) on the approval of budgetary transfer from Title 2 to Title 1 pursuant to the provision of Article 26 (2) of the BEREC Office Financial Regulation</p>
Introduction by	<p>BAG Chair (BNetzA)</p> <p>Annegret Groebel (annegret.groebel@bnetza.de)</p> <p>BEREC Office Director</p>

	<p>Laszlo Igneczi (Laszlo.IGNECZI@bereg.europa.eu)</p>
<p>Information presented</p>	<p>The BAG Chair informed the MB about the recent BEREC Office Advisory Group activities, including the outcome of the 3rd BAG meeting on 8 September 2022. She briefly presented to the MB the documents as listed above, and the BAG opinion concerning them.</p> <p>The MB was updated on the following topics:</p> <ul style="list-style-type: none"> - Current situation of the budgeting/reporting lifecycle: the Director of the BEREC Office provided a short update on the status and reporting of financial years 2021, execution of budget 2022 and planning of budget for 2023. - SPD 2023-25: the Director of the BEREC Office informed Meeting participants that the EC Opinion on the Single Programming Document (SPD) for 2023-2025 has been received. He noted that an update of the SPD will be provided at the next Plenary Meeting. However, as adoption of the final EU budget is necessary for the finalisation of the SPD, it is expected that an e-voting procedure will be organised in December for adoption of the final SPD 2023-2025; - Internal Audit Service (IAS) audit: The BAG Chair informed Meeting participants that overall the conclusions were good of the audit performed for evaluating the Organisational preparedness for the implementation of BEREC Working Groups' activities. She added that the BEREC Office has drafted an action plan for the implementation of the audit recommendations; - Accounting services: - BEREC Office premises: the Director of the BEREC Office informed the MB that the premises project, led by the European Parliament, is in progress and the BEREC Office still prefers to be part of the House of Europe project together with The EC Representation of the Information Office of the European Parliament ; - Budgetary transfer: the Director of the BEREC Office informed the MB that the budgetary transfer for which the MB is asked to provide its approval is an ordinary transfer, which is above a certain threshold and therefore an MB Decision is required. The budgetary transfer is needed, as it was initially planned to use an external service provider for the assessment of the internal control system. However, due to budgetary constraints, it was decided to hire interim staff, which is a much cheaper option; - Security challenge in Latvia due to the war in Ukraine: The Director of the BEREC Office informed the MB that the risk of a military operation in Latvia still remains low. He noted that a state of emergency has been declared on the border with Russia because of the partial mobilisation in Russia. The Director of the

	BEREC Office also informed the MB that last week, general elections were held in Latvia.
Conclusion	The MB took note of the information and approved the Decision for publication and implementation.

4 Communications Expert Networking Group (ENG)

4.1 Oral update on the Draft BEREC Communications plan 2023

Document(s)	No document
Introduction by	Communications ENG Co-Chairs (MCA/ComReg) Isabel Fereday (isabel.fereday@mca.org.mt) Jennifer Gartland (jennifer.gartland@comreg.ie)
Information presented	The ENG Co-Chairs presented the outline of the proposed topics and projects in the BEREC Communications Plan 2023. The Co-Chairs informed the MB that the Communications Plan includes an update to the Message House - the Incoming Chair's message with identified keywords across all communications: "forward-looking", "learning", "inclusivity", "openness". The ENG Co-Chairs noted that Sustainability WG Co-Chairs have proposed an idea to promote the sustainability topic in BEREC communications in 2023, which would include visual assets and other tools to promote the topic through BEREC communication channels. The ENG Co-Chairs informed the MB that another topic for next year's communications will be continuing the Faces of BEREC initiative by showing the faces behind the work of BEREC. So far, the ENG has produced 12 videos that describe the work of each WG in general. Work on this project will continue in 2023. The ENG Co-Chairs reiterated that any suggestions for the BEREC Communications Plan for 2023 are welcome.
Conclusion	The MB took note of the information and agreed that the ENG should continue work on the Communications Plan 2023 for adoption at the next Plenary Meeting.

4.2 Oral update on the Concept for the new BEREC website design

Document(s)	No document
Introduction by	Communications ENG Co-Chairs (MCA/ComReg) Isabel Fereday (isabel.fereday@mca.org.mt) Jennifer Gartland (jennifer.gartland@comreg.ie)
Information presented	The Co-Chairs presented the website design direction for the new BEREC website design. They informed that the next steps within the BEREC new website design and content project consists of three main stages: design development, testing and bug-fixing, content creation and launch/promotion. The Co-Chairs informed the MB that the work on the new website started last year and high-fidelity wireframes and the skeleton of the new website were created by providing a structural outline for each page. During those stages, several comments rounds and meetings for further discussion were organised with the Communications ENG, the BEREC Office website site-space owners and Working Group Co-Chairs. Entering the design

	<p>creation phase, the work on the new design concept direction for the website began in August. The contractor proposed several design options and during a workshop, held together with the Communication ENG. Moreover, a dedicated comments round followed and feedback was received by the Communications ENG, the BEREC Office website sit-space owners and the Director of the BEREC Office. Through those steps the final design concept has been identified.</p> <p>The Co-Chairs presented the design concept of the new website, which includes floating elements, smooth interactions, and a more interactive and engaging environment. The Co-Chairs noted that the new website will be visually more attractive and modern, and that its design has been created in line with the new BEREC visual identity guidelines. It was stressed that currently, the remaining design templates are being created, based on the identified design concept, and a dedicated comments round will follow. The work on the website will continue in 2023 with the development of the design for the various website pages.</p> <p>The ENG Co-Chairs thanked the BEREC Office, the ENG members as well as the WG Co-Chairs for their contributions.</p>
Conclusion	The MB took note of the information and agreed that the work on the new BEREC website should continue in line with the presented design concept.

5 Sustainability ENG

5.1 Proposals for reducing the environmental footprint of BEREC and the BEREC Office

Document(s)	No documents
Introduction by	Sustainability ENG Co-Chair (BEREC Office) Panos Karaminas (Panos.KARAMINAS@bereg.europa.eu)
Information presented	<p>The Sustainability ENG Co-Chair presented proposals for reducing BEREC and the BEREC Office's environmental footprint.</p> <p>In particular, the Co-Chair discussed the environmental footprint after 2+ years of pandemic, the EU's Green Deal and other political commitments, and Greening Actions at EU level. He noted that taking 2019 as a basis, the BEREC Office has already reached the goal of 60% reduction of the emissions and that BEREC and the BEREC Office should keep striving for even lower levels of emissions. The Co-Chair also briefly presented initiatives and greening strategies of other institutions and organisations.</p> <p>In addition, the Co-Chair outlined the possible actions and next steps for BEREC and the BEREC Office that could be taken:</p> <ul style="list-style-type: none"> (i) Developing a Multiannual Greening Action Plan for BEREC/BEREC Office; (ii) Re-assessing the size of delegations for participation in physical BEREC meetings; (iii) Setting up a BEREC Office cross-unit taskforce to start process towards EU Eco-Management and Audit Scheme (EMAS) certification. <p>In addition, he presented a comparison of the environmental footprint for organising meetings at different locations.</p> <p>Lastly, the Co-Chair outlined two main actions requested to the MB for discussion and agreement:</p>

	<ol style="list-style-type: none"> 1) Permission for the SUS ENG to start working on a Multiannual Greening Action Plan for BEREC and the BEREC Office that will include targets and steps for GHG reduction (to be submitted for approval at P3-2023); 2) Permission for EMAS certification to be included as a task in the BEREC Office SPD 2023-2025, aiming for certification in 2025.
Conclusion	The MB took note of the information and agreed that the ENG can proceed with the work on the Multiannual Greening Action Plan for BEREC and the BEREC Office. EMAS certification should be included as a task in BEREC Office SPD 2023-2025, subject to financial possibilities.

6 Draft MB Decision on the probationary period, management trial period and annual appraisal of the Director

Document(s)	<p>MB (22) 54 Draft MB Decision on the probationary period, management trial period and annual appraisal of the Director</p> <p>Ares (2022)4340520 Letter from the Director-General of DG HR to the Chairperson of the BEREC Office Management Board concerning the BEREC Office request for the Commission's agreement on implementing rules on the probationary period, management trial period and annual appraisal of the Director</p>
Introduction by	<p>MB Chairperson (ACM)</p> <p>Annemarie Sipkes (Annemarie.Sipkes@acm.nl)</p>
Information presented	<p>The MB Chairperson informed Meeting participants that in 2020, the Management Board submitted a Draft Decision aimed at obtaining the Commission's ex ante agreement required by the Staff regulations as a prerequisite for the adoption of the decision by the BEREC Office Management Board. After reviewing the draft, in June 2022 the Commission proposed to the Management Board a new, revised Draft Decision. In August 2022, the BEREC Office administration, in cooperation with the BAG Chair, prepared the amended version of the Draft MB Decision, taking into account the main proposal from the Commission, namely to envisage the EC member of the Management Board as one of the reporting officers for the appraisal of the Director.</p> <p>The objective is to adopt the draft Decision for submission to the Commission for ex ante agreement.</p> <p>The BAG Chair added that this version of the document takes on board the received comments. Now, with the new Decision, there will be at least two reporting officers: the Representative of the EC to the MB and the BAG Chair. Any other MB member can be appointed as an additional reporting officer. The BAG Chair noted that an e-voting procedure will be organised prior to the 4th Plenary Meeting for final adoption of the Decision after receiving the ex ante agreement from the EC. The e-voting procedure will be needed so that the Decision on reporting officers can be adopted at the Plenary Meeting.</p>
Conclusion	The MB approved the draft decision for submission to the EC for ex ante agreement.

7 Call for resources to establish the new BAG

Document(s)	No document
Introduction by	MB Chairperson (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl)
Information presented	<p>The MB Chairperson informed Meeting participants that the term of the serving BAG members will expire at the end of 2022. She informed that the BAG should be composed of at least six members of the Management Board, their alternates or other senior representatives from the national regulatory authorities who have recent and relevant experience in the area of finance, budget, human resources or administration. The Deputy Chairperson assuming the role of the Incoming Chairperson, a Representative of the Chairperson and a Representative of the European Commission shall be BAG members.</p> <p>The MB Chairperson opened a call for resources for the new BAG.</p> <ul style="list-style-type: none"> - Deadline for expression of interest to become BAG members is set for 21 October 2022; - Nominations should be sent to BoardsSupport@bereg.europa.eu <p>After the call, the Director of the BEREC Office will set up an internal contact list of BAG members for 2023 and the current BAG Chair will arrange an informal BAG meeting (to be held with the last meeting of the current BAG on 10 November 2022).</p> <p>Since the term of the BAG Chair also expires this year, the Management Board has to appoint a new Chair for a maximum term of three years. The new BAG Chair will be selected from among the BAG members and appointed during Plenary 4 2022, on 9 December 2022. The new BAG will start operating as of 1 January 2023.</p>
Conclusion	The MB agreed to launch a call for resources for the new BAG, and appoint the new BAG Chair.

8 AOB

Document(s)	No document
Introduction by	MB Chairperson (ACM) Annemarie Sipkes (Annemarie.Sipkes@acm.nl) Representative of the host NRA (CTU) Hana Továrková (Chair@ctu.cz)
Information presented	The MB Chairperson and the Representative of the Meeting host, CTU, provided information on the logistics for the Meeting.
Conclusion	The MB took note of the information.