

59th Ordinary Plenary Meeting of the BEREC Office Management Board (MB)

Hybrid meeting

Conclusions

Chairperson: Tonko Obuljen

President of the Croatian Regulatory Authority
for Network Industries (HAKOM)

7 June 2024

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Annex I – List of documents

Main results of the 59th BEREC Office Management Board meeting

The Management Board (MB) of the Agency for Support for BEREC (BEREC Office, Agency) held its 59th Ordinary Plenary Meeting on 7 June 2024, in Jurmala, Latvia.

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

1 Documents approved as 'A' items:

1.1 For approval for submission to the European Commission (EC) for obtaining the EC agreement for derogation to opt-out of the EC Decision:

- MB (24) 52 Draft MB Decision on the request for the Commission Agreement for derogation from implementing rules to the staff regulations on the non-application by analogy of Commission's Decision C(2023)8630 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006) 1624/3.

1.2 For approval for submission to the EC for obtaining the EC *ex ante* agreement:

- MB (24) 57 Draft MB Decision setting out ethics rules and rules on the prevention and management of conflicts of interest in respect of the staff members of the Agency.

2 Documents approved as regular items:

2.1 For publication:

- MB (24) 51 MB Agenda;
- MB (24) 58 MB Decision on the designation of the Reporting Officers of the BEREC Office Director for the probationary and management trial period;
- MB (24) 62 Recommendation of the ad hoc WG on the participation of the NRA of Republic of Moldova (ANRCET) in the work of BEREC and BEREC Office;
- MB (24) 63 MB decision concerning the application of the NRA of Republic of Moldova (ANRCET) to join the work of BEREC and BEREC Office.

3 Documents submitted for information:

- MB (24) 53 Conclusions of the 2nd BAG meeting;
- MB (24) 54 European Parliament (EP) decisions of 11 April 2024 on discharge in respect of the implementation of the budget of the BEREC Office for the financial year 2022 and (2023/2141(DEC)) and on the closure of the accounts of the Agency and EP resolution of 11 April 2024 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the Agency for the financial year 2022;
- MB (24) 55 Status update on the new premises project of the BEREC Office and the new House of Europe Project in Riga;
- MB (24) 56 Draft Memorandum of Understanding relating to the call for tenders no 06-20/2023/M069 – purchase of a building to accommodate the future House of Europe incorporating a Europa Experience in Riga, Latvia;
- MB (24) 59 Annual Activity Report of the BEREC Office Data Protection Officer 2023.

4 Next Meeting

The next Ordinary Plenary Meeting of the MB will take place in hybrid format on **4 October 2024, in Hungary**.

5 Follow-up actions

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

Introduction and participation

The Management Board (MB) of the Agency for Support for BEREC (BEREC Office, Agency) held its 59th Ordinary Plenary Meeting on 7 June 2024, in Jurmala, Latvia.

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 (MS) 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. The new Director of the BEREC Office who will take up her duties on 1 July 2024 and experts from the Liaison Office also attended the Meeting.

The list of attendees of the 59th MB Meeting is included in Annex II to the Minutes.

List of documents

The list of documents distributed for the 59th MB meeting is included in Annex III to the minutes. The list of final documents approved by the Meeting, including those intended 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 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 (24) 51 Draft MB Agenda
Introduction by	MB Chairperson (HAKOM) Tonko Obuljen (tonko.obuljen@hakom.hr)
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 issues to be raised or presented under 'Any other business' (AOB).
Conclusion	The Agenda was approved without any amendments.

2. Adoption of the list of 'A' items

Document(s)	<u>For approval for submission to the EC for obtaining the EC agreement for derogation to opt-out of the EC Decision:</u>
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	<p>MB (24) 52 Draft MB Decision on the request for the EC Agreement for derogation from implementing rules to the staff regulations on the non-application by analogy of EC Decision C(2023)8630 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006) 1624/3.</p> <p><u>For approval for submission to the EC for obtaining the EC <i>ex ante</i> agreement:</u></p> <p>MB (24) 57 Draft MB Decision setting out ethics rules and rules on the prevention and management of conflicts of interest in respect of the staff members of the Agency.</p>
Introduction by	<p>MB Chairperson (HAKOM)</p> <p>Tonko Obuljen (tonko.obuljen@hakom.hr)</p>
Information presented	<p>The MB Chairperson presented the list of 'A' items, as set out above. The list of 'A' items was drawn up on the basis of the conclusions of the BEREC Office Advisory Group (BAG).</p>
Conclusion	<p>The MB approved the documents included in the 'A' item list.</p>

3. Oral update - Expert Networking Group (ENG) for Communications projects in 2024

Document(s)	No documents
Introduction by	<p>Communications ENG Co-Chairs (AGCOM/ANCOM)</p> <p>Paola Calestani (p.calestani@agcom.it)</p> <p>Catalina Dragomir (catalina.dragomir@ancom.ro)</p>
Information presented	<p>The Communications ENG Co-Chairs provided an oral update to the MB on the ongoing activities, in particular:</p> <ul style="list-style-type: none"> • the new BEREC website design and content project, going live in the middle of July; • the Sustainability communications campaign, dedicated to the report of the Sustainability Working Group (WG) adopted at Plenary 2, to be launched after the public debriefing on 12 June 2024. <p>The Communications ENG Co-Chair informed the MB about the main projects executed by the ENG in Q1 and Q2 this year. She noted that two successful external workshops were organised, for which the Communications ENG prepared the promotional activities. Both events were very well attended, also thanks to the efforts that were put into promoting them.</p> <p>Another Co-Chair informed the MB that for the Sustainability communications campaign, the external contractor had finalised the creative concept and the communications assets. The hashtag #EmpoweringGreenEU and the slogan "Sustainable is the New Smart" will be used. It is suggested to adapt the hashtag for each country, for example, "EmpoweringGreenItaly, #EmpoweringGreenLV, etc. The Co-Chairs informed that the campaign was developed in close cooperation with the Sustainability Working Group Co-Chairs, and all of the comments from the CN2 meeting were discussed with the respective parties. The social media campaign will be launched in mid-June, with the launch at the BEREC Public debriefing. The draft visuals and one of the animated GIFs</p>

	<p>were presented to the MB. The Co-Chair underlined that the BEREC NRAs are encouraged to support in sharing the content through their own channels, as it will make the campaign more successful. It will be possible to adapt the content to the local languages of the NRAs, if necessary. Additionally, the BEREC Office can support with translation of the content, with the help of an external contractor.</p> <p>The Communications ENG Co-Chair informed the Meeting participants that meetings with the WG Co-Chairs would take place to discuss the tentative communications activities according to the preliminary 2025 BEREC Work Programme (WP 2025) to be included in the 2025 Communications Plan Outline. Moreover, dedicated meetings with the ComReg Incoming Chair's team for 2025 will be organised for drafting the Message House 2025 document.</p> <p>As for the BEREC website and content project, the Co-Chair informed the MB that the project was on track. The Communications ENG and its Co-Chairs stated they were satisfied with the progress and thankful to the BEREC Office Communications team for their great efforts in the project.</p> <p>The Co-Chair noted that the development of the website design was complete. The Co-Chairs informed the MB that the indicative Go-Live was 15 July 2024. The Co-Chair reminded Meeting participants about the interactive stand, run by the BEREC Office Communications team, available to all Plenary attendees during both Plenary days. At the stand, participants will be able to see the new website design and content. This activity was foreseen in the BEREC Communications Plan 2024 as an internal launch event of the new website design and content.</p>
Conclusion	The MB took note of the information.

4. Recent activities of the BEREC Office Advisory Group

Document(s)	<p><u>For information:</u></p> <p>MB (24) 53 Conclusions of the 2nd BAG meeting</p> <p>MB (24) 54 European Parliament (EP) decisions of 11 April 2024 on discharge in respect of the implementation of the budget of the BEREC Office for the financial year 2022 and (2023/2141(DEC)) and on the closure of the accounts of the Agency and EP resolution of 11 April 2024 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the Agency for the financial year 2022</p> <p>MB (24) 55 Status update on the new premises project of the Agency for Support for BEREC (BEREC Office) and the new House of Europe Project in Riga</p> <p>MB (24) 56 Draft Memorandum of Understanding relating to the call for tenders no 06-20/2023/M069 – purchase of a building to accommodate the future House of Europe incorporating a Europa Experience in Riga, Latvia</p> <p><u>For approval for publication:</u></p> <p>MB (24) 58 Draft MB Decision on the designation of the Reporting Officers of the BEREC Office Director for the probationary and management trial period</p>
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Introduction by	<p>BAG Chair (BNetzA) Annegret Groebel (annegret.groebel@bnetza.de) BEREC Office Director ad interim Panos Karaminas (Panos.KARAMINAS@bereg.europa.eu)</p>
Information presented	<p>The BAG Chair informed the MB about the recent BEREC Office Advisory Group activities, including the outcome of its 2nd Ordinary Meeting held on 10 May 2024. She presented to the MB the documents as listed above and the BAG opinion concerning them.</p> <p>The MB was updated about:</p> <ul style="list-style-type: none"> - Discharge 2022; <p>The MB was informed that the discharge on budget 2022 was granted with limited observations and very positive comments, and that no major issues were identified. In autumn 2024, the BEREC Office Director will have to report to the Discharge Authority about the actions taken by the Agency to addressing the observations and the recommendations included in the resolution accompanying the dischargedecisions.</p> <ul style="list-style-type: none"> - Draft Consolidated Annual Activity Report (CAAR) 2023; <p>Work on the document is progressing according to plan. The document will be submitted to the MB for approval via an e-voting procedure after Plenary 2 2024.</p> <ul style="list-style-type: none"> - Status update on House of Europe (HoE); <p>The MB was informed about the procedure and the next steps, mainly the need to sign the Memorandum of Understanding (MoU) with the EP. The current lease for the BEREC Office premises is valid until 2028. The MB was informed that the Director ad interim could not sign this long term commitment and that it could only be done by the new Director after taking office. Another issue that was reported was related to the increase of the rent price and the lack of an increase in the BEREC Office subsidy to cover it from the BEREC Office budget.</p> <p>The Director ad interim recalled that in March 2023 the MB took a decision according to which the BEREC Office should fine its new premises on the private market. The decision was motivated by the fact that the current building, which is a historical building, is not compliant with the security requirement of the EC, it does not meet the current requirements for energy efficiency and its renovation to meet those requirement will lead to rent equivalent to market price. However, during the renovation the Agency will have to be relocated to a temporary headquarters.</p> <p>The Director ad interim noted that the draft MoU with the EP contained obligations for the BEREC Office to cover associated costs of the procurement procedure (based on the size of the space to be occupied by the BEREC Office in the future premises, this was calculated to amount to EUR 75K, which corresponds to 50% of the costs). The Director ad interim also noted that should the BEREC Office budget not be increased and the rent go up, there might be budgetary implications also for BEREC.</p> <ul style="list-style-type: none"> - Staff matters. <p>The BAG Chair presented the draft Decision on the designation of the Reporting Officers of the BEREC Office Director for the probationary and</p>

	<p>management trial period. Based on the applicable MB decision the default reporting officers should be the BAG Chair and the EC representative at the MB. The MB may designate as Reporting Officer(s) additional MB member(s) who are chosen on voluntary basis from among the other MB members.</p> <p>In accordance with the legal framework in place and following the expression of interest of one MB member to acts as Reporting Officer, the MB is requested to designate for the probationary and management trial period of the newly engaged Director the following persons:</p> <ul style="list-style-type: none"> • Annegret GROEBEL, Chair of the BEREC Office Advisory Group; • Jesmond BUGEJA, member of the BEREC Office Management Board; • Roberto VIOLA, Director General of the Directorate-General for Communications Networks, Content and Technology, representative of the European Commission at the BEREC Office Management Board. In this capacity, Mr Viola may delegate the preparatory work for the appraisal to a senior official at the EC services, for example, to Ms Kamila Kloc. <p>Since the decision has to be taken before 1 July 2024, when the new Director would start her duties, the MB was asked to approve the decision for publication.</p>
Conclusion	The MB took take note of the information and approved the document for publication and implementation.

5. Annual Activity Report of the BEREC Office Data Protection Officer 2023

Document(s)	MB (24) 59 Annual Activity Report of the BEREC Office Data Protection Officer 2023
Introduction by	BEREC Office Legal and Data Protection Officer Marco De Santis (Marco.De-SANTIS@berec.europa.eu)
Information presented	<p>Under Article 7(2) of the MB implementing rules on data protection, the BEREC Office Data Protection Officer (DPO) is required to prepare and submit to the Management Board an annual report on its activity and on the status of compliance of the Agency with Regulation (EU) 2018/1725 (the “Data Protection Regulation” applicable to European Institutions Bodies and Agencies or “EUDPR”).</p> <p>Against this background, the DPO has presented to the Management Board its Annual Activity Report 2023 whose purpose is:</p> <ul style="list-style-type: none"> - To describe the data protection activities in 2023; - To give the state of play of BEREC and BEREC Office compliance with EUDPR; and - To outline the upcoming compliance challenges for 2024 and beyond <p>After highlighting the key achievements of the 2023 data protection activities, the DPO has informed the MB members that nowadays the</p>

	<p>BEREC Office has managed to reach a satisfactory level of compliance with EUDPR taking into account the development of a data protection culture within the Agency, the high number of Records of processing operations and the absence of infringements and of EDPS reprimands and/or sanctions,</p> <p>Lastly, the DPO presented future compliance challenges that are being addressed already in the present time, such as the implementation of privacy, by design and by default, of new ICT systems and tools, and the compliance with the personal data transfer requirements for transfers outside the EU/EEA.</p> <p>At the end of its presentation, the DPO mentioned that its Report is to be sent, for transparency reason, to the European Data Protection Supervisor (EDPS). However it is not releasable to the public and should be kept confidential by the targeted audience.</p>
Conclusion	The MB took note of the information.

6. Presentation on ethics and conflict of interest within BEREC

Document(s)	Presentation on ethics and conflict of interest within BEREC
Introduction by	BEREC Office Legal and Data Protection Officer Marco De Santis (Marco.De-SANTIS@berec.europa.eu)
Information presented	<p>This presentation is foreseen by the action plan of the BEREC Office Anti-Fraud Strategy (AFS) 2023-2025, and in particular is related to the AFS objective to foster ethical behaviour for BEREC members with a view to decrease the likelihood that misconduct or serious irregularity occurs.</p> <p>As foreseen by the AFS action plan, the BEREC Office Legal and Data Protection Officer has delivered a presentation on ethics and conflict of interest at the 1st CN 2024. Subsequently, upon request of one NRA made at the 58th Plenary, the BEREC Chairperson agreed to organise the same presentation to the heads at the 59th Management Board meeting</p> <p>On 7 June 2024, at the MB plenary, the Legal Officer, after having introduced the concept of moral ethics and ethics at work, has presented the key ethical values within BEREC and has explained as the independence of BEREC members is a core-value within BEREC. After the introduction on ethics, he has shifted the focus of the presentation on the avoidance of conflict of interest and in particular on the obligations to make declaration of interest when a situation of conflict of interest is unavoidable.</p> <p>As concerns the obligation to make declarations of interest, he has made an overview of the two different type of declarations provided by Article 42 of the BEREC Regulation: the initial declaration or declaration upon appointment applicable to members/alternates of BoR and MB applicable to and the specific or meeting declaration applicable to any participants of BEREC and MB meetings (including CN, WG, BAG etc). Additionally, he has described concisely the procedure for handling and mitigating any declared conflict of interest under the two type of declaration.</p> <p>At the end of the presentation, the BEREC Office Legal and Data Protection Officer presented a case scenario on conflict of interest to the</p>

	MB members that foreseen multiple choice answers with only one correct answer. The majority of the MB members engaging in the quiz have identified the correct answer.
Conclusion	The MB took note of the information.

7. Ad hoc group to analyse the requests of NRAs of third countries to participate in the work of BEREC and BEREC Office

Document(s)	<p>MB (24) 62 Draft recommendation of the ad hoc WG on the participation of the NRA of Republic of Moldova (ANRCET) in the work of BEREC and BEREC Office</p> <p>MB (24) 63 Draft BoR decision concerning the application of the NRA of Republic of Moldova (ANRCET) to join the work of BEREC and BEREC Office</p>
Introduction by	<p>Chair of the ad hoc group (BnetzA)</p> <p>Annegret Groebel (annegret.groebel@bnetza.de)</p>
Information presented	<p>The Chair of the ad hoc team presented to the MB the Working Group recommendation on the assessment of the application of the NRA of Moldova (ANRCET) to become a participant without voting rights.</p> <p>The MB was be asked to decide whether or not the application was eligible and the NRAs could become participants without voting rights in BEREC and BEREC Office.</p> <p>As a next step, the Working Arrangement needs to be drafted and the WAs currently in place will serve as a reference.</p> <p>In addition, the MB was informed that the application of the NRA of Georgia (ComCom) had currently been put on hold. The assessment will be finalised once the revision of the Association Agreement and its relevant Annex is adopted (as was the case for Moldova in October 2023). The draft updated Annex covering electronic communications is still under discussion between the EC and the Georgian Government.</p>
Conclusion	To MB approved the documents for publication.

8. AOB

8.1 Information on the 60th MB Plenary Meeting (4 October 2024, Budapest, Hungary)

Document(s)	No documents
Introduction by	<p>Representative of the host NRA (NMHH)</p> <p>Ervin Kajzinger (kajzinger.ervin@nmhh.hu)</p>
Information presented	<p>The Representative of the host NRA provided information on the 60th Plenary Meetings that will take place on 3-4 October 2024 in Hungary.</p> <p>In addition, he informed Meeting participants that a High-level conference of the Hungarian EU Presidency on “Changing the Rulebook of European Electronic Communications” will be held on 2 October in Budapest, and invited BoR members to take participation.</p>

Conclusion	The MB took note of the information.
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