

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

Hosted by the [Regulatory Agency for Electronic Communications and Postal Services \(RATEL\)](#).

# **Conclusions**

**Chairperson: Dan Sjöblom**

Director-General

[Swedish Post and Telecom Authority \(PTS\)](#)

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## Main Results of the 42<sup>nd</sup> BEREC Office MB Meeting

The BEREC Office Management Board held its 42<sup>nd</sup> Ordinary Plenary Meeting on 6 March 2020 in Belgrade, Serbia.

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

### 1. Documents approved as 'A' items:

#### For information:

- MB (20) 22 Transfers by the Director of the BEREC Office in the BEREC Office Budget in the period October-December 2019
- MB (20) 23 BEREC Office Report on implementation of the budget and on budgetary and financial management 2019.

#### For publication:

- MB (20) 19 Decision of the Management Board of the Agency for support for BEREC on the Anti-Fraud Strategy 2020-2022
- MB (20) 20 Decision of the Management Board of the Agency for support for BEREC concerning the secondment to the BEREC Office of national experts and national experts in professional training.

### 2. Documents submitted as regular items for publication:

- MB (20) 18 MB Agenda
- MB (20) 24 Decision of the Management Board of the Agency for support for BEREC on the appointment of the ENG Co-Chairs
- MB (20) 27 Decision of the Management Board of the Agency for Support for BEREC on financing the acquisition of historical data sets for the calculation of certain parameters underlying the weighted average cost of capital (WACC)
- MB (20) 28 Decision of the Management Board of the Agency for Support for BEREC on financing the acquisition of financial software for the calculation of additional financial parameters underlying the weighted average cost of capital (WACC).

### 3. Documents submitted to the European Commission for ex ante agreement:

- MB (20) 21 Decision of the Management Board of the Agency for support for BEREC concerning the appraisal of the Director and repealing Decision MC (10) 26 concerning the appraisal for the administrative manager.

### 4. Documents submitted for information:

- MB (20) 26 Report on the progress of the joint project of the BEREC Office and the Government of the Republic of Latvia on the new Headquarters Agreement
- MB (20) 25 Conclusions from the 1st BAG meeting 2020.

### 5. Other topics discussed:

The Management Board of the BEREC Office was updated on the recent activities of BAG and on the progress of negotiations on the new BEREC Office Headquarters Agreement.

### 4. Next Meeting

The next Ordinary Plenary Meeting of the MB will take place on **11-12 June 2020 in Helsinki, Finland** and will be hosted by [the Finish Transport and Communications Agency](#) (TRAFICOM).

### Introduction and participation

The BEREC Office MB held its 42<sup>nd</sup> Ordinary Plenary Meeting on 6 March 2020 in Belgrade, Serbia. The Meeting was hosted by the Regulatory Agency for Electronic Communications and Postal Services (RATEL).

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 discussed by the meeting is presented in Annex to the Conclusions in compliance with the BEREC Regulation and the MB transparency rules.

### 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) 18 Draft MB Agenda
<b>Introduction by</b>	MB Chairperson (PTS)
<b>Information presented</b>	<p>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).</p> <p>It was recorded that ANACOM provided proxy to CNMC to represent it and vote on its behalf during the MB Plenary Meeting.</p> <p>It was recorded that AGCOM provided proxy to NMHHTo represent it and vote on its behalf during the MB Plenary Meeting.</p> <p>It was recorded that MCA provided proxy to UKE to represent it and vote on its behalf during the MB Plenary Meeting.</p>
<b>Conclusions</b>	The MB adopted the agenda.

#### 2. List of ‘A’ items

<b>Document(s)</b>	<p><u>Approval for publication:</u></p> <p>MB (20) 19 Draft Decision of the Management Board of the Agency for support for BEREC on the Anti-Fraud Strategy 2020-2022;</p> <p>MB (20) 20 Draft Decision of the Management Board of the Agency for support for BEREC concerning the secondment to the BEREC Office of national experts and national experts in professional training.</p>
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	<p><u>Documents submitted alongside 'A' items for information only:</u></p> <p>MB (20) 22 Transfers by the Director of the BEREC Office in the BEREC Office Budget in the period October-December 2019;</p> <p>MB (20) 23 BEREC Office Report on implementation of the budget and on budgetary and financial management 2019.</p>
<b>Introduction by</b>	MB Chairperson (PTS)
<b>Information presented</b>	<p>The MB Chairperson presented the list of 'A' items, as set out above. The list of 'A' items had been drawn up on the basis of the BEREC Office Advisory Group (BAG) and Contact Network (CN) comments. The MB Chairperson also drew the Meeting's attention to the information documents provided by the BEREC Office. These documents were submitted alongside the 'A' items for information purposes alone and did not require any action from the MB.</p> <p>The Chairperson drew the Meeting's attention to the fact that once the new rules for the secondment of national experts to the BEREC Office were in force, the call for Seconded National Experts (SNEs) would also be open to applicants from countries of participating NRAs and the next call for SNEs to fill in three places in 2020 will be opened only to the NRAs of the West Balkan (WB) countries, in accordance with the Single Programming Document.</p>
<b>Conclusions</b>	The MB approved the documents included in the list of 'A' items and took note of the documents submitted alongside the 'A' items.

### 3. Appointment of the ENG Co-Chairs

<b>Document(s)</b>	MB (20) 24 Draft Decision of the Management Board of the Agency for support for BEREC on the appointment of the ENG Co-Chairs
<b>Introduction by</b>	MB Chairperson (PTS)
<b>Information presented</b>	<p>The Management Board Chairperson recalled that the MB may decide to create Expert Networking Groups (ENGs) to deliver expertise on specific matters requested by the BEREC Office.</p> <p>Following the approval of the Single Programming Document of the Activities of the Agency for Support for BEREC for the period 2020-2022, the MB decided to establish the following ENGs:</p> <ul style="list-style-type: none"> <li>• one ENG of ICT experts (for 2 years)</li> <li>• one ENG of communications experts (for 1 year)</li> <li>• one ENG on sustainability (for 2 years).</li> </ul> <p>The call for interest for the position of Co-Chair of these Expert Networking Groups was launched on 20 December 2019. The BEREC Office and the MB Chairperson received 6 applications: 2 for the ENG of ICT experts; 3 for the ENG of communications experts and 1 for the ENG on sustainability.</p> <p>As there was only one candidate for the position of Co-Chair of the ENG on sustainability, a second call for interest for this position was launched on 18 February 2020, with a deadline of 3 March 2020.</p> <p>In accordance with Article 2.7 of the RoP on the operation of ENGs, the Chairperson, Deputy Chairpersons of the MB and the Director of the BEREC Office jointly performed the assessment of each candidate for the first two ENGs and recommended the suitable candidates to the MB.</p>

	<p>After the assessment of each candidate, the Chairperson, Deputy Chairpersons of the MB, and the Director of the BEREC Office recommended to:</p> <ul style="list-style-type: none"> <li>• accept both candidates for the ICT ENG Co-chair positions received from AGCOM and the BEREC Office;</li> <li>• accept candidates for the Communications ENG Co-chair positions received from BIPT and MCA on the basis of the principle “to ensure maximum participation of NRAs” as Co-chairs;</li> <li>• following the second call for candidature, accept the candidature for the Sustainability ENG co-chair position received from the BEREC Office and Arcep.</li> </ul>
<b>Conclusions</b>	The MB approved the decision for publication.

#### 4. Recent activities of the BEREC Office Advisory Group

<b>Document(s)</b>	<p>MB (20) 25 Conclusions from the 1<sup>st</sup> BAG meeting 2020</p> <p>MB (20) 21 Draft Decision of the Management Board of the Agency for support for BEREC concerning the appraisal of the Director and repealing Decision MC (10) 26 concerning the appraisal for the administrative manager</p> <p>MB (20) 27 Draft Decision of the Management Board of the Agency for Support for BEREC on financing the acquisition of historical data sets for the calculation of certain parameters underlying the weighted average cost of capital (WACC)</p> <p>MB (20) 28 Draft Decision of the Management Board of the Agency for Support for BEREC on financing the acquisition of financial software for the calculation of additional financial parameters underlying the weighted average cost of capital (WACC)</p>
<b>Introduction by</b>	BAG Chair (BNetzA)
<b>Information presented</b>	The BAG Chair reported to the MB on the recent BAG activities. She briefly presented the documents discussed by the BAG during its last meeting held on 30 January 2020 and the changes proposed by BAG following the meeting.
<b>Conclusions</b>	<p>The MB took note of the information.</p> <p>The MB approved the draft Decision concerning the appraisal of the Director and repealing MC (10) 26 Decision concerning the appraisal for the administrative manager for submission to the European Commission for ex ante agreement. The final decision will be approved by the MB after acquiring the agreement of the European Commission.</p> <p>The MB approved for publication the draft Decisions on financing the acquisition of historical data sets for the calculation of certain parameters underlying the weighted average cost of capital (WACC) and the acquisition of financial software for the calculation of additional financial parameters.</p>

## 5. Report on the progress of negotiations on the new Headquarters Agreement

<b>Document(s)</b>	MB (20) 26 Report on the progress of the joint project of the BEREC Office and the Government of the Republic of Latvia on the new Headquarters Agreement
<b>Introduction by</b>	BEREC Office Director
<b>Information presented</b>	<p>In accordance with Article 47(1) of Regulation (EU) 2018/1971, the Headquarters Agreement should lay down the arrangements concerning the premises to be provided for the BEREC Office in Latvia and the facilities to be made available by Latvia, as well as the specific rules applicable in Latvia to the Director, the members of the Management Board, the BEREC Office staff and their family members.</p> <p>On 28 March 2019, the MB agreed to authorise the BEREC Office Director to engage in a joint project with the Government of the Republic of Latvia for a Headquarters Agreement to ensure the smooth and efficient functioning of the BEREC Office in the interest of the EU and in compliance with the rules applicable to the Agency.</p> <p>The BEREC Office Director was entrusted with the mandate to address the following non-exclusive list of items: healthy and safe working conditions, security, working space, access to the Agency premises, VAT exemption, access to public services for staff, European-oriented schooling and recognition of the EU Joint Sickness and Insurance Scheme.</p> <p>The kick-off meeting between the BEREC Office and the Government of the Republic of Latvia took place on 09 January at the BEREC Office premises. Since then, several other meetings were held and substantial progress was made on some of the items mentioned above.</p> <p>The BEREC Office Director reported on the state of play and progress in the negotiations on the new Headquarters Agreement. He focused on the proposals for the BEREC Office premises offered by the Latvian authorities (out of several offers, the BEREC Office has shortlisted three options for further consideration), the status of the agency and its staff (he reported good progress), and on additional items, i.e. possible initiatives and actions to support Latvia in its ambitions, hosting the Agency for Support for BEREC, and to increase the visibility of BEREC and the BEREC Office in Latvia (a list of possible actions to be included in an annex to the HQ Agreement, which could be revised annually).</p>
<b>Conclusions</b>	The MB took note of the information.

## 6. AOB

### 6.1. Information on the 43<sup>rd</sup> MB Ordinary Meeting (10-12 June, Helsinki, Finland)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Representative of the Meeting host (TRAFICOM)
<b>Information presented</b>	The representative of the Meeting host, TRAFICOM, provided information on the logistics for the Meeting.
<b>Conclusions</b>	The MB took note of the information.