



SUMMARY OF CONCLUSIONS

Management Board

Date: 10 September 2012
Time: 11:00 – 18:30h
Location: Paris
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No	Items		
1.	Adoption of agenda	<i>MB/51</i>	<i>decision</i>
	Decision: The agenda was adopted.		
2.	Summary of conclusions of June meeting & July conference call	<i>MB/49</i> <i>MB/50</i>	<i>decision</i>
	Decision: The summaries of conclusions were approved.		
3.	Report by Chair and Executive Director	<i>Oral</i>	<i>information</i>

The Chair reported on:

- the need to replace Gérard Rameix as a Board of Appeal's alternate as his appointment as president of the AMF makes him ineligible for the position; the Chair proposed to contact the other short-listed candidates first and submit a list to the Management Board members for a vote;
- The absence of candidates following the second call for the Mediation Panel. The Chair proposed to the Management Board that the Mediation panel (2 members, 4 alternates) is composed of Management Board members. If the Management Board agrees, this would then be proposed to the Board of Supervisors;
- the recent activities of the SMSG;
- the visit to ESMA in July from the International Monetary Fund (IMF) for its first EU-wide Financial Sector Assessment Program (FSAP);

- the upcoming ESRB meetings;
- the recent activities of the Joint Committee;
- the upcoming EFC and informal ECOFIN meetings;
- the meeting with Commissioner Barnier, focusing on Banking Union, reference rates and EMIR; and
- the Commission proposal on auditing and its possible impact on ESMA.

The Executive Director reported on:

- the activities of the CRA Unit, in particular the first thematic reviews and internal control functions inspections, a registration procedure to be approved by the Board of Supervisors by written procedure and work on the regulatory perimeter. Regarding the latter, it was asked by the Board what the powers are of ESMA on companies that operate without a licence. The Executive Director indicated that she would provide a response in the following days to the Management Board.
- the work on the premises, noting a meeting with the MEP Ms Hohlmeier, the negotiations with the landlord and the alterations works preparation; and
- the continuing work from ESMA staff on development of crisis management scenarios, for example preparing for the application of the SSR as of 1 November by preparing procedures and templates for emergency powers to have in place before entry into force of the new powers.

Decision: The Board approved the proposals on the Board of Appeal and the Mediation Panel.

4. Work programme 2013

MB/52

Decision

The Executive Director presented the proposal for the 2013 work programme and the 2013-2015 Multi Annual Work Programme. She indicated that both documents will then be presented to the Board of Supervisors for approval. She also proposed to amend item 69 of the document to include the involvement of the Commodity Task force in MIFID 2/ MIFIR work.

The Board discussed the proposal, in particular the following items :

- the possibility to follow up and do an independent evaluation of the progress on the work programme by an internal auditor;
- listing further up on the page the supervisory coordination on page 15 of the document; and
- the revision of the work programme by Standing Committees. In this respect, the Executive Director indicated that the summer break created some timing issues, but that as of today all Standing Committees or at least Chairs of Standing Committees have reviewed the relevant part

of the work programme.

Conclusion: The Board approved the documents with the amendments on the commodity derivatives task force and the move of the supervisory coordination point further up in the list.

5. Contributions 2012 *MB/53* *Decision*

The Executive Director indicated that the expected spending rate for ESMA is planned to be 85-90% in 2012. Therefore, the report proposes to call for 90% of NCAs contributions this year. The Executive Director indicated that there are discussions with the Commission on their contributions and ESMA will propose the same approach for requesting Union funds (i.e. 90%).

The Chair and the Head of Operations indicated that the under spending this year is due to late recruitments, which is an item to watch for the coming year.

Decision: The Board approved the proposal.

6. Finance decision: HFT project *MB/54* *Decision*
+ Annex

The Executive Director presented the financing decision, following a decision from the Board of Supervisors to prioritise the project on High Frequency Trading.

The Board discussed the proposal and the management of confidentiality of data; the Executive Director indicated she would come back in writing on this aspect on the following days.

Decision: The financing decision was adopted.

7. Progress report Q2 2012 *MB/55* *Information*

The Executive Director updated the Board on ESMA's activities in the 2nd quarter of 2012.

The Board discussed the report, in particular;

- the report on the work programme should allow reconciliation with the Work Programme;
- the need for the IT planning to reflect the activities for the next 12 months; and
- the planning of activities on AIFMD and EMIR. On these two items, the Head of Operations explained that: 1. for AIFMD, the legal text was approved only in September and the team was still defining what was to be done before planning the work; 2. on EMIR, the Standing Committee decided to put the project on hold for the coming year.

Conclusion: It was agreed to improve the coming reporting in line with the above.

8. Budget transfers *MB/56* *Information*

Conclusion: The Board noted the budget transfers.

9. Mission Charter of the Internal Audit Service of the Euro-



European Commission

- Cover note *MB/57* *Decision*
- Note on the role of the Commission's Internal Audit Service in ESMA *Annex 1* *Information*
- Mission charter of the Internal Audit Service (IAS) of the European Commission *Annex 2* *Information*

Decision: The Board approved the proposal.

10. Report on canteen costs *MB/58* *Information*

Following the request from the Management Board, the Executive Director presented a note on the canteen costs for information.

The Board discussed several issues around these costs, in particular the tax implications, how the costs are booked in the accounts and the level of the subsidy to staff.

The Executive Director indicated that the current situation is the French practice. The Board noted that practices amongst Europe differ heavily in this area.

Conclusion: The Board noted the information.

11. Future meetings *Information*

Conclusion: The Board noted the dates of the future meetings.

Steven Maijoor
Chair



Participants list

	Members	Advisers
ESMA	Steven Maijoor (Chair)	
DE	Hannelore Lausch	Philipp Sudeck
EE	Raul Malmstein	
LU	Jean Guill	
AT	Kurt Pribil	Andrea Kuras-Goldmann
UK	Martin Wheatley	Cristina Frazer

European Commission	Emil Paulis
Vice-Chair	Carlos Tavares
Executive Director	Verena Ross
Head of Operations	Nicolas Vasse