

SUMMARY OF CONCLUSIONS

Management Board

Date: Wednesday 7 July 2021
Time: 09h00 – 13h00
Location: Conference call meeting
Contact: Frederiek.Vermeulen@esma.europa.eu Tel: +33 1 58 36 43 37

1. Adoption of agenda Decision

The Interim Chair warmly welcomed Natasha Cazenave, who joined ESMA on 1 June 2021 as Executive Director, to her first Management Board meeting.

Decision: The agenda was adopted.

2. Confirmation of absence of conflict of interests Decision

Decision: The Board endorsed the Interim Chair's statement not to have received any indication by a Board Member of any interest which might be considered prejudicial to her/his independence in relation to any items on the agenda.

3. Report by ESMA Interim Chair, Executive Director and CCP Supervisory Committee Chair Oral Discussion

The Interim Chair reported on the ongoing senior management transition, in particular the absence of news on the status of the ESMA Chair appointment process and her letter sent to the President of the Council on Economic and Financial Affairs (ECOFIN) in this regard.

The Executive Director reported on the continued impact of COVID-19 on ESMA's activities, in particular that teleworking remains the rule for ESMA staff until September after which, subject to the evolution of the situation and guidance from the relevant authorities, ESMA staff will be working at least one day a week from the office.

4. Activity Report

- 1) Cover note Discussion
- 2) Presentation Discussion

The Executive Director and the Head of Governance and External Affairs Department presented the activity report.

The Board discussed the activity report, in particular the onboarding of new ESMA Staff Members to fulfil ESMA's mandates and the ongoing recruitment, in particular how to attract specialised profiles.

Conclusion: The Board discussed the activity report.

5. 2022 Annual Work Programme

1) Presentation	Discussion
2) Cover note	Discussion
3) 2022 Annual Work Programme	Discussion

The Head of the Governance and External Affairs Department presented the new structure for the 2022 Annual Work Programme.

The Board discussed the 2022 Annual Work Programme, in particular:

- The proposed changes to the way ESMA presents its activities;
- How to best reflect ESMA's risk analysis activities; and
- How to present the allocation of resource per activity in line with the new structure.

The representative of the European Commission indicated that the European Commission's Opinion on ESMA's 2022-2024 Programming Document will be submitted shortly to ESMA and is expected to contain elements which would also be relevant for the 2022 Annual Work Programme.

Conclusion: The Board discussed the 2022 Annual Work Programme and agreed with the proposed new structure.

4) Risk assessment	Discussion
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The Executive Director presented the risk assessment.

The Board discussed the risk assessment, in particular the:

- Importance of ESMA's role where data is concerned, and the corresponding importance of IT security;
- Risks to ESMA's reputation caused by the continued resource constraints experienced by the new CCP Directorate and other new areas, which may trigger delays in the delivery of ESMA's mandates; and
- Perspectives on the stability of financial markets and on investor protection.

Conclusion: The Board discussed the risk assessment and agreed with the identification of the key risks and the action points proposed.

6. Peer Review Work Plan

1) Presentation	Discussion
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| 2) Cover note | Discussion |
| 3) Peer Review Work Plan 2022-2023 | Discussion |

The Team Leader Supervisory Convergence presented the peer review work plan for 2022-2023.

The Board discussed the peer review work plan, in particular:

- The number of discretionary peer reviews to plan for 2022 and 2023 and ESMA's activities in relation to digital operational resilience;
- The identification of topic(s) to cover on the basis of a risk-based approach and the supervisory convergence heatmap,
- The importance of maintaining a historical record of the National Competent Authorities (NCAs) included in the scope of peer reviews; and
- Whether the peer review on market data should be delayed in light of the upcoming entry into application of the relevant ESMA Guidelines.

Conclusion: The Board discussed the peer review work plan for 2022-2023 and agreed, for 2023, to conduct one discretionary peer review on delegations in addition to the mandatory peer reviews. It was agreed that ESMA staff will share a historical overview of NCAs covered by peer reviews.

7. Forward Plan of the Board of Supervisors

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| 1) Presentation | Discussion |
| 2) Forward Plan | Discussion |

The Interim Chair presented the forward plan.

The Board discussed the forward plan, in particular the categories of items presented to the Board of Supervisors that are automatically also put forward for the Management Board's consideration.

Conclusion: The Board discussed the forward plan of the Board of Supervisors.

8. Mandate of the Peer Review on CSD supervision

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| 1) Presentation | Discussion |
| 2) Cover note | Discussion |
| 3) Mandate | Discussion |

The Chair of the Peer Review Committee presented the mandate of the peer review on the supervision of central securities depositories.

The Board discussed the mandate, in particular the:

- Criteria used for the selection of NCAs subject to the peer review and to be on-site visited; and
- Scope and focus of the peer review.

Conclusion: The Board discussed the mandate on the peer review on the supervision of central securities depositories and expressed support for taking a risk-based approach. The mandate will be presented to the Board of Supervisors for adoption by written procedure.

9. Appointment of Board of Appeal Members

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| 1) Presentation | Information |
| 2) Note | Information |

The Head of the Governance and External Affairs presented the note on the process for the appointment of Board of Appeal members.

The Board discussed the note, including the European Parliament's role in the appointment process.

Conclusion: The Board took note of the note on the appointment of Board of Appeal Members.

10. ESMA / UK FCA cooperation on IT systems

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| 1) Presentation | Discussion |
| 2) Note | Discussion |

The Head of Unit Information and Communication Technologies presented the note on ESMA/UK FCA cooperation on IT systems.

The Board discussed the note, in particular the:

- Objective the proposed cooperation on data reporting; and
- Envisaged direction(s) for the flow of information.

Conclusion: The Board discussed the note on ESMA/UK FCA cooperation on IT systems and endorsed the suggested way forward.

11. Activity-Based costing and fee management – 2020 report

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| 1) Cover note | Information |
| 2) Report | Information |

Conclusion: The Board took note of the 2020 report on activity-based costing and fee management.

12. IT implications of Regulation on Cross-Border Distribution of Investment Funds

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| 1) Note | Information |
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Conclusion: The Board took note of the note on the IT implications of the Regulation on the cross-border distribution of funds.

13. A.O.B.



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Participants list

	Members
ESMA	Anneli Tuominen (Interim Chair)
CZ	Vojtech Belling
IE	Derville Rowland Colm Kincaid (alternate)
EL	Vassiliki Lazarakou
FR	Robert Ophèle
PL	Agata Gawin (alternate)
SE	Malin Omberg (alternate)

Non-voting Members

Executive Director	Natasha Cazenave
European Commission	Anne Schaedle (alternate)

ESMA

Summary of Conclusions	Frederiek Vermeulen Laura Weil
Chair of the CCP Supervisory Committee	Klaus Löber
Head of Governance and External Affairs Department	Roxana de Carvalho

Head of Unit Information and Communication Technologies	Alexandru Dincov
Team Leader Supervisory Convergence	Dora Blanchet
Chair of the Central Securities Depositories (CSD) Supervision Peer Review Committee	Fabrizio Planta

For the Management Board,

Done at Paris on 10 September 2021

Anneli Tuominen

Interim Chair