

## AGENDA

### Management Board

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**Date:** 17 September 2020  
**Time:** 09h00 – 13h00  
**Location:** Conference call meeting  
**Contact:** [Frederiek.Vermeulen@esma.europa.eu](mailto:Frederiek.Vermeulen@esma.europa.eu) Tel: +33 1 58 36 43 37

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**1. Adoption of agenda** Decision

**Decision:** The agenda was adopted.

**2. Confirmation of absence of conflict of interests** Decision

**Decision:** The Board took note of the declaration by the ESMA Chair and the Executive Director to have a conflict of interest when the Board will be discussing the implementation of the EU Ombudsman recommendations regarding conflict of interest rules applicable to leaving Staff Members. The session will be chaired by the vice-Chair and the ESMA Chair and Executive Director will abstain from taking part in the discussion and the decision on the item.

**3. Report by Chair and Executive Director** Discussion

The Chair reported on the establishment of the CCP Supervisory Committee, in particular on the adoption of the shortlists by the European Parliament as submitted by ESMA.

The Executive Director reported on ESMA's activities following the increased cyber-attacks targeting EU Institutions and bodies.

**4. EU Ombudsman Recommendations regarding Conflict of Interest Rules Applicable to Leaving Staff Members**

1) Issues note Discussion

This item was chaired by the vice-Chair.

The Head of Legal and Enforcement Department presented the note on the EU Ombudsman recommendations.

The Board discussed the note, in particular:

- Whether the existing framework should be supplemented by additional criteria supporting a case-by-case assessment;
- The rules applicable to ESMA senior management and those applicable to the Members of ESMA's governance bodies;
- The definition of 'senior management'; and
- The need for close co-operation between the European Supervisory Authorities (ESA) and the Single Supervisory Mechanism (SSM) on the topic whilst highlighting ESMA's direct supervisory powers.

**Conclusion:** The Board discussed the note which will also be discussed by the Board of Supervisors.

## 5. Recruitment and Appointment process ESMA Chair and ED

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| 1) Oral report | Discussion |
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The ESMA Chair and Executive Director left the meeting for item 5, which was chaired by the ESMA vice-Chair.

The vice-Chair updated the Board on the ongoing activities in relation to the recruitment of the next ESMA Chair and Executive Director, in particular the launch of the vacancy notice for the Executive Director position.

**Conclusion:** The Board took note of the oral report.

## 6. Data Reporting Services Providers Project Update

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| 1) Presentation | Discussion |
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The Market Data Policy Team Leader presented the update on the data reporting services providers project.

The Board discussed the update, in particular the

- Different possible set-ups for transaction data provision by competent authorities to ESMA and whether ESMA needs to receive all transaction report data received by competent authorities, including rejected data;
- Importance of providing stakeholders with information regarding the legal provisions pertaining to data submission from competent authorities to ESMA.

**Conclusion:** The Board took note of the update which will be discussed with the Board of Supervisors.

## 7. 2021 Annual work programme

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| 1) Cover Note                 | Discussion |
| 2) 2021 Annual Work Programme | Decision   |

The Head of Governance and External Affairs Department presented the 2021 Annual Work Programme.

The Board discussed the work programme, in particular

- The need to highlight the impact of the ongoing discussion on the United Kingdom’s withdrawal from the Union on ESMA’s work programme;
- The resources earmarked for the potential follow-up to the fast-track peer review on the application of the Guidelines on Enforcement of Financial Information in the case of Wirecard; and
- The proposed number of Contract Agents and Seconded National Experts (SNEs).

**Decision:** The Board agreed to present the 2021 work programme to the Board of Supervisors for adoption. The Board agreed with the proposed number of Contract Agents and SNEs.

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| 3) | 2021 Risk Assessment | Information |
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**Conclusion:** The Board took note of the 2021 risk assessment.

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| 4) | European Commission Opinion on ESMA’s 2021-2023 Programming Document | Information |
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**Conclusion:** The Board took note of the European Commission’s opinion on ESMA’s 2021-2023 programming document.

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| 5) | SMSG advice on ESMA’s draft 2021 annual work programme | Information |
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**Conclusion:** The Board took note of SMSG’s advice on the draft annual work programme.

## 8. Impact of COVID-19 on budget 2020 and updates on budget 2021

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| 1) | Cover Note | Decision |
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**Conclusion:** The Executive Director presented the cover note and the accompanying papers.

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| 2) | 2020 Budget amendment n3 – Revenue | Decision |
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**Decision:** The Board adopted the budget amendment.

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| 3) | 2020 Budget amendment n3 – Expenditure | Decision |
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**Decision:** The Board adopted the budget amendment.

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| 4) | 2020 Budget amendment n3 – NCAs contribution (including UK) | Decision |
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**Decision:** The Board adopted the budget amendment.

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| 5) | Projected amounts for the 2021 NCA contributions (with UK reallocation) | Information |
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**Conclusion:** The Board took note of the projected amounts for the 2021 NCA contributions.

6) Legislative Financial Statement of the regulation for ECSP

Information

**Conclusion:** The Board took note of the Legislative Financial Statement for the regulation for European Crowd-funding service Providers.

## 9. IT Implementation Report 2019

1) Cover Note

Information

2) Report

Discussion

The Head of Information and Communication Technology Unit presented the IT implementation report.

The Board discussed the report, in particular

- ESMA's public cloud migration; and
- The increased focus on cyber security.

**Conclusion:** The Board took note of the report.

## 10. A.O.B.

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## Participants list

	<b>Members</b>
ESMA	Steven Maijoor (Chair)
DE	Elisabeth Roegele
IE	Colm Kincaid (alternate)
ES	Ana Martínez-Pina García (alternate)
FR	Benoit de Juvigny (alternate)
PT	Gabriela Figuerido Dias
SE	Erik Thedeen

## Non-voting Members

Executive Director	Verena Ross
European Commission	Jorge Revilla Garcia

## Observer

Vice-Chair	Anneli Tuominen
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## ESMA

Summary of Conclusions	Frederiek Vermeulen
Head of Governance and External Affairs	Roxana de Carvalho

Head of Legal and Enforcement Department	Sophie Vuarlot-Dignac
Head of Information and Communication Technologies Unit	Alexandru Dincov
Team Leader Market Data Policy	Olga Petrenko

For the Management Board,

Done at Paris on 2 November 2020

Steven Maijoor  
ESMA Chair