

29th Ordinary Plenary Meeting of the BEREC Office Management Committee (MC)

Hosted by the German Federal Network Agency (BNetzA)

Conclusions

Chair: **Wilhelm Eschweiler**
Vice-President of
Bundesnetzagentur (BNetzA)

9 December 2016

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Annex - List of final documents approved by the 29th MC ordinary plenary meeting for publication in compliance with the BEREC Regulation and the MC transparency rules

Main Results of the 29th BEREC Office MC Meeting

The BEREC Office Management Committee held its 29th ordinary plenary meeting on 8 and 9 December 2016 in Berlin.

During the meeting the MC discussed and agreed on the following:

1. Documents approved for publication:

The BEREC Office MC discussed all issues related to the functioning of the BEREC Office and approved the following documents for publication:

- [MC Decision on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;](#)
- [Final budget and establishment plan of the BEREC Office for 2017](#)
- [Annual and Multi-annual Programming of the BEREC Office Activities 2017-2019](#)
- [MC Decision on the adoption of the up-dated Annual and Multi-annual Programming of the BEREC Office Activities for the period 2017-2019](#)

2. Documents submitted to the MC for information and discussion

The MC took note of the information provided in the following documents:

- BEREC Office Report on operation and budget execution in the period January – September 2016;
- Explanatory Note on the transfers in the BEREC Office budget carried out by the Administrative Manager in the period July – September 2016;
- Draft discussion paper on the BEREC Office annual and multi-annual programming document for the period 2018-2020

The MC was briefed on the following subjects:

- recent activities of the BEREC Office Advisory Group (BAG);

3. Next meeting

The next MC meeting will take place on **24 February 2016 in Paris (France)** and will be hosted by the French NRA (ARCEP).

Introduction and participation

The BEREC Office MC held its 29th ordinary plenary meeting on 8 and 9 December 2016 in Berlin, Germany. The meeting was hosted by the German Federal Network Agency (BNetzA).

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 the Commission. Heads and high-level representatives of the NRAs from the EFTA States and the candidate countries for EU accession also took part in the meeting.

List of documents

The list of final documents approved by the meeting for publication in compliance with the BEREC Regulation and the MC transparency rules is included in Annex IV of the Conclusions.

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 MC under each agenda item is presented below.

1. Opening of the meeting and adoption of the agenda

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| Document(s) | MC (16) 128 Draft MC Agenda |
| Introduction by | BEREC Chair (BNetzA) |
| Information presented | <p>The BEREC Chair presented the draft agenda for approval by the MC. The MC members and observers were invited to suggest any additional issues to be raised or presented under 'Any other business' (AOB).</p> <p>The BEREC Chair welcomed Mr Dimitris Tsamakis, President of the Hellenic Telecommunications and Post Commission (EETT), who participated in a plenary meeting for the first time.</p> <p>A representative of the meeting host (BNetzA) presented information on the logistics of the meeting and the social event.</p> |
| Conclusions | The draft agenda was approved without changes. |

2. Elections of Chair 2018 and Vice-Chairs for 2017

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| Document(s) | No documents |
| Introduction by | BEREC Chair (BNetzA) Wilhelm Eschweiler |
| Information presented | <p>The BEREC Chair informed the meeting about the election procedures and explained how the process would be organised.</p> <p>The BEREC Office received 1 application for the post of BEREC Chair 2018, submitted by the Managing Director of RTR – Mr Johannes Gungl. According to the RoP, in the event of a single application the candidate</p> |

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| | <p>shall be elected provided that he receives the support of a 2/3 majority of all members.</p> <p>The elected Chair 2018 and the Outgoing Chair 2016 must serve one year as Vice-Chairs in 2017.</p> <p>According to the RoP the MC may decide to elect additional Vice-Chairs for 1 year. The BEREC Chair reminded the meeting that he had suggested the election of 2 additional Vice-chairs. There were three candidates applying for the two position of Vice-chairs 2017:</p> <ul style="list-style-type: none"> - Mrs Alejandra de Iturriaga Gandini, Director of Telecommunications and Audiovisual Sector (CNMC); - Dr Veselin Bozhkov, Chairman of the Bulgarian Communications Regulation Commission (CRC), - Mr Stephen Unger, Board Member of the Office of Communications (Ofcom). <p>In the first vote for the position of BEREC Chair 2018 and Vice-Chair 2017 the Managing Director of RTR – Mr Johannes Gungl was elected unanimously.</p> <p>In the vote for the position of first Vice-Chair 2017 there were 3 voting rounds. In the third round Mrs Alejandra de Iturriaga Gandini, Director of Telecommunications and Audiovisual Sector (CNMC) was elected for the position.</p> <p>In the vote for the position of second Vice-Chair 2017 two remaining candidates were competing and in the second voting round Mr Stephen Unger, Board Member of the Office of Communications (Ofcom) was elected for the position of second Vice-Chair 2017.</p> |
| Conclusions | <p>The final outcome of the election process:</p> <ul style="list-style-type: none"> - BEREC Chair 2018 and Vice-Chair 2017 - Mr Johannes Gungl (RTR), Austria; - BEREC Vice-Chair 2017 - Mrs Alejandra de Iturriaga Gandini (CNMC) Spain; - BEREC Vice-Chair 2017 - Mr Stephen Unger (OFCOM) United Kingdom. |

3. List of the 'A' items

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| Document(s) | <p><u>Approval for publication:</u></p> <p>MC (16) 129 Draft MC Decision on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment</p> |
| Introduction by | BEREC Chair (BNetzA) |
| Information presented | <p>The BEREC Chair presented the "A" item mentioned above on the basis of the conclusions of the CN, according to which discussion at the MC should be unnecessary. The BEREC Chair informed the MC members that, if needed, they still can make statements for the minutes.</p> |

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| Conclusions | The document was approved. |
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4. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) and of the BEREC Vice-Chair in his capacity of appointing authority

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| Document(s) | MC (16) 135 Report on the activities of the BAG and of BEREC Vice-chair as appointing authority for 2016 |
| Introduction by | BAG Chair and BEREC Vice-Chair (ARCEP) |
| Information presented | The Representative of the BEREC Vice-Chair (ARCEP) and the BAG Chair briefed the MC in relation to the recent BAG activities and of the activity of the BEREC Vice-Chair in his capacity of appointing authority for the BEREC Office staff. |
| Conclusions | The MC took note of the information. |

5. BEREC Office Final Budget for 2017 and Programming Document 2017-2019

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| Document(s) | MC (16) 130 Final budget and establishment plan of the BEREC Office for 2017 MC (16) 136 Draft Annual and Multiannual Programming of the BEREC Office Activities 2017-2019 MC (16) 137 Draft MC Decision on the adoption of the up-dated Annual and Multi-annual Programming of the BEREC Office Activities for the period 2017-2019 |
| Introduction by | BEREC Office Administrative Manager |
| Information presented | <p>– Final Budget and Establishment Plan for 2017</p> <p>On 28 January 2016 the MC approved the provisional draft BEREC Office budget for 2017 at chapter level for submission to the Commission and the Budgetary Authority [the Council and the European Parliament (EP)], which also contains the proposed amount of the subsidy from the EU Budget for the BEREC Office for 2017.</p> <p>The Budgetary Authority approved the General Budget of EU for 2016 on 1 December 2016 without any changes from the requested amount of the EU subsidy for the BEREC Office (i.e. without any change to the provisional draft budget adopted by the MC in January 2016).</p> <p>The final technical step of the budget preparation is the adoption of the final BEREC Office Budget 2017 at item level.</p> <p>The document was reviewed by the BAG.</p> <p>– Annual and Multi-annual Programming of the BEREC Office Activities 2017-2019</p> <p>In compliance with the provisions of Article 32 of the BEREC Office Financial Regulation, which entered into force on 1 January 2016, the BEREC Office has prepared for the first time a draft multi-annual programming document for the period 2017-2019 to ensure consistent</p> |

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| | <p>programming of its activities and resources (multi-annual budget and staff).</p> <p>The draft programming document was adopted by the Management Committee on 28 January 2016 and was sent to the Commission by the Administrative Manager on 29 January 2016.</p> <p>The Commission issued its Opinion on 8 August 2016 on the draft programming document of the BEREC Office for the period 2017-2019 where it has welcomed the BEREC Office's efforts to prepare this document. Furthermore, it considered that the document is overall in line in scope, objectives and tasks of the BEREC Office and that most of the preliminary comments provided already in January 2016 had been taken on board before the adoption of the document by the MC.</p> <p>Nevertheless, in the Opinion, the Commission invited the MC, with the assistance of the Administrative Manager, to amend and adopt the revised version of the programming document taking into account the Opinion.</p> <p>Taking into account the Commission Opinion, the MC, with the assistance of the Administrative Manager, was requested to adopt a revised version of the draft programming document. Consequently, all sections and annexes indicated in the Opinion were amended accordingly in order to be in line with the comments and recommendations issued.</p> |
| Conclusions | The documents were approved for publication and implementation, and submission to the EU institutions. |

6. BEREC Office operations 2016

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| Document(s) | <p>MC (16) 131 BEREC Office Report on operation and budget execution in the period January – September 2016</p> <p>MC (16) 132 Explanatory Note on the transfers in the BEREC Office budget carried out by the Administrative Manager in the period July – September 2016</p> |
| Introduction by | BEREC Office Administrative Manager |
| Information presented | <p>- BEREC Office Report on budget execution in July-September 2016</p> <p>In compliance with the request of the Management Committee made during the 10th MC plenary meeting (Vienna, 24 February 2012), the BEREC Office AM presented for the attention of the MC a regular report on the execution of the BEREC Office operation and budget. The execution of the Budget was presented by budget lines and contained additional information for each budget line about the amounts committed and paid, the budget available and the corresponding percentages of the budget line totals.</p> <p>The documents were submitted for information only and did not require any decision by the MC.</p> |

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| | <p style="text-align: center;">- Transfers by the Administrative Manager in the BEREC Office Budget 2016 in July-September 2016</p> <p>Article 27 of the Decision MC/2014/1 of the Management Committee of the Office of the Body of European Regulators for Electronic Communication on the financial regulation applicable to the BEREC Office in conformity with the framework Financial Regulation for the bodies referred to in Article 208 of Council Regulation (EU, Euratom) No 966/2012 on the Financial Regulation applicable to the general budget of the European Union (hereinafter referred to as “the BEREC Office Financial Regulation”) specifies that:</p> <ul style="list-style-type: none"> - The Administrative Manager may transfer appropriations from one chapter to another, from one article to another without limit and from one title to another up to a maximum of 10 % of the appropriations for the year shown on the line from which the transfer is made. - The Administrative Manager shall inform the Management Committee as soon as possible of all transfers made. <p>All the transfers were made within the responsibility limits of the Administrative Manager and were required to secure proper running of the BEREC Office and its operations.</p> |
| Conclusions | To take note of the information. |

7. BEREC Office Programming Document 2018-2020

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| Document(s) | MC (16) 133 Draft discussion paper on the BEREC Office annual and multi-annual programming document for the period 2018-2020 |
| Introduction by | BEREC Office Administrative Manager |
| Information presented | <p>To ensure consistent programming, the BEREC Office, as all other EU Agencies, have to draw up a programming document for at least a 3-years period, containing annual and multi-annual programming taking into account Commission guidelines. The timetable for the annual and multi-annual programming is aligned with the budgetary procedure to ensure the efficiency and consistency of all programming documents.</p> <p>The document has to be drafted in line with the guidelines set by the Commission, which were provided on 16 December 2014.</p> <p>The BEREC Office has to send the programming document to the Commission, the European Parliament (EP) and the Council of the EU not later than 31 January 2017 and due to this deadline which does not fit well with the schedule of plenary meetings, it has to be approved by the Management Committee (MC) by electronic voting procedure.</p> <p>Therefore, the Administrative Manager asked in his discussion paper the MC for guidance on the major elements of the SP document in terms of</p> |

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| | the strategic objectives and the resourcing of the BEREC Office for the programming period. |
| Conclusions | To follow the BEREC Office Management Committee guidelines on the draft Programming Documents of the BEREC Office for the period 2018-2020 as outlined in the discussion paper with a view to preparing the document for submission to the Commission, the European Parliament and the Council by 31 January 2017. |

8. AOB

- Information on the next MC plenary meeting (23-24 February 2017, Paris)

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| Document(s) | No documents |
| Introduction by | Representative of the meeting host (ARCEP) |
| Information presented | The representative of the meeting host, ARCEP provided information on the logistics of the meeting. |
| Conclusions | To take note of the information. |

Berlin, 9 December 2016

List of final documents approved by the 29th MC ordinary plenary meeting for publication in compliance with the BEREC Regulation and the MC transparency rules

| Document number | Document date | Document title/hyperlink to published version | Document author |
|------------------------|----------------------|---|------------------------|
| MC/2016/15 | 9 December 2016 | <u>MC Decision on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment</u> | BEREC Office MC |
| MC (16) 130 | 9 December 2016 | <u>Final budget and establishment plan of the BEREC Office for 2017</u> | BEREC Office MC |
| MC (16) 136 | 9 December 2016 | <u>Annual and Multiannual Programming of the BEREC Office Activities 2017-2019</u> | BEREC Office MC |
| MC/2016/16 | 9 December 2016 | <u>MC Decision on the adoption of the updated Annual and Multi-annual Programming of the BEREC Office Activities for the period 2017-2019</u> | BEREC Office MC |