



EUROPEAN
COMMISSION

BEREC Office
Date of registration:

10-08-2016

Ref. №

MC(16) 85

Brussels, 8.8.2016
C(2016) 5036 final

COMMISSION OPINION

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- (1) Under Article 9(3) of Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (hereafter 'BEREC Regulation'), the Administrative Manager shall assist the Management Committee with the preparation of the draft work programme of the Office (hereafter 'BEREC Office') for the following year, which must be adopted by the Management Committee by 30 September without pre-empting the final decisions on the subsidy taken by the budgetary authority.
- (2) This year, in conformity with the Framework Financial Regulation for decentralised agencies¹, and in particular Article 32, the Agency has drawn up a programming document containing strategic and resource multiannual and annual programming, including objectives, expected results and performance indicators and a detailed description of the activities and financial and human resource allocated to them for the year 2017.
- (3) Under Article 33(5) of the Framework Financial Regulation for decentralised agencies, the BEREC Office shall send to the Commission, the European Parliament and the Council the draft programming document no later than 31 January each year as well as any later updated version of this document.
- (4) On 28 January 2016, the Management Committee of the BEREC Office adopted the draft Annual and Multiannual Programming of the BEREC Office Activities 2017-2019² (hereafter 'draft programming document'), which was sent by the Administrative Manager of the BEREC Office to the Commission on 29 January 2016.
- (5) The Commission welcomes the BEREC Office's efforts to prepare for the first time a draft annual and multiannual programming document for the period 2017-2019, which takes into account Commission Communication of 16 December 2014 on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies³.
- (6) The Commission considers that the draft programming document is overall in line with the scope, objectives and tasks of the BEREC Office and welcomes the fact that most of the preliminary comments provided by the Commission services in January 2016 before the adoption of the draft programming document by the Management Committee have been taken on board.

¹ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council.

² MC/2016/05.

³ (C(2014) 9641.

- (7) The Commission would like to invite the BEREC Office to include a description of possible efficiency gains and negative priorities/decrease of existing tasks in section 3.2.2 "Human resources" of the draft programming document.
- (8) The Commission invites the BEREC Office to align the programming document to the levels of human and financial resources proposed by the Commission in the Draft Budget 2017, which was adopted on 30 June⁴. For the period 2018-2019 the figures in the Commission's communication on the programming of human and financial resources for decentralised agencies 2014-2020⁵ (hereafter 'Communication on resources programming for agencies') should be followed. In particular, the relevant tables in Annexes I, II and III should be adjusted in line with the Draft Budget 2017 and this Communication, as well as other parts of the draft programming document (in particular sections 3.2 "Resource programming for the years 2017-2019" and 2.9 "Human Resources").
- (9) The Commission signals that Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union have entrusted new tasks to BEREC, in particular in relation to net neutrality and roaming. Although this might also entail certain additional workload for the BEREC Office in its professional and administrative support to BEREC, at this stage, at this stage, the Commission considers that these tasks can be carried out within the resources allocated to the BEREC Office in the Communication on resources programming for agencies.
- (10) The Commission stresses the fact that this Opinion is without prejudice to the outcome of the ongoing review of the electronic communications regulatory framework which covers also the BEREC Regulation.
- (11) As regards section 3 "Human and financial resource outlook for the years 2017-2020", the Commission calls the BEREC Office to justify why, whereas having almost full staffing (Table 1 of Annex III shows one vacancy), the draft programming document still considers converting additional posts to higher grades or function groups.
- (12) The Commission welcomes the foreseen traineeship scheme included in section 2.9 "Human resources" which could be beneficial for small agencies like the BEREC Office, as experience with other agencies (e.g. EIGE) has shown.
- (13) The Commission recommends that the indicators for the human resources objectives foreseen in the same section be accompanied by historical values/targets to make them relevant. The Commission also suggests including some additional indicators such as 'vacancy rate' and 'time for recruitment from publication'.
- (14) As regards the Resource allocation per activity 2017 in Annex I of the draft programming document, the Commission notices that the overhead is too high (11.25/27 FTEs) and, although bearing in mind the difficulties due to the size of the BEREC Office, suggests: i) applying the methodology for agencies job screening which was adopted in October 2014 by the EU agencies network in line with Article

⁴ SEC(2016)280.

⁵ COM(2013)519.

29 of the Framework Financial Regulations and ii) identifying efficiency gains and redeployment opportunities from the horizontal to the operational areas.

- (15) As regards schooling, the Commission recalls that the agreement with the Ministry of Education and Science of the Republic of Latvia would concern the establishment of an 'accredited' European School and, accordingly, suggests adding "accredited" before European schools in section E "Schooling" of Annex IV of the draft programming document.
- (16) Finally, as regards Annex II on "Financial Resources 2017-2019", although the Commission agrees on the level of EU contribution proposed for 2017 (EUR 4 246 000), it would like to highlight that the surplus of the BEREC Office for 2017 is relatively high (EUR 220 167). The Commission reminds the BEREC Office of the need to keep the surplus under stricter control in future years.
- (17) The Commission invites the Management Committee of the BEREC Office, with the assistance of the Administrative Manager, to amend and adopt the final version of the programming document accordingly, taking into account this Commission Opinion.
- (18) The programming document of the BEREC Office will become definitive after the final adoption of the general budget setting the amount of the contribution and the establishment plan and, if necessary, it must be adjusted accordingly.
- (19) This Opinion is addressed to the Management Committee of the BEREC Office.

Done at Brussels, 8.8.2016

For the Commission
Günther H. Oettinger
Member of the Commission

