

Decision No MC/2016/09
of the Management Committee of the Office of the Body of European Regulators for
Electronic Communications (BEREC Office) on the establishment of a Contractual Agent
Post in Budget and Finance

The Management Committee of the BEREC Office;

Having regard to the 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 Office¹ (hereinafter referred to as 'the BEREC Regulation'), and in particular Articles 9 (6) and 13 (1) thereof;

Having regard to Decision MC/2014/1 of the BEREC Office Management Committee on the financial regulation applicable to the BEREC Office² (hereinafter referred to as "the BEREC Office Financial Regulation") and, in particular Article 39 (1) thereof;

Having regard to the BEREC Office Multi-Annual Staff Policy Plan 2016-2018 (document MC (15) 04³, as amended by Decision MC/2015/15⁴);

Having regard to the BEREC Office Budget and Establishment Plan for 2016 (document MC (15) 134⁵);

Whereas:

- (1) The Administrative Manager should implement the BEREC Office budget under the supervision of the Management Committee within the limits of the appropriations authorised;
- (2) The BEREC Office should implement its tasks and its annual work programme under the guidance of the BEREC Board of Regulators;
- (3) After the first years of the operation BEREC has increased its demands for support from the BEREC Office;
- (4) The amended Roaming Regulation (in 2012) and the recently adopted Telecoms Single Market Regulation (Regulation (EU) 2015/2120⁶) also assigned further tasks to the BEREC;

¹ OJ L 337, 18.12.2009, p. 1.

²http://www.berec.europa.eu/eng/document_register/subject_matter/berec_office/decisions_of_the_management_committee/3976-decision-of-the-berec-office-mc-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-609/2009-on-the-financial-regulation-applicable-to-the-general-budget-of-the-european-union-hereinafter-the-general-financial-regulation

³http://www.berec.europa.eu/eng/document_register/subject_matter/berec_office/others/4861-berec-office-multi-annual-staff-policy-plan-2016-2018

⁴ MC/2015/15, BEREC Office MC Decision on the replacement of the establishment plan for the financial year 2015,

http://www.berec.europa.eu/eng/document_register/subject_matter/berec_office/decisions_of_the_management_committee/5571-berec-office-mc-decision-on-the-replacement-of-the-establishment-plan-for-the-financial-year-2015

⁵http://www.berec.europa.eu/eng/document_register/subject_matter/berec_office/budget_of_the_office/annual_budget_of_the_office/5570-berec-office-budget-and-establishment-plan-for-2016

⁶ OJ L 310, 26.11.2015, pp. 1–18.

- (5) The regulatory framework for electronic communications is subject to a review within the Digital Single Market Strategy⁷, which generates additional requests for contributions from BEREC;
- (6) These developments lead to an increase in the workload for the BEREC Office, even without amending the BEREC Regulation, especially for the Programme Management Unit, which is involved directly in provision of support to the BEREC Expert Working Groups;
- (7) Currently the staff members of the Programme Management Unit are also involved in all the financial transactions necessary to support the activities of BEREC Expert Working Groups. It has been proved that the staff members of Programme Management Unit are neither able to take over additional workload nor to perform their tasks as financial actors within the deadlines envisaged in the EU Financial Regulation;
- (8) Therefore, with the objective to limit as far as possible the work of the Programme Management Unit staff to core activities directly related to supporting the BEREC Expert Working Groups, the current Decision proposes the establishment of a new Contractual Agent post with budget and financial responsibilities, who could take over a part of the ancillary workload from some of the financial actors in Programme Management Unit, i.e. from the Financial Initiating Agents;
- (9) The analysis of the budget execution of the BEREC Office Budget Title 1 'Staff' for the last several financial years demonstrates that the establishment of such a Contractual Agent post could be done within the limits of the appropriations authorised for staff expenditure and will not require the allocation of additional appropriations.

HAS ADOPTED THIS DECISION:

Article 1

The overview of all categories of staff in the BEREC Office Multi-Annual Staff Policy Plan 2016-2018 (MC (15) 04, Table 2.1.) shall be replaced by the Table in Annex 1.

The estimated number of Contractual Agents and Seconded National Experts in 2016 (expressed in full-time equivalents) in the BEREC Office Budget for 2016 (MC (15) 134, Table 6) shall be replaced by the Table in Annex 2.

Article 2

This Decision shall enter into force on the day of its adoption.

The BEREC Office Administrative Manager is hereby requested to implement it as soon as possible within the limits of the appropriations authorised.

Done on 2 September 2016.

**For the Management Committee
(s)**

Wilhelm Eschweiler
BEREC Chair 2016

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0192>

Table 2.1. Overview of all categories of staff

Staff population		Staff population actually filled in 31.12.2013	Staff population in EU Budget 2014 ⁸	Staff population actually filled at 31.12.2014 ⁹	Staff population in voted EU Budget 2015 ¹⁰	Staff population in voted EU Budget 2016	Staff population envisaged in 2017 ¹¹	Staff population envisaged in 2018 ¹²
Officials	AD	0	0	0	0	0	0	0
	AST	0	0	0	0	0	0	0
	AST/SC	0	0	0	0	0	0	0
TA	AD	11	11	11	11	11	11	11
	AST	5	5	5	4	4	3	3
	AST/SC	0	0	0	0	0	0	0
Total ¹³		16	16	16	15*	15	14**	14
CA GFIV		0	3	3	5	7 ¹⁴	8 ¹⁵	8
CA GF III		1	2	1	2	1	0	0
CA GF II		2	1	2	1	1	1	1
CA GFI		0	0	0	0	0	0	0
Total CA ¹⁶		3	6	6	8	9	9	9
SNE ¹⁷		6	6	5	4 ¹⁸	4	4	4
Structural service providers ¹⁹		0	0	0	0	0	0	0
TOTAL		25	28	27	27	28 ²⁰	27	27
External staff ²¹ for occasional replacement ²²		0	0	1	2	2	2	2

⁸ As authorised for officials and temporary agents (TA) and as estimated for contractual agents (CA) and seconded national experts (SNE).

⁹ Offer letters sent to Executive Support Assistant (AST3), and two Programme Management Support Officers CA FGIV. An exchange of letters to select a SNE was also ongoing.

¹⁰ As authorised for officials and TAs and as estimated for CAs and SNEs.

¹¹ Figures should not exceed those indicated in the Legislative Financial Statement attached to the founding act (or the revised founding act) minus staff cuts in the context of 5% staff cuts over the period 2013-2017.

¹² *Ibid.*

¹³ Headcounts.

¹⁴ In the beginning of 2016 one CA GFIII was converted into CA GFIV.

¹⁵ In the draft Annual and Multiannual Programming of the BEREC Office Activities 2017-2019 the Management Committee has suggested the conversion of the vacant CA FG III into FG IV.

¹⁶ FTE.

¹⁷ FTE.

¹⁸ Following the Decision MC/2015/8 of June 2015, two SNE posts were converted into CA GFIV posts.

¹⁹ Service providers are contracted by a private company and carry out specialised outsourced tasks of horizontal/support nature, for instance in the area of information technology. At the Commission the following general criteria should be fulfilled: 1) no individual contract with the Commission; 2) on the Commission premises, usually with a PC and desk; 3) administratively followed by the Commission (badge, etc.) and 4) contributing to the value added of the Commission. FTE.

²⁰ This figure represents the establishment plan posts authorised under the 2016 Budget and the establishment of the new CA post in Budget and Finance. However, the post of the Budget Assistant (AST 4), which will become vacant as of 1 September 2016, will not be filled in due to its planned cut as of 1 January 2017. Therefore the overall number of staff at the BEREC Office will not exceed 27 staff members.

²¹ FTE.

²² For instance replacement due to maternity leave or long-term sick leave.

* The total headcount of 15 would represent the decrease by 1 post brought about by the Inter-institutional Agreement which stipulates a 5% reduction in the number of posts in the establishment plans of all institutions, bodies and agencies over a 5 year period. Commission Guidelines have clarified that reduction of staff in each EU institution, body and agency by 5% during the period 2013-2017 (by 2018) should be implemented through the non-replacement of departing staff (retiring or with expired contracts). This cut will not involve dismissing staff or forcing them to retire.

** The total headcount of 14 would represent the decrease by 1 post for the purpose of creating the redeployment pool for other EU agencies in line with the Communication from the Commission to the European Parliament and the Council: Programming of human and financial resources for decentralised agencies 2014-2020 (COM(2013) 0519 final) and the Draft EU Budget 2017, which was adopted by the Commission on 30 June 2016 (SEC (2016) 280). On 10 August 2016, the BEREC Office received the Commission Opinion on the BEREC Office draft programming document 2017-2019, which invites the Management Committee to amend the programming document. The programming document of the BEREC Office will become definitive after the final adoption of the general budget of the EU for 2017 by the Budgetary Authority setting the amount of the contribution and the establishment plan and, if necessary, it must be adjusted by the Management Committee accordingly.

Table 6: Estimate of number of Contract Agents and Seconded National Experts in 2016 (expressed in full-time equivalents)

CONTRACT AGENTS					
Contract Agents	Authorised 2014	Filled as of 31.12.2014*	Authorised 2015	Filled as of 31.12.2015**	Authorised 2016
Function Group IV	3	3*	5***	6**	7
Function Group III	2	1	2	1	1
Function Group II	1	2	1	1	1
Function Group I	0	0	0	0	0
Total	6	6	8	8	9

* including 2 job offers sent out in 2014 for 2 entries into service in 2015

** including 1 job offer sent out in 2015 for 1 entry into service in 2016

*** following the conversion of 2 SNEs into 2 CAs FGIV

SECONDED NATIONAL EXPERTS					
SNE	Authorised 2014	Filled as of 31.12.2014*	Authorised 2015	Filled as of 31.12.2015	Authorised 2016
Total	6	5	4**	4	4

* including 1 letter of secondment sent out

** following the conversion of 2 SNEs posts into 2 CAs FGIV