

Annual and Multiannual Programming of the BEREC Office Activities 2019-2021

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Foreword

The BEREC Office is the smallest Agency of the European Union (EU)¹, which has the unique mandate to provide support to another body established by the EU law without legal personality, namely the Body of European Regulators for Electronic Communications (BEREC). This institutional set up requires alignment of the objectives and the work programme (WP) of the Agency with the priorities and goals defined by the BEREC Strategy and the BEREC WP.

The current BEREC Strategy covers the period 2018-2020² and has identified the following priorities for BEREC's works:

1. Responding to connectivity challenges and to new conditions for access to high-capacity networks;
2. Monitoring potential bottlenecks in the distribution of digital services;
3. Enabling 5G and promoting innovation in network technologies;
4. Fostering a consistent approach of the net neutrality principles;
5. Exploring new ways to boost consumer empowerment.

In September 2016, the European Commission (EC) tabled proposals for amending the BEREC Regulation and the regulatory framework for electronic communications, which, among others, have also the objective to align the organisational structure of the BEREC Office with the principles of the Joint Statement and Common Approach on decentralised Agencies established in 2012 by the European Parliament, the Council and the EC, which may lead to changes in the tasks and/or the organisational structure of the BEREC Office. The estimated amount of the EU subsidy for the BEREC Office for 2019 and 2020 in the Budget of the EU for 2018 tabled by the EC has also been aligned with the financial statement accompanying the afore-mentioned proposals. Consequently, in the event of the approval of these legal acts by the legislator, the current document may need to be up-dated in line with the final legislative acts.

Due to this uncertainty of the future tasks of the BEREC Office and in order not to prejudge the outcome of the on-going legislative process the Management Committee (MC) has decided to maintain unchanged the strategic objectives for the work of the BEREC Office identified in the annual and multiannual programming document for the period 2018-2020³, as follows:

¹ The BEREC Office is located in Riga, Latvia, and has 14 establishment plan posts as of 1 January 2017, 9 contract agents and 4 seconded national experts.

² BoR (17) 175, BEREC Strategy 2018-2020, 5 October 2017, http://berec.europa.eu/eng/document_register/subject_matter/berec/annual_work_programmes/7310-berec-strategy-2018-2020

³ See the the outcome of the orientation debate held on the subject by the BEREC Office Management Committee during its 33th plenary meeting (7-8 December 2017, Copenhagen), MC (17) 116;08.12.2017; http://berec.europa.eu/eng/document_register/subject_matter/berec_office/management_committee_meetings/meeting_conclusions/7568-conclusions-from-the-33rd-mc-of-the-berec-office-plenary-meeting

- maintaining appropriate capacity while taking into account the effects of the technology and market developments;
- developing expertise to encompass the EU regulatory developments;
- assisting BEREC to improve its working methods and the quality of its output;
- developing and managing tools and resources on behalf of BEREC.

It should be emphasised that these objectives have been defined with a view to ensuring maximum flexibility in the activity of the BEREC Office in support to BEREC and taking into account the fact that the BEREC WP is usually adopted 11 months after the approval of the draft BEREC Office programming document. Despite its limited mandate and the increasing demands of, and on, BEREC, the BEREC Office must be able to ensure compliance with the EU rules for decentralised agencies (financial and staff implementing rules, procurement, reporting, data protection rules, internal control standards, etc.).

To achieve these objectives, the BEREC Office will rely on its staff who are the key asset of the Agency and on the usage of modern information and communication technologies (ICT) tools that best support BEREC and BEREC Office needs and suit BEREC's working approach.

The limited size of the Agency requires the use of a multitasking approach, which makes the assignment of staff more challenging and demanding than in other bodies of the EU. Therefore, management will work towards increasing the Agency attractiveness as a place to work, introducing a talent management approach to strategically develop the skills and expertise of its staff and focus on improving the working conditions with the aim to retain all highly qualified staff.

László Ignécz

Administrative Manager

List of Acronyms

Acronym	Meaning
ABAC	A ccrual B ased A ccounting
ABB	Activity based budgeting
ABC	Activity based costing
AD	Administrator
AM	Administrative Manager
AST	Assistant
AST/SC	Secretaries and clerks
BEREC	Body of European Regulators for Electronic Communications
BEREC Office	Office of the Body of European Regulators for Electronic Communications
BEREC Regulation	Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the BEREC and the Office ⁴
BoR	Board of Regulators
CA	Contract Agent
CEOS	Conditions of Employment of Other Servants
CERT	Computer emergency response team
CN	Contact Network
DPO	Data Protection Officer
EC	European Commission
EDPS	European Data Protection Supervisor
EEA	European Economic Area
EFTA	European Free Trade Association
ENISA	European Network and Information Security Agency
EP	European Parliament
EU	European Union
EWG	Expert Working Group

⁴ OJ L 337, 18.12.2009, p. 1–10

Acronym	Meaning
FG	Functional group
FTE	Full-time equivalent post
FTR	Fixed terminations rates
HAN	HERMES ⁵ -ARES ⁶ -NomCom ⁷
HR	Human resources
IT	Information technologies
KPI	Key performance indicator
MC	BEREC Office Management Committee
MS	Member State
MTR	Mobile terminations rates
NRA	National Regulatory Authority
OLAF	European Anti-Fraud Office
RoP	Rules of Procedure
SLA	Service Level Agreement
SMS TR	Short message service terminations rates
SNE	Seconded National Expert
Sysper2	Système de gestion du Personnel ⁸ , version 2
TA	Temporary Agent
TSM Regulation	Telecoms Single Market Regulation (Regulation (EU) 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) ⁹

⁵ The Commission unique repository for all official documents.

⁶ Advanced Records System.

⁷ Nomenclature Commune.

⁸ System for management of the personnel

⁹ OJ L 310, 26.11.2015, pp. 1–18

Mission Statement

The BEREC Office was established as a body of the EU with legal personality to provide professional and administrative support services to BEREC, which is a body of the EU without a legal personality.

BEREC contributes to the development and better functioning of the internal market for electronic communications networks and services. It does so by ensuring that there is consistent application of the EU regulatory framework and by promoting an effective internal market in the telecoms sector, in order to bring even greater benefits to consumers and businesses alike.

Therefore, the BEREC Office mission is to provide superior professional support to BEREC by assisting it in an efficient, proactive and timely manner in the achievement of its objectives, and thus contributing to the development of the electronic communications market for the benefit of Europe and its citizens.

Professionalism and excellence are the principles that guide the BEREC Office staff towards achieving the BEREC Office objectives, which are understood as follows:

- **Professionalism:** being oriented to results, we believe that, by performing consistently to high standards, we deliver maximum value to our stakeholders. Professionalism also means transparency and integrity in all our actions, and working always with the highest level of ethics for the interests of the organisation and the stakeholders;
- **Excellence:** the BEREC Office staff members take pride in their work and strive for quality in everything, being committed to continual self-improvement and learning;
- **Accountability:** the BEREC Office staff members take responsibility for their actions and their outcomes both as individuals and as a team. The BEREC Office honours its commitments and obligations.
- **Teamwork and diversity** are the guiding principles in our collaboration with our colleagues and stakeholders.
- **Teamwork:** teamwork is a corner-stone of the BEREC Office. By sharing knowledge and expertise, the BEREC Office staff cooperate to achieve the organizational goals. We foster collaboration while maintaining individual accountability.
- **Diversity:** the BEREC Office respects diversity among its staff, BEREC members and Observers and across the EU. The staff understands that each individual is unique and, in so doing, the staff recognise and value the different skills and strengths of the BEREC Office team. Diversity fosters creativity and growth and, therefore, the BEREC Office promotes an open and respectful working environment.

Section I – General Context

The key role of the BEREC Office, located in Riga, Latvia, is to provide professional and administrative support to BEREC, enabling BEREC to conduct its tasks.

Since their establishment in 2010 and becoming fully functional in 2011¹⁰, BEREC and the BEREC Office have made a positive contribution to the consistent implementation of the EU regulatory framework for electronic communications. They have also provided valuable expertise to the NRAs and EU institutions, which has led to a gradual increase in the expectations towards BEREC and the BEREC Office and consequently resulted in additional and more responsible tasks for BEREC, in particular in the field of roaming and net neutrality. To address these new tasks and higher expectations in 2017 BEREC has heavily intensified its work, which has resulted in the organisation of significantly higher number of meetings compared to previous years and the introduction of new methods of work, which involve higher use of modern ICT.

The general mandate of the BEREC Office is set out in the BEREC Regulation. The tasks of BEREC, in which it requires support from the BEREC Office, are described in the BEREC Regulation with references to the directives forming the EU regulatory framework for electronic communications and regulations in the domain of electronic communications.

Since it first commenced operations, BEREC has had increasing demands for support from the BEREC Office. The amended Roaming Regulation of 2012 and the Telecoms Single Market (TSM) Regulation also assigned further tasks to the BEREC beyond those in the Framework. These developments represent an increasing workload for the BEREC Office without any amendments to the founding Regulation.

In September 2016, the EC tabled proposals for the review of the BEREC Regulation¹¹ and the regulatory framework for electronic communications, which covers four of the directives forming the regulatory framework¹² (Framework, Authorisation, Access and Universal Service Directive) with a view to establishing a European Electronic Communications Code. The aforementioned proposals of the EC are highly interlinked and have to be read in conjunction with each other. In particular, these proposals envisage additional tasks for BEREC, as well as the introduction of a new governance model.

As the legislative process is still on-going, neither the EC proposals nor the views of the co-legislator have been taken into consideration in the preparation of the current document. However, depending on the outcome of the legislative procedure, the current document may need some adjustments to reflect the decisions of the EU legislator.

¹⁰ The BEREC Office gained its financial autonomy in September 2011.

¹¹ COM(2016)591 - Proposal for a Regulation of the EP and of the Council establishing the Body of European Regulators of Electronic Communications (BEREC)

¹² COM(2016)590 - Proposal for a Directive of the EP and of the Council establishing the European Electronic Communications Code (Recast)

Section II - Multi-annual programming 2019-2021

1 Multi-annual objectives

As the main task of the BEREC Office is to assist BEREC, it is required to possess the necessary capacity to support all BEREC activities. This includes the financial means for supporting BEREC's operations and activities but it is even more important to maintain an efficient human capital with the necessary expertise, to effectively and efficiently support the increasing demands of, and on, BEREC.

Irrespective of the outcome of the review of the regulatory framework for electronic communications, the main focus of the BEREC Office, in the coming years, should be on maintaining this valuable human capacity along with the development and support of new applications, web-based portals and databases in view of supporting the demanding tasks that BEREC will face in the future. This requires the staff of the BEREC Office to be able to understand and cope with the job type and the workload that the challenges deriving from technology, market and regulatory domains will bring. On top of this, the BEREC Office shall support BEREC towards further improved working methods and higher quality on its output. The BEREC Office must be ready to assist BEREC to meet its future challenges for the benefit of the European telecom market and the welfare of European citizens.

Objectives	KPIs	Measure	Target
Maintain appropriate capacity	Fully staffed indicator	Number of temporary agents (TAs), contract agents (CAs), seconded national experts (SNEs) and interim staff / max. number of a fully staffed BEREC Office	100%
Develop expertise	Develop the skills required to offer the necessary support to BEREC and its members	Number of trainings indicated on the training plans attended/overall number of trainings indicated in the training plans	Minimum 80%
Improve the quality of work of BEREC by assisting with improvements to its work methods and the quality of its outputs	Quality of support to BEREC and its EWGs	Measure quarterly the level of satisfaction of the BEREC Chair and the BEREC EWGs Co-Chairs on a 5 grade scale on the basis of multiple questions	Minimum 85% of responses are in the top 2 scores

Objectives	KPIs	Measure	Target
Develop and manage tools	Availability rate of supporting tools	Percentage of time of proper operation of BEREC website, email server, BERECnet, Information sharing portal, public consultation platform, net neutrality measurement tool, etc.	Minimum 95%

2 Multi-annual programme

2.1 Maintaining appropriate capacity while taking into account the effects of the technology and market developments

The technology and market developments impact the sector regulation and the activities of BEREC. The BEREC Office needs to recognise the incoming challenges and take them into account during the execution of its WP. As BEREC is going to rely more and more on the support of the BEREC Office for delivering its work programme, the BEREC Office should ensure and secure all necessary resources, which would enable the Agency to provide support to BEREC to implement its future work programmes.

In this context, the BEREC Office needs to attract and maintain high quality multidisciplinary staff while, at the same time, further improve its working methods and the quality of their output. This will ensure that the BEREC Office will continue to contribute effectively and efficiently to the strategic vision and to the priorities of BEREC improving its work planning and making optimum use of its resources.

2.2 Developing expertise to encompass the EU regulatory developments

In the next three years, we are going to witness a significant degree of regulatory developments at the EU level. In particular, the on-going review of the regulatory framework for electronic communications will be the top priority for BEREC and the BEREC Office. Further to this, BEREC will implement the tasks assigned by the TSM Regulation in the fields of mobile roaming and net neutrality.

The BEREC Office can contribute significantly to these goals by assisting BEREC in the execution of its WP and the consistent application of the regulatory framework, thus contributing to the further development of the European single market. The BEREC Office can continue to contribute towards harmonisation and accountability via support to the Article 7/7a procedures, supporting BEREC in monitoring the application of common positions and best practices, improving consistency through benchmarking and reporting activities and providing transparency to the BEREC activities via the IT platforms and the applications it manages and operates.

To thrive in this challenging ecosystem and to achieve these goals, the BEREC Office needs the adequate financial means, staff and the operational enablers, such as IT applications,

that will allow the accomplishment of these goals.

2.3 Assisting BEREC to improve its working methods and quality of its output

In its strategy (2018-2020¹³) BEREC has given particular attention to the optimisation of its output and operational efficiency as a significant contributor towards its strategic vision and priorities. The BEREC Office can contribute significantly to this goal by safeguarding the application of BEREC rules and working procedures at all stages of BEREC working activities.

This engagement can find application in a significant number of BEREC working tasks fostering optimum outputs and working methods. For instance, the BEREC Office can guarantee a high level of accuracy and consistency in BEREC documents, the application of well-established methodologies in the projects run by BEREC and the effective and efficient use of resources. It can also pursue transparency and accountability that will improve the visibility of BEREC and enhance external relationships and recognition of BEREC among institutions, stakeholders and the citizens of Europe.

2.4 Developing and managing tools and resources on behalf of BEREC

Over the last number of years BEREC has encompassed more and more the use of software and hardware tools as enablers both for its working activities as well as for its relationship with the stakeholders and the citizens/consumers. The BEREC Strategy 2018-2020 and WP 2018 focuses even more in the use of such tools¹⁴ for accomplishing BEREC strategic goals and priorities. These tools introduce a new interaction with the BEREC stakeholders and introduce a new type of service on behalf of BEREC requiring constant (24/7) operation and maintenance. BEREC relies on the BEREC Office for procuring, financing, managing the operation and maintaining these tools. Therefore, the BEREC Office must develop the capacity and the expertise to provide reliable and constant support on this new field of services. In addition, these new tools will generate valuable data that are essential to many activities both internal to BEREC and its members (i.e. NRAs) as well as externally to a number of stakeholders. New areas of expertise might be required by the BEREC Office for managing, processing, using and opening these data to the public. The BEREC Office will need to meet the challenge and develop a expertise and capacity for supporting BEREC in this new area of operation.

3 Human and financial resource outlook for the years 2019-2021

3.1 Overview of the past and current situation

The BEREC Office is intensifying its activity in several areas. After its first years of operation, BEREC has increased its demand for support from the BEREC Office, and the BEREC Office has managed to respond positively to those requests mainly by increasing its efficiency.

¹³ BoR (17) 173, BEREC Strategy 2018-2020, 05.10.2017, http://berec.europa.eu/eng/document_register/subject_matter/berec/annual_work_programmes/7304-2017-berec-work-programme-status-update

¹⁴ Public consultation platform, Open Data Source platform, Net Neutrality tool and Info Sharing portal

However, the amended Roaming Regulation (in 2012) and the TSM Regulation assigned further tasks to BEREC. The new responsibilities of BEREC in the field of net neutrality have attracted the attention of the civil society¹⁵. The growing trend among consumers towards internet enabled services is expected to continue and therefore preserving open internet access will become even more important. To address adequately these expectations BEREC has defined a new strategic priority for its work for the period 2018-2020, which will focus on fostering a consistent approach of the net neutrality principles. In addition to the traditional support to NRAs in applying the EU legislation in a consistent way, BEREC has decided to investigate the ways in which net neutrality is affected by changes in markets and new technologies. As a consequence the BEREC Board of Regulators (BoR) decided, among others, to implement a net neutrality measurement tool¹⁶ and requested the BEREC Office to execute the project. The financial resources of EUR 240 000 for the development (2018-2019) and maintenance (2019-2022) of the envisaged software and a reference system will be made available in the respective annual budgets of the BEREC Office. The necessary expertise for this project will be provided by the BEREC EWGs.

Following the increased expectation from the European institutions and the civil society BEREC has decided to further strengthen its cooperation with other European institutions with the aim of delivering a more aligned and coherent regulatory framework for stakeholders. It has been considered as necessary to make information available at all levels of BEREC's work and in particular for important topics that impact consumers (net neutrality, roaming) through public debriefings, newsletters, press releases and information on its web page, Twitter and YouTube channels, maintained by the BEREC Office. Other measures for establishing a consultative dialogue that increases the level of stakeholder engagement, in particular with consumer organizations have also been engaged.

The review of the regulatory framework for electronic communications has already generated additional requests for contributions from BEREC.

These developments have led to an additional increase in the workload for the BEREC Office even without amending the BEREC Regulation. The BEREC Office has been requested to support more operational projects and activities, including such which go beyond the traditional support provided to BEREC and its EWGs in the previous years, mainly due to the changes in the legislation governing the work of BEREC.

On the administrative side, the amendments to the Staff Regulations, which entered into force on 1 January 2014, have introduced new principles to the adoption of staff implementing rules, which has led to revision of most implementing rules, a process that is still on going.

Although the BEREC Office is the smallest agency of the EU, the administrative requirements applied to the BEREC Office are identical to those applied to larger EU bodies, and relate not only to the implementation of the Staff Regulations but also to all relevant implementing rules. The expected changes in the data protection legislation in the middle of 2018 will increase the administrative burden for the BEREC Office, as the Agency will need

¹⁵ During the public consultation on the draft BEREC Guidelines in the summer of 2016 the BEREC Office received around 500 000 contributions.

¹⁶ BoR 917) 179, Net neutrality measurement tool specification, 05.10.2017, http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/7296-net-neutrality-measurement-tool-specification

to review all its policies and will have to ensure their implementation in a timely manner.

Due to different reasons explained below the BEREC Office has experienced extremely high turnover of staff and has lost some key staff members. To mitigate this risk the management has decided to implement several projects oriented to increasing the attractiveness of the Agency, which require additional financial and human resources.

Against this background, in 2015, the BEREC Office was required to cut one establishment plan post, which constituted 6.25 % of the total number of establishment plan posts and, therefore, the BEREC Office completed the objective to render 5 % of its staff as agreed in the Inter-institutional Agreement of 2 December 2013 between the EP, the Council and the EC¹⁷.

Moreover, in 2017 the BEREC Office had to contribute with one post to the redeployment pool of EU Agencies¹⁸. As a consequence, the establishment plan post of the Budget Assistant, vacant as of September 2016, was not filled in and was removed from the establishment plan as of January 2017.

It should be emphasised that due to its supportive function of BEREC, the BEREC Office does not determine the work priorities for BEREC and has to be prepared to use the most appropriate and efficient approach to address the increase in its workload and so, to be able to fully support BEREC, as required by its founding Regulation.

The BEREC Office has already started exploring the opportunities to externalise some daily and routine tasks. In April 2016, the BEREC Office already signed a Service Level Agreement (SLA) with the Commission services for externalising the accounting officer function and treasure management. Various ways to externalise ancillary tasks have been launched, for example in the fields of IT, HR, logistics and secretarial support. Further possibilities of externalisation will be explored in other administrative areas, as far as possible.

Any efficiency gains have been and will be invested in providing further support to BEREC in relation to its new tasks assigned by the co-legislator and in the development of new projects in the interest of the service, such as: deployment of new and more secure ICT tools, improvement of the working conditions, temporary provision of international schooling for the children of the staff until the establishment of an accredited European School in Latvia, implementation of a traineeship programme, implementation of social welfare measures, elaboration of internal rules for the implementation of the new staff implementing rules.

The analysis of the budget execution of the BEREC Office Budget Title 1 'Staff' for the last several financial years, demonstrates that, in case of need, the establishment of additional CA posts for addressing heavy workload could be done within the limits of the appropriations authorised for staff expenditure.

As a result of all these changes, the BEREC Office is currently restructuring its human resources and is redistributing some tasks internally or partly outsourcing them to external

¹⁷ See p. 27, 2013/C 373/01, Interinstitutional Agreement of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management, OJ C 373, 20.12.2013, p. 1–11, <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013Q1220%2801%29>

¹⁸ This constitutes a 1.25 % levy for over the years 2014-2018, with 0.25 % per year more than the horizontal proposal of the Commission.

providers. For example, in 2016 the BEREC Office signed two multiple framework contracts in cascade for the provision of ICT services to BEREC and the BEREC Office by external providers, whose work is monitored and coordinated by the IT Support Officer. Similarly, in 2018 the BEREC Office plans to establish new contracts for secretarial and clerical tasks and technical HR assistance.

The BEREC Office expects to achieve a challenging balance in the distribution of the workload among its human resources. However, being the smallest agency of the EU, it is already a challenge to maintain a sustainable operation and to ensure an appropriate balance in the work organisation.

3.2 Resource programming for the years 2019-2021

3.2.1 Financial resources

- Justification for the provisional revenue:

The sources of revenue for 2019 are:

- a) A contribution from the EU of EUR 4 418 000 which consists of:
 - EUR 4 394 664: main subsidy from the EU voted by the budgetary authority;
 - EUR 23 336: budget outturn (surplus) 2017.
- b) Possible EEA-EFTA contribution which is subject to the signature of an agreement with EFTA countries (marked as 'p.m.' – *pro memoria*).
- c) Voluntary financial contribution from Member States or from NRAs: according to Article 5(2) of the BEREC Regulation is voluntary and subject to approval by the Board of Regulators (BoR), marked as 'p.m.' – *pro memoria* - should the BoR decide to approve such contributions, a new budgetary procedure will be launched.
- d) Revenue from administrative operations: the amounts are not certain and are shown in the budget as 'p.m.' revenue items and are not considered in expenditure.

The BEREC Office does not receive any revenue from fees and charges and does not render any services against payment.

The total revenue in 2019 is therefore EUR 4 418 0000.

BEREC Office does not receive any revenue from fees and charges and does not render any services against payment.

The sources of revenue and conditions for 2019 - 2020 remain the same as for 2018.

- Justification for the provisional expenditure:

Title 1 'Staff'

The amounts requested in Title 1 are based on realistic assumptions as to the number of staff actually recruited at the beginning of 2018 (including planned number of trainees in 2018). The BEREC Office expects to operate with a full staff compliment in 2019 and, therefore, the associated costs have also been calculated on the basis of these assumptions. The estimated budgetary impact of salary adjustments has been also taken into account to the best possible extent, so the chapter for salaries and allowances is slightly increased for 2019, 2020 and 2021.

The budget for missions for 2019 is slightly decreased as the BEREC Office is encouraging its staff to participate in BEREC events as much as possible by video and audio conference. To take into account the inflation, however, for 2020 and 2021 mission budget is slightly increased compared to 2019.

The training budget is increased to take into account the inflation rate and any increase in the price of a new contract for language trainings, to be established in the first half of 2018.

The BEREC Office expects to work in fully staffed situation and will use interim staff mainly for addressing heavy workload or temporary replacement of staff absence for long period of time. Consequently, the planned budget for interim staff under expenditure for external services in Title 1, Chapter 15, has been widely kept at the level of 2018 with a slight increase to take into account a possible change in the price of the interim staff after the conclusion of a new contract expected at the end of 2018.

If interim workers are needed for temporary filling in of vacant posts a budgetary transfer will be planned from the respective budget line from which the remuneration of the respective post has been planned.

Under the same chapter, the BEREC Office will ensure the temporary¹⁹ financing of multilingual tuition by international schools available in Latvia for the children of staff, the payment of grants and other associated expenditure for trainees, the provision of Internal Control Coordinator assistance (under a SLA with ENISA), technical HR services, different services by DG HR and the PMO, translation of vacancy notices in all official languages of the EU, social welfare measures and other HR related services (including legal services to the staff). Flexibility in this item for 2019-2021 will be needed to address the uncertainty specific to many of the items listed above financed through this budget line.

Title 2 'Buildings, equipment and miscellaneous operating expenditure'

The expenditure under Title 2 has been planned taking into account the inflation rates, the gradual increase of meetings taking place at the BEREC Office and the increased number of people working at the BEREC Office premises, mainly due to the achieved fully staffed situation (notwithstanding the 12.5% reduction in staff numbers – see Section 3.2.2 below) .

A gradual increase in the information and communication technology spending is required for paying external data processing services provided to the BEREC Office by the Commission services, such as: hosting of ABAC, HAN, Sysper2, IT security services (provided by the EU-CERT), access to DG DIGIT procurement procedures, etc. due to regular up-dating of their cost based on the increase of the actual expenditure.

The need of up-grading and renewing the outdated ICT infrastructure has been reflected and taken into consideration accordingly. A robust ICT system ensures business continuity and the aim of going paperless will require extra resources.

The expenditure under movable property and associated costs is kept at the level of the expenditure of 2017.

In addition to legal expenses and office supplies the chapter 'Current administrative

¹⁹ In July 2017 the Latvian Authorities announced that the process to establish a European School in Latvia may be finalized in two years from the launch. The BEREC Office will support the staff until the end of such process.

expenditure' includes expenditure related to the BEREC Office budget publications in the Official Journal, as well as translations and/or other language requests related to the BEREC Office documents, budgetary and legal issues. It also takes into account the costs of outsourcing the services of the Accounting Officer that is reflected in a substantial increase of expenditure.

Title 3 'Operational expenditure'

The appropriations under Chapter 30 will be used for financing the support to BEREC EWGs, financing the market analysis activities of BEREC and the BEREC Office.

The appropriations planned for support to EWGs reflects the actual spending observed in 2017 and the estimated needs of the EWGs in 2019, including reimbursement of experts' participation in EWG meetings, workshops or other events organised by the EWGs (including for Ad Hoc EWGs for Article 7/7a).

The expenditure under Chapter 31 'Support to BEREC and NRAs' is slightly increased. This chapter will be used for:

- support to the BEREC Chair and Vice-Chairs, Plenary and CN meetings and international events;
- studies in support to the BEREC WP;
- addressing public transparency and accountability obligations of BEREC, including implementing the BEREC Communication Strategy and Plan;
- covering costs for update and maintenance of all BEREC IT tools, such as BERECnet, BEREC website, information sharing portal, open data source platform (subject to decision by the BoR), on-line platforms for public consultations, etc. and ICT support to BEREC;
- maintenance and expansion (where needed) of the audio/video-conference systems;
- addressing the additional IT related projects arising from the implementation of the TSM Regulation, as far as possible, taking into account the limited financial resources available;
- providing regulatory training on the European framework for electronic communications to NRA's staff in order to be able them to contribute to the BEREC activities;
- providing translations and addressing other language requests in support to BEREC;
- providing any other support to BEREC and the NRAs, duly requested from the BEREC Office.

More details are provided in tables in Annex II, including on the budget outturn and cancellation of appropriations.

3.2.2 Human resources

Resource outlook over years 2019 to 2021

At the end of 2017 the BEREC Office was fully staffed. The establishment plan has been

subject to a further cut of one position as of January 2017²⁰. This cut has been implemented in addition to the cut of 2015 which the BEREC Office had to perform in order to fulfil the objective to render 5% of its staff as agreed in the Inter-institutional Agreement of 2 December 2013 between the EP, the Council and the EC.

As made evident in Annex II of the Rapid Case Review²¹ on the implementation of the 5% reduction of staff posts, made by the Court of Auditors, the BEREC Office is the Agency which was negatively impacted by the cuts with the highest percentage (-12,5%) if compared to all the other EU agencies.

Further details are provided in Table 2 of annex III.

- **Growth of existing tasks**

The two cuts posed an additional challenge to the already fragile situation of the Agency, which has also to face an additional increase in the workload for the BEREC Office even without amending the BEREC Regulation, for the Programme Management Unit and for the Executive Support Unit, which are involved directly in the provision of support to the BEREC and its EWGs, and indirectly for the Administration and Finance Unit, which strives to accommodate the increased demands of services and to meet the increasing expectations from the staff. The implementation of the revised financial, staff related and personal data protection related rules require additional resources too.

- **Missing profiles and specialized skills**

The BEREC Office is operating since its establishment in a scenario of missing capabilities due to lack of resources. Some strategic profiles are missing from the organisational chart, such as Local Security Officer (LSO), Internal Control Coordinator (ICC), Local Informatics Security Officer, Data Protection Officer, Document Management Officer, Training Officer or Mission Management Officer. This could lead to non-compliance with complex EU legislation and criticism by internal and external auditors, and discharge authority (postponing or not granting the discharge), legal litigation (court cases), Ombudsman cases (candidates, staff members, third parties), issues with the physical security, which may lead to security incidents and/or risk of isolation and exclusion of the BEREC Office from inter-institutional projects, applications and procedures.

The BEREC Office has tried to conclude SLAs for externalisation of some of these functions, mainly to the Commission services and partly to other Agencies, with limited success. To find a short term-solution for some of the missing capacities those have been assigned to existing posts. However, this decreases the efficiency of the job holders, as they need to invest time and effort to develop the necessary knowledge to perform their new assignments and increases their workload, with a consequent increase of the risk of mistakes. In combination with the fact that the existing posts have frequently been established at a lower grade than that of the new assignments, this has been identified as a key factor contributing to the high turnover of staff.

The BEREC Office has managed to sign a SLA with ENISA for sharing ENISA's capacity of ICC, which has been extremely useful for the stabilisation of the administrative operation of

²⁰ The post of Budget Assistant (AST 4) became vacant as of September 2016 and was not filled in with a view to a further cut in the establishment plan as of January 2017 for the redeployment pool.

²¹ <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=44567>

the BEREC Office. However, due to the recent limitations of the capacity of ENISA, the BEREC Office has been unable to benefit fully of this SLA in 2017 and the prospects for 2018 and beyond of using this capacity remain unclear. The establishment of LSO is still under consideration, as the only job profile with security aspects is a CA FG II post, which is incompatible with the LSO responsibilities.

Such situation has led to lack of policies and/or documentation for old processes and systems developed during the start-up phase of the Agency, which have been recently identified. The development of such policies and the adjustment of the existing policy based on the recent or forthcoming changes in the legislation would require an extensive use of FTEs.

- Efficiency gains, redeployment and negative priorities

The Agency is not in a position to decide on the reprioritization of its actions, due to the fact that the priorities are set by BEREC and not by the BEREC Office.

However in order to be ready to meet future requests, the BEREC Office will continue to work towards the acquisition of efficiency gains. In order to maximize the scarce human resources in place, the clerical and secretarial tasks have been partially externalized with a view to entirely dedicate the temporary and contract staff in place to the professional support to BEREC²².

In addition, the Agency will keep its target to achieve a paperless environment in order to reduce the paperwork. The implementation of the Commission document management IT tool "HAN" started in 2017 and the implementation of "Sysper2" expected as of 2018, will, in the medium and long term, support this objective.

3.2.3 Conclusion on evolution of resources

The evolution of the financial resources is in line with the Commission Communication on programming resources for decentralised agencies for the period of 2014-2020²³.

The evolution of HR includes the staff reduction targets set in the Inter-institutional Agreement on cooperation in budgetary matters and on sound financial management and the contribution to the redeployment pool of Agencies. As of January 2017, the BEREC Office operates with 14 establishment plan posts. Experience shows that the BEREC Office faces difficulties to address elementary challenges, including security related ones, due to missing capacities.

However, the BEREC Office, stabilising its operation after the challenges of the start-up phase, needs to meet the increasing demand of BEREC for support which corresponds to higher numbers and new types of requests of support. Recent changes in EU legislation

²² As at the moment there are no AST/SCsSC at the BEREC Office and only one contract agent is in function group II, the secretarial and clerical tasks are partially distributed among the staff, including administrators and managers. This situation contributes to the limited attractiveness of the agency, including for posts with higher grades. The contract and temporary staff in place is currently requested to perform a wide range of technical and professional tasks, and as it would not be efficient to fully dedicate them to secretarial tasks, such tasks are in the process to be externalised.

²³ COM(2013) 519, 10.7.2013.

have led to the assignment of new tasks to BEREC that also represents additional workload to the BEREC Office.

The BEREC Office will continue to strive to retain as much as possible its staff and limit the turnover.

The risk of reduced efficiency and quality of results, loss of know-how, due to high turnover in staff still exists mainly due to the low correction coefficient²⁴ for Latvia and because of the general local situation.²⁵

The reasons for the high turnover, which are mainly of external origin, have been grouped as follows:

A – Unattractive correction coefficient

The correction coefficient for Latvia is among the lowest in the EU, while frequently the prices of goods and services are perceived by the staff at a level which can be compared to Brussels. The BEREC Office has no influence on the negotiation of the correction coefficient and may only raise the issue of the calculation in all the relevant meetings. However, to increase its attractiveness the Agency will apply a series of other measures, which could lead to decrease in the turnover.

B – Living conditions in Latvia.

The staff of the BEREC Office seems to be not satisfied by the living conditions in Latvia. Some aspects of the dissatisfaction have been brought to the attention of the Latvian Authorities, as they derive directly or indirectly by a restricted interpretation of the Seat Agreement²⁶.

C – Working conditions at the BEREC Office

The BEREC Office is struggling to ensure proper working conditions to the staff. The main issues identified are the heavy workload²⁷, the limitation of the space in the premises and quality of the offices²⁸.

Concrete actions have been launched to mitigate the turnover, for example support to the

²⁴ In December 2015 the overall salary table adjustment was published with an average +2.4% effect and at the same time the country coefficient for Latvia was amended with a -3% effect. In December 2016 the correction coefficient for Latvia has been further reduced (73%).

²⁵ Due to limited space there are only three individual offices at the BEREC Office, while the remaining part of the staff, including Administrators, is sharing the offices with two or three colleagues in average.

²⁶ For example, the difficulties in the access to Latvian private markets for BEREC Office Staff (bank, telecommunications, real estate) are negatively affected by the special identity cards issued by the Latvian Authorities, by the missing “personal number” and by the registration arrangements set by the Ministry of Foreign Affairs. Other topics submitted to the attention of the Latvian Authorities: the modalities of car registration, challenges to the spouses of staff in the access to job market, the lack of European schooling, the restrictions in the access to kindergarten for BEREC Office staff pupils.

²⁷ The redistribution of tasks, the introduction of teams, the adoption of new IT tools are some of the measures already adopted by the BEREC Office from 2016 to address the issue. In addition, the BEREC Office will externalise the secretarial and clerical tasks, which at the moment are in part carried out by all the categories of staff, including managers and administrators.

²⁸ The BEREC Office rented an additional office and an additional meeting room in the building. However, improvement is still needed in the overall office space, in the number of meeting rooms, toilets and service spaces (like canteen or recreational spaces) and parking places. All offices will need proper illumination, insulation and air ventilation.

schooling for the children of the staff and other welfare measures.

In order to better address the increased workload and to maximise the potential of the existing staff, it was decided to create intermediate levels in the organisational chart, starting with the Administration and Finance Unit. Within this Unit, in May 2017 two separate teams were created with respective team leaders identified from among existing staff and the workflows in the unit were reshaped to increase efficiency and effectiveness.

A similar situation exists also in the Programme Management Unit which is also aggravated by the frequent absence of staff due to the international missions they must make in order to attend BEREC EWGs meetings which are taking place in Brussels. For a better management of the workforce of the Programme Management Unit three teams were identified. Therefore, Teams for Market Analysis Support, for BEREC WP Implementation Support and for BEREC Office Knowledge Centre were created in 2017 as an initial step with the potential of adding another team in 2019 depending on the tasks that the new BEREC network neutrality measurement tool may bring to BEREC Office.

In order to increase the BEREC Office attractiveness a policy on the duration of contracts for Temporary Agents has been adopted after the positive opinion of the relevant EC Commission services and brought to the attention of the staff. The BEREC Office confirmed its approach towards the establishment of long term commitments vis-a-vis temporary staff. The policy on the duration of contracts for contract staff with the option of indefinite term, without prejudice to the individual decisions taken on a case by case basis, may be drafted with the adoption of the implementing rules for the engagement and use of contract staff.

In order to address heavy workload the BEREC Office may hire CAs with contracts of limited duration. For administrative or technical tasks, the BEREC Office will continue to use the services of interim replacements to cope with heavy workload periods or to ensure occasional replacement including for post, which are temporarily vacant.

The BEREC Office will also maintain the effort to cover, in cooperation with the interested parties, the elementary needs of the Agency.

As part of the strategy for increasing the attractiveness of the Agency, the BEREC Office is working to enhance its corporate identity through a series of short- and mid-term measures. In July 2017 the BEREC Office formally started to revamp the relations with the local authorities in order to have a better implementation of the Seat Agreement and to improve the quality of life of staff and bilateral discussions with several Ministries have been initialised.

The BEREC Office is also committed to find additional and adequate working spaces, not only to cover the operational needs, but also to improve the working conditions of the staff, which currently seems to be affected by discomfort and by an overcrowded situation of the offices.

The relevant staff will also be progressively relieved from secretarial and clerical staff with the aim to externalise such tasks.

Other elementary challenges will be addressed with the help of the Latvian Authorities which could support the resolution of some issues. For example, in 2017 it has been a challenge to ensure a stable and reliable telephone connection with the Office. The accessibility of the premises was not guaranteed by the Latvian Police and the accesses were often blocked by the cars of private citizens. The postal services were ensured with difficulties.

Additional challenges may be solved by the BEREC Office only with the introduction of the relevant strategic posts in the organisational chart.

Section III - Work Programme 2019

1 Executive summary

The activities in the BEREC Office WP for 2019 are split into the following main groups as follows:

- operational activities;
- horizontal activities;
- administrative support activities.

The multi-annual objectives outlined earlier in Section II 1 compliments each of these activities and will assist their execution.

The operational activities include all actions undertaken by the BEREC Office in support of BEREC's work, which are grouped as follows:

- Setting-up EWGs and supporting their activities, in order to fulfil the BEREC WP, including by elaboration of some of the deliverables, procuring and managing the necessary services, public consultations, IT systems, studies and managing the information workflows, reimbursement of traveling expenses of event participants, etc.;
- Supporting BEREC activities under Article 7 and 7a of the Framework Directive, including by collecting and keeping track of all notifications, establishing and coordinating Article 7/7a EWGs, ensuring high-level quality and consistency of the BEREC opinions and others;
- Assisting the BEREC Chair and Vice-Chairs in fulfilling their assignments and organising the CN meetings and BoR and MC Plenary meetings and international events;
- Ensuring that there is maximum internal and external transparency and accountability of BEREC activities, including through implementation of the BEREC External Communication Strategy and annual communication plans, maintaining the BEREC website, answering questions of citizens and stakeholders including the provision of documents and data, organisation of public debriefings and managing relations with BEREC stakeholders, maintaining the internal platform for collaboration (BERECnet) and provision of other support to BEREC and the NRAs, such as provision of training for NRAs' experts, coordination of the preparation of the BEREC annual activity reports and others, procuring and maintaining IT applications and tools, portals, survey platforms and studies, in support of BEREC.

The horizontal activities include:

- General coordination activities, which include inter-institutional contributions provided by the BEREC Office;
- Legal advice, which includes activities of the legal officer (not directly linked to the Agency mandate), the activities of the data protection officer, relation with the Court of Justice and with the Ombudsman;

- Communication and information activities, not directly implementing the mandate of the Agency, such as open-door days, back-to-school initiative and others;
- Finance and non-operational procurement activities, which include: accounting, finance, procurement and contract management (with exception of operational); payroll, reimbursement of mission costs not related to operational activities; internal audits with a focus on finance.

The administrative support activities include:

- HR management (except payroll and mission reimbursement);
- Security, information and communication activities and logistics, which include activities primarily supporting informatics infrastructure and services (e.g. workstation support, hardware support, ICT management, ICT service support with a role at Agency level (not directly implementing the mandate of the Agency); provision of security services, postal services, building and facility management (including premises and equipment) and office supplies and document management and archive activities (except operational).

The annual activity work programme contains detailed objectives, expected results and the description of the actions to be financed, including an indication of the amount of financial and HR allocated to each action. All activities listed above are developed on the basis of the availability of the following financial and HR:

Amount of EU contribution	Establishment plan posts	External personnel
EUR 4,418,000	14	13

The split of financial and HR between the different activities is presented in Annex I.

2 Activities

Operational Activities

2.1 Support to BEREC EWGs

2.1.1 Setting-up EWGs and providing support

2.1.1.1 Overview

According to the BEREC Regulation, the BEREC Office sets up BEREC EWGs, upon request of the BoR, and provides them with the appropriate administrative, professional and logistics support. The BEREC Office also manages public consultations and procurement procedures for workshops and research studies thus contributing to the achievement of BEREC's goals. The BEREC Office is also responsible for collecting information from NRAs and collating periodical BEREC benchmark reports, questionnaires, surveys, reports for the European Commission, supporting the use of IT applications by the EWGs, establishing databases and others.

To support BEREC's annual WP, the BEREC Office sets up BEREC EWGs, upon request of the BoR, at the beginning of each calendar year. This forms the framework of how national experts contribute to delivery of the BEREC WP. The BEREC Office also manages changes

relating to EWGs, if required, during the calendar year. To enable the smooth working of EWGs, the BEREC Office collects the resource commitments from the NRAs, sets up and manages the email lists and email exploders related to the EWGs.

The BEREC Office provides administrative support to EWGs with organising meetings and workshops – either physical or fully virtual, and maintaining the information flow among members. Furthermore, it also provides logistics support to EWGs, such as circulation of documents and reimbursement of the experts' travel expenses to the NRAs. Depending on the actual deliverable, the BEREC Office provides professional support to EWGs in preparation of BEREC documents.

In providing assistance to the EWGs the BEREC Office manages procurement procedures for meetings, workshops and studies, acquiring access and supporting the use of on-line platforms for sharing information which are required by the EWGs to deliver and continue making available their reports in timely manner and within high quality standards. The BEREC Office collects market data from NRAs when requested to do so by BEREC and drafts periodical BEREC benchmark reports as required by BEREC.

BEREC has an important role in promoting a consistent regulatory approach. To support BEREC in this regard, under Article 6 of the BEREC Regulation, the BEREC Office has been assigned the responsibility of collecting information from the NRAs and from the sector stakeholders, to exchange and transmit data in relation to the BEREC role and tasks as specified in BEREC Regulation Articles 2(a) and 3.

2.1.1.2 Objectives, indicators, expected outcomes and outputs

The following list contains the main objectives and indicators which measure the support given to the BEREC EWGs:

- Proper functioning of EWGs with basic support (such as invitations to meetings, document circulation and reimbursement of related travel expenses) – capacity for supporting more than 100 physical EWGs meetings in 2018;
- Full support to all EWGs, including support in the organisation of EWGs public workshops and events, public consultations and drafting EWGs documents;
- Data collection and dissemination upon request from EWGs or the BEREC Chair;
- Delivery of studies and research reports or any other material, upon request from EWGs;
- Delivery of software and hardware as well as other IT services under an appropriate portal in accordance with BEREC specifications, necessary for the development, implementation and operation of a QoS measurement system which will monitor the implementation of TSM regulation for the fixed and mobile services “as the Regulation is” and in accordance with its future modifications. This project will also include rendering space on various internet exchanges across Europe and acquiring consulting services for the implementation and the operation of the measurement system;
- Structured and timely provision of information and/or analysis on collected market data;

- Contribution to the drafting of the following reports (in due time):
 - a. Regulatory accounting in practice;
 - b. International roaming benchmark reports;
 - c. Termination rates at European level;
 - d. Report on transparency and comparability of international roaming tariffs;
- Acquiring access and supporting to an on-line platform for sharing information regarding EWG BEREC meetings;
- Developing a menu of services offered to BEREC EWGs including KPIs and SLAs;
- Identification and measurement of quantitative and qualitative indices to assess the support provided to the EWGs by the BEREC Office. This is achieved by conducting regular satisfaction surveys to the Chairs of the EWGs and developing KPIs to measure the performance of the tasks assigned to the BEREC Office, by the Internal Guidelines on the Operation of BEREC EWGs. These indices are measured on regular intervals and reported to the EWGs and the BEREC members as in a view of providing guidance on how to improve the services of the BEREC Office.

2.1.1.3 Resources

- a) 582 k EUR
- b) 11.19 FTEs

2.1.2 BEREC Office activities under market analysis and notifications

2.1.2.1 Overview

Under the revised 2009 EU regulatory framework, the national regulatory authorities (NRAs) are required to analyse a set of markets for electronic communications which may need ex-ante regulation.

According to Articles 7 and 7a of the Framework Directive, the findings of market analysis have to be notified to the Commission. The aim of this EU notification, the so-called Article 7 procedure, is to contribute to the development of a single market in electronic communications by ensuring co-operation among NRAs, and between NRAs and the Commission.

Once a NRA notifies the Commission of its proposed measure, the case is assessed by the Commission within one month. At the end of this period and provided that the notified measure does not raise “serious doubts” as to its compatibility with the EU law, the Commission may decide to comment.

When the Commission expresses serious doubts and opens a so-called Phase II case, its investigation period is extended for two more months in the Article 7 cases, or for three more months in the Article 7a investigations. If this situation occurs, BEREC has to issue an opinion on whether these serious doubts are justified. For this purpose BEREC has set up a procedure to establish an EWG for drafting an opinion.

In this context, the BEREC Office is responsible for collecting and keeping track of the NRAs notifications, as well as for establishing and coordinating Article 7/7a EWGs in order to

prepare BEREC's opinions within the deadline set by the Framework Directive.

Thus the BEREC Office contributes to the development of a single market in electronic communications and cooperation amongst NRAs, and between NRAs and the Commission. Therefore, this activity is a priority in each annual Work Programme of the BEREC Office.

2.1.2.2 Objectives, indicators, expected outcomes and outputs

Specific objectives and actions related to these tasks are:

- Keep track of and collect NRAs' notifications;
- Maintenance and update of the database;
- Coordination of the BEREC activities in accordance with the Article 7/7a procedures.

Expected outcomes and indicators are:

- Database for all notifications and Phase II cases opened under Articles 7/7a of the Framework Directive; to be integrated into the BERECnet;
- High quality and consistent final draft of BEREC opinions;
- Proper functioning of the ad-hoc working groups, reimbursement of related travel expenses – capacity to handle every case in a timely manner.

2.1.2.3 Resources

- a) 15 k EUR
- b) 1.13 FTEs

2.2 Support to BEREC and NRAs

2.2.1 Support to the BEREC Chair and Vice-Chairs and organisation of CN and BoR and MC Plenary meetings and international events

2.2.1.1 Overview

According to the BEREC Regulation, BEREC should assist the NRAs and the Commission in the execution of their responsibilities through the pooling of expertise without duplicating work already undertaken. BEREC should develop cooperation among NRAs, and between NRAs and the Commission, so as to ensure the consistent application in all MS of the EU regulatory framework for electronic communications networks and services, thus contributing to the development of the internal market. BEREC should also serve as a body for reflection, debate and advice for the EP, the Council and the Commission in the electronic communications field.

These objectives, among others, are achieved through the adoption of a number of BEREC deliverables, which are approved either during the plenary meetings or by electronic voting procedures. Additionally, in order to enhance the cooperation between NRAs, Commission, European Parliament, the Council and interested parties (stakeholders) BEREC organises different events and participates in events organized by third parties during which the Chair or the Vice-Chair presents BEREC views and shares BEREC expertise.

Therefore, the BEREC Office provides professional and administrative support to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their assignments. In

particular, the BEREC Office is in charge of the preparation of the BoR and MC Plenary meetings, the CN meetings, the BEREC meetings with the EU institutions, high-level BEREC workshops, events attended by the Chair and Vice-Chairs on behalf of BEREC and BEREC international activities.

In providing assistance to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their assignments, the BEREC Office maintains the information flow among BEREC Members, Observers and relevant stakeholders, it also provides logistics support to the meetings, such as registration of meeting participants or circulation of meetings documents in timely manner and within high quality standards as well as reimbursement of the experts' travel expenses to the NRAs.

The BEREC Office also provides professional and administrative support to the Chair for the organisation of BEREC and MC electronic voting procedures when the organisation of a meeting for adoption of the decision needed is not possible or practicable and the adoption of the decision cannot be postponed until the next plenary meeting.

The BEREC Office registers all new nominations of BoR, MC and CN Members or Observers and keeps the contact lists of these bodies regularly updated. The BEREC Office collects and uploads on the BEREC public register the annual declarations of commitment and interests of the BoR and MC Members and its Alternates.

2.2.1.2 Objectives, indicators, expected outcomes and outputs

The objective of this activity is to provide efficient support to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their responsibilities through the successful organisation of the high-level BEREC and BEREC Office events, such as BoR and MC, CN meetings, high-level workshops, BEREC international activities, meetings with the EU institutions and other similar events.

a) Support for organisation of meetings

Output:

The BEREC Office will provide support to BEREC and meeting hosts (for CN and Plenary meetings) in the organisation of the following meetings or BEREC events:

- 4 CN meetings;
- 4 ordinary BoR and MC plenary meetings;
- Up to 2 BEREC high-level workshops (public or internal) organised back-to-back with the Plenary meetings;
- Up to 2 BEREC meetings with the EU institution (excluding meetings only with the BEREC Chair/Vice-Chairs, which are included in the Chair's events);
- Approx. 45 meetings of the BEREC Chair and Vice-Chairs and events attended by the Chair and Vice-Chairs or other representatives on behalf of BEREC, such as: conferences, events organised by other EU bodies and/or EU institutions, bilateral meetings with interested parties, etc.;
- 7 BEREC international events, including events foreseen in the Memoranda of Understanding signed by BEREC.

Indicators:

- Provision of standard set of support upon request to all Plenary and CN meeting hosts within the deadline agreed with the meeting host;
- Publication of all public documents and information on the outcome of the CN and Plenary meetings within the deadlines determined in the meeting Action Points;
- Publication of the speeches and presentations of the BEREC Chair and Vice-Chairs done on behalf of BEREC at public events on the BEREC website;
- Satisfaction of the BEREC Chair with the support provided by the BEREC Office in the organisation of the meetings listed above (assessed on the basis of quarterly surveys);
- Reimbursement of the expenses of the meeting participants invited to the events listed above in compliance with the applicable BEREC Office rules and within the deadlines envisaged in the BEREC Office Financial Regulation.

b) Support to electronic voting procedures

Output:

- High-quality support to the organisation of up to 20 electronic voting procedures;
- Preparation of regular overviews of the outcome of electronic voting procedures as well as information on electronic voting procedures planned in the period to the next plenary meeting (for each CN and plenary meetings).

Indicator:

- Satisfaction of the Chair with the support provided by the BEREC Office to the organisation of electronic voting procedures (assessed on the basis of quarterly surveys).

c) Maintaining updated lists of the BoR, MC and the CN

Output:

- Regularly updated internal BoR, MC and CN contact lists and public BoR and MC Members and Observers lists;

Indicator:

- All notifications of new BoR, MC and CN members and observers are registered within 3 working days from their receipt;
- BoR, MC and CN contact lists are up-dated within 3 working days from the receipt of the notification.

2.2.1.3 Resources

- a) 587 k EUR
- b) 4.35 FTEs

2.2.2 Public transparency, accountability and integrity and support to BEREC and NRAs

2.2.2.1 Overview

As the BEREC external communication is based on the principles of transparency, accessibility, coherence and timeliness, the objective of this activity is to ensure the transparency of the BEREC and BEREC Office activities according to the BEREC External communication strategy and its annual communication plans via active promotion of its work and achievements and dissemination of information through the appropriate communication channels to its target audiences, as well as to raise awareness of the latest and increase engagement of stakeholders in BEREC and BEREC Office activities

2.2.2.2 Objectives, indicators and expected outputs

- a) To increase the transparency and accountability of BEREC and BEREC Office activities through raising awareness of its target audiences by using appropriate technical solutions.**

Outputs:

- Organisation of events open for public such as public debriefings, public hearings, press events, high-level stakeholder events including BEREC Stakeholder Forum, etc. with live-streaming on the BEREC website and engagement with stakeholders via social media during the live streaming of the events;
- The update of the BEREC website is initiated in line with the applicable rules on multi-language communications and with the latest technical solutions and necessary requirements;
- The current BEREC website is maintained to be reader-friendly, easily accessible and with regularly updated content;
- Information on BEREC and BEREC Office activities is published on the BEREC website and disseminated via social media (Twitter, LinkedIn and YouTube);
- Active interaction with media representatives upon request and according to the projects foreseen in an annual communication plan;
- Active response to requests for information;
- Publication of BEREC Annual Reports and BEREC Work Programme;
- Update of the BEREC and BEREC Office Visual Identity and the guidelines;
- Preparation of well-designed and attractive branding materials and event communication visual solutions, according to the BEREC and BEREC Office Visual Identity guidelines;
- Development of audio-visual solutions (videos, infographics, photos, etc.) for BEREC and BEREC Office publications and information sharing.
- Providing support to the development of BEREC communication projects by the communication network of NRAs.
- Disseminate information on BEREC activities through the communication network of NRAs.

Indicators:

- Increase of number of registered participants to the events open for public;
- Increase of number of live-streaming connections during the events open for public;
- Increase of number the recorded videos are watched after their publication on the BEREC website and on the YouTube channel;
- Increase of number of questions received via email and Twitter during the live-streaming of events open for public;
- Increase of number of the followers of the BEREC official accounts in social media – Twitter and LinkedIn and subscribers of the BEREC YouTube channel;
- Increase of number of news items published on the BEREC website;
- Increase of the visitors' traffic to BEREC website and a number of subscribers;
- Increase of number of questions received from media representatives via email;
- Increase of number of mentions about the BEREC and the BEREC Office activities in media;
- A response is provided to all the information requests received, in active, qualitative and timely manner;
- BEREC Annual Reports and BEREC Work programme is prepared in a designed layout in electronic format and delivered to stakeholders in electronic or paper format;
- The event communication visual solutions are used and branding materials are distributed at the BEREC and BEREC Office public events;
- Audio-visual solutions are developed in accordance with an annual communication plan;
- Declassify and make available BEREC documents on requests by citizens or stakeholders;
- Develop and maintain platforms for open public consultations, survey, reports and questionnaires;
- Develop IT systems that measures e.g. the internet access service quality along with the end-users applications accessibility in fixed and mobile telephony;
- Ensuring BEREC public website meets latest IT security standards;
- Ensuring public consultation platform meets latest IT security standards;
- Assessment/Report after conducting vulnerability tests to verify website security compliance;
- Assessment/Report after conducting vulnerability tests to verify public consultation platform security compliance.

b) Maintain and further develop the public website, including by increasing the flow of information on BEREC activities; maintain and update the hardware and

operating system of the web server to ensure smooth functioning of the BEREC website;

Outputs:

- The hardware and operating system are kept up-to-date;
- High availability of the BEREC website;
- The internal and external users are provided with the technical support needed;
- Adjust the security setting in order to meet latest technological trends and threats.

Indicators:

- The hardware and operating system are aligned with the necessary hardware and software configurations;
- On average at least 95% availability of the BEREC website for the whole year;
- 85% of the requests are addressed within 2 working days;
- Identified vulnerabilities are resolved in line with an internal action plan.

c) Other support to BEREC and NRAs

Outcomes:

- A well-functioning internal platform to be kept for collaboration and knowledge-sharing between BEREC members and observers (BERECnet), including ensuring continuous IT support to BEREC;
- BERECnet user requests to be dealt with IT-ticketing system (email request registration, follow up and resolution);
- Organisation of training to support BEREC members and observers by advancing the knowledge about the Regulatory Framework and other topics related to BEREC activities;
- Support and coordination to be provided to the preparation of the BEREC Annual Activity Report for 2017 and BEREC WP for 2019;
- support to BEREC legal and court processes;
- Delivery of a study or research report or any other material, upon request from the BoR;
- Maintenance and further expansion of the capacity of the audio-video conference facility, as needed, in order to ensure wider and cost and time effective participation in the BEREC EWG events;
- Maintenance and further expansion of the on-line public consultation platform with possible expansion with surveys and questionnaires.

Indicators: deadlines are met in the specific projects.

2.2.2.3 Resources

- a) 206 k EUR
- b) 5.27 FTEs

Horizontal activities

2.3 Coordination activities

2.3.1 General coordination and communication activities

2.3.1.1 Overview

The BEREC Office will ensure that there is an effective management and internal control system implemented. Findings and recommendations of the Internal Audit Service will be addressed in an action plan that will also contain indicators and expected outcomes. Observations of the European Court of Auditors and the discharge authority will be followed up with a view to address the comments in the shortest possible time.

The BEREC Office will continue its efforts to raise the awareness of its work among the citizens by the organisation of small-scale communication activities.

2.3.1.2 Objectives, indicators, expected outcomes and outputs

The objective of the general management and control is to ensure that the operation of the BEREC Office is in line with the applicable rules and the available resources are used in the most effective and efficient way.

Specific objectives, expected outcomes and indicators:

- Assist the MC in preparing the BEREC Office Consolidated Annual Activity Report for 2017 and the BEREC Office programming document for 2019-2021;
Outcome: delivery of draft documents;
Indicator: deadlines set in the Financial Regulation are kept;
- Provide regular overview to the MC on the operation of the budget execution of the BEREC Office;
Outcome: regular standard internal report;
Indicator: deadline for submitting the document for each MC meeting is kept;
- Continue to look for efficiency gains through the use of existing framework contracts of the relevant Commission services and by possibly pooling resources with other EU bodies. In this regard, the BEREC Office shares experience in the established network of EU agencies;
Outcome: SLAs are signed with other EU institutions, bodies and agencies;
Indicator: evaluation of the functioning of the SLAs and up-date of the needs;
- Contribute to the work of the Network of Agencies on subjects of interest to the BEREC Office;
Outcome: model documents, methodologies, etc., developed by the Network, which take into account the interest and as far as possible, the specifics of the BEREC Office;
Output: Assist and actively participate in the Discharge process (initiated both by the Network of Agencies and European Parliament)

Outcome: provide in a timely manner replies to the questionnaires launched by the Network of Agencies in what regards the Discharge process or provide replies to the horizontal questions addressed by the legislator.

- Organisation of communication and information activities, not directly implementing the mandate of the Agency, such as open-door days, back-to-school initiative and others preferably jointly with the Representation of the European Commission and the Information Office of the European Parliament in Latvia, provision of information and subscriptions to periodicals necessary for the professional activity of the staff, etc.

2.3.1.3 Resources

- a) 47.5 k EUR
- b) 0.84 FTEs

2.3.2 Legal activities and advice

2.3.2.1 Overview

Due to the limited number of staff at the BEREC Office the legal function consists of providing legal advice and opinions both to BEREC and the BEREC Office. Due to the fact that the legal opinions to BEREC are directly linked to the professional support provided to BEREC these activities are planned under the respective operational activity.

The current section covers only legal activities, which are not directly linked to the Agency mandate and have the objective to ensure the legality of the transactions when implementing both the Staff Regulations (in particular, recruitment procedures and implementing rules) and the Financial Regulations. The professional exercise of the legal function ensures primarily mitigation of external risks (e.g.: court cases in procurement and/or Staff Regulations related matters) and mitigates risks of criticism during audit performances.

In the area of data protection, the activity of the legal function takes the form of establishing a relationship with the European Data Protection Supervisor (EDPS) and advice the Data Controller on the need to comply with EU data protection rules. The main challenges in 2019 will be primarily the following:

- a) to continue the trend of keeping the BEREC Office off court cases and Ombudsman procedures, notably in the sensitive field of access to documents, with the support of BEREC MC and BoR to avoid such court cases and Ombudsman procedures;
- b) in the field of data protection, to reduce the number of missing data protection policies;
- c) in the field of data protection, to organise one internal training per year and training(s) specifically designed for newcomers;
- d) in the field of data protection, to implement and ensure compliance with the new EU Regulation on data protection (which replaces Regulation 1045/2001);
- e) to streamline the handling of public procurement procedures, notably by:
 - Organising one internal training per year and training(s) specifically designed for newcomers;
 - Ensure that the adoption of E-tendering is effectively implemented;

- Based on cost-benefit analysis, adopt other e-procurement modules developed by the Commission (e.g. e-Evaluation; e-Awarding; e-Invoicing);
- Maintain an updated Procurement and Contract Management Manual of the BEREC Office as reference document for handling public procurement procedures, in line with the e-procurement modules.

f) to ensure a smooth legal transition and adaptation to the new BEREC Regulation (replacing Regulation 1211/2009), subject to its timely approval by the legislator;

2.3.2.2 Objectives, indicators, expected outcomes and outputs

The outstanding objective of the legal function is to avoid external risk (court cases) and mitigate internal risk of criticism by internal and external auditors with regard to the areas of procurement, recruitment, access to documents and data protection), if needed, by obtaining legal advice from a law firm.

Expected outcomes and outputs: non-involvement of the BEREC Office either in court cases (HR management, procurement and data protection) or in investigations carried by independent bodies as EDPS, OLAF or the Ombudsman; reduce the level of criticism (in the areas of procurement, HR, access to documents and data protection) by the auditing bodies to a minimum.

Indicators: the legal advice is provided in a very timely and professional manner. Delays are not caused by the legal function. The DPO function executes its function in a timely and professional manner and also supports the Data Controller in preparing replies to inquiries or survey by the EDPS.

2.3.2.3 Resources

- a) 2.7 k EUR
- b) 0.63 FTEs

2.4 Finance and non-operational procurement

2.4.1 Overview

The activities of the BEREC Office in this area will consist mainly in managing the budget of the Agency, ensuring that all financial transactions are executed in compliance with the requirements of the Financial Regulation and providing general guidance and advice for organisation of procurement, including by developing and updating the internal instructions, guidelines and templates for staff in line with the legislation in force (notably via the BEREC Office Financial Manual and the BEREC Office Procurement and Contract Management Manual).

The activities included in this area cover the management of the SLAs with the Commission Services and other bodies of the EU in the field of accounting, procurement and contract management (except operational); general finance and budgetary management, payroll, reimbursement of non-operational mission costs; internal audits with a focus on finance (for example audits from the external auditors) and ex-post controls with a focus on finance and procurement.

2.4.2 Objectives, indicators, expected outcomes and outputs

The objective of these activities is to implement the budget in compliance with the principle of sound financial management and establish all prerequisites for execution of all financial transactions and procurement procedures in a timely manner and in compliance with the legislation in force.

Specific objectives, expected outcomes and indicators:

Actions:

- a) Prepare and provide the draft budget, the financial statements, the amended budget and other budgetary reports and legal requirements;
- b) Implement the budget with timely payments and perform regular monitoring exercises on the budget;
- c) Implement and perform the principles of Activity Based Budgeting (ABB)/ Activity Based Costing (ABC);
- d) Provide adequate financial support, manage financial documents and perform accurate internal controls;
- e) Perform regular check of the quality of accounting;
- f) Act as a single point of contact for financial management matters to DG BUDGET (e.g. ABAC accounting implementation);
- g) Ensure timely and accurate execution of payroll for BEREC Office staff, payments of Seconded National Expert allowances and trainee grants in compliance with legal obligations.
- h) Coordinate audits and ex-post control exercises with financial focus and support to all audit assignments, including engaging an external audit company for the financial audit of BEREC Office;
- i) Ensure coordination of the procurement activities of the BEREC Office and provide guidance and advice to staff entrusted with procurement responsibilities;
- j) Ensure coordination of the procurement activities of the BEREC Office and provide guidance and advice to staff entrusted with procurement responsibilities;
- k) Provide adequate support in planning, managing and reporting BEREC Office staff missions, performing financial transactions related to mission costs;
- l) Regularly up-date the Financial Manual and the Procurement and Contract Management Manual and provide up-to-date templates and check-lists to the staff.

Indicators:

KPI – Annual budget execution target for commitment appropriations;

Method – extracted from annual figures compiled for the BEREC Office report on the budgetary and financial management; target $\geq 95\%$;

Payroll: reception of salaries, allowances and grants in due time and precise amounts:

Target: Accurate monthly payments are paid to BEREC Office staff, SNEs and trainees by 15th of each month (bank execution date) with yearly errors of the amounts $\leq 5\%$.

The procurement procedures are organised according to the procurement plan; target ≤5% unjustified delays.

2.4.3 Resources

- a) 41 k EUR
- b) 4.19 FTEs

Administrative support activities

2.5 Human Resources

2.5.1 Overview

After the implementation of the cut of one establishment plan post in 2015, which constituted 6.25 % of the total number of establishment plan posts, the BEREC Office completed the objective to progressively render 5 % of its staff as agreed in the Interinstitutional Agreement of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management²⁹.

In 2017 the establishment plan of the BEREC Office included 14 temporary agents: 11 agents are in the function group AD and 3 in the function group AST. No changes are foreseen in 2019.

Secretarial and clerical tasks

Unfortunately, due to the limitations in the establishment plan, the BEREC Office does not employ officials and agents in function group AST/SC. In line with the Staff Regulations and CEOS, staff members in function group AST are carrying out administrative or technical activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions.

The clerical and secretarial tasks are currently being progressively externalised.

Limit the turnover

The BEREC Office will continue to operate with the objective to increase its attractiveness in order to develop and retain its staff as far as possible and to ensure the selection of staff at an adequate level of expertise and seniority. Attention will be paid to implementation of policies for internal mobility and creation of a positive working environment, with a view to limit the turnover of key staff. As an additional measure to attract and retain highly qualified staff, the BEREC Office has planned the launch of social welfare measures in 2018 (such as access to kindergarten or enablers to balancing work related and personal activities), which may be implemented on the basis of the FTEs availability.

HR Management

In 2016 the BEREC Office signed a SLA for the use of the IT tool "Sysper2", which is the HR management information system of the EC. The implementation of the system started in 2018 and the operations on the system will continue to be supported by the HR technical

²⁹ See p. 27, 2013/C 373/01, OJ C 373, 20.12.2013, p. 1–11, <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013Q1220%2801%29>

support procured in 2017.

Selection and Recruitment

Selection and recruitment at the BEREC Office are negatively affected by the absence of a relevant IT tool. The BEREC Office will continue its discussion with the relevant Commission services for obtaining access to the Commission IT tool for recruitment such as the "EU CV Online". In the event of a negative answer from the Commission, the BEREC Office may need to launch a procurement procedure to acquire this service from the market.

Regardless the lack of an IT tool, the BEREC Office will continue to strive to meet the time indicators.

Talent Management:

In 2017 the BEREC Office successfully introduced the Commission learning management system "EU Learn" and will continue its implementation during 2018.

When a training need will arise, the BEREC Office will try to organise it internally, in order to maximize the knowledge of the existing staff.

The BEREC Office has adopted the new implementing rules on learning and development, based on a model decision for the agencies developed by the Commission and started their implementation in December 2017.

In 2017 the BEREC Office started the necessary preparatory work to enhance the already existing training possibilities for languages after the end of the current service contract. The HR area needs to be enhanced with a view to provide further services to the staff.

As every year, the BEREC Office will launch the appraisal procedure at the beginning of 2019. The reclassification procedure will take place in the second half of the year. The limits set by the Staff Regulations have been taken into account in the revision of the grades of posts for the establishment plan for the years 2019-2021 in order to ensure equal opportunities for the staff's career progression.

Traineeship Programme

Following the initial experience of the implementation of Decision MC/2016/08 the BEREC Office proposed the MC to review the Decision in 2018. In 2019 the Traineeship Programme will reach its 4th edition.

2.5.2 Objectives, indicators, expected outcomes and outputs

Externalisation of secretarial and clerical tasks: the externalisation of the secretarial and clerical tasks should be finalised by the end of 2019.

Indicator: With the service procured for this purpose the BEREC Office should be able to relieve at least 2 full time equivalents (contract and temporary agents) from secretarial and clerical tasks.

Implementation of the traineeship scheme as reviewed in 2018.

Indicators: the number of trainees hired for each traineeship programme should be at least 3. Among the outcomes and outputs: benefit from the fresh energies of recent graduate trainees, as well as increase the visibility and, consequently, the attractiveness of the BEREC Office.

Schooling: At least 3 multiannual agreements with Latvian schools having an international dimension should be accomplished by the end of 2019.

Indicators: the numbers of requests of relevant measures from eligible BEREC Office staff members received and accommodated by the BEREC Office should be 100%.

Appraisal and reclassification: As every year, the BEREC Office will launch the appraisal procedure at the beginning of 2019.

Indicators: the appraisal exercise should be launched in January 2019. The decisions on the reclassifications should be communicated to PMO by November 2019.

Learning and development: The BEREC Office will maximize the internal expertise.

Indicator: At least two training events during 2019 will involve BEREC Office staff as trainers and/or facilitators.

2.5.3 Resources

- a) 166 k EUR
- b) 2.19 FTEs

2.6 ICT, security, logistics and document management

2.6.1 Overview

The BEREC Office operates in one site, in Riga, Latvia (detailed information on the building is available in annex V: Buildings), with a standard office IT environment. With a limitation on Human Resources there is no in-situ IT team established so the outsourcing of IT related activities is seen as the only way to ensure business continuity.

Due to its limited capacity the BEREC Office is not able to monitor the development and to maintain tailor-made applications for its day-to-day operation and therefore will continue to use as far as possible applications already developed by the EC and offered to the EU Agencies. The BEREC Office has used since its establishment the EC accounting system ABAC and has recently signed agreements with the EC services for the use of the EC applications on document and records management and archiving (HAN), management of HR (Sysper2), electronic management of learning (EU-LEARN) and e-tendering. To increase its IT security the BEREC Office also signed a Memorandum of Understanding with the EU Computer emergency response team (EU-CERT) for usage of the services offered it.

To decrease the burden from organising its own IT procurement the BEREC Office has signed a Memorandum of Understanding with DG DIGIT for participation of the BEREC Office in all IT related procurements organised by the EC services.

The BEREC Office will further explore the possibilities for usage of any other additional services that could be offered by the EC, such as hosting, housing, etc.

2.6.2 Objectives, indicators, expected outcomes and outputs

- a) Establish all necessary prerequisites for the operation of secure and user-friendly ICT environment for the BEREC Office staff, including through the use of the EU CERT and other service providers;
- b) Ensure smooth running of the EC applications already in place at the BEREC

Office and support the staff with the migration to any new applications, such as HAN, Sysper2, e-Tendering and others.

- c) Maintain and develop the necessary hardware and software to ensure smooth functioning of the BEREC Office ICT equipment;
- d) Ensure and maintain necessary security measures on email server;
- e) Ensure safe and secure working conditions for the staff of the BEREC Office compatible with the EC standards on security and the requirements of the EC Building Manual;
- f) Provide logistic support to the BEREC Office, such as postal and telecommunications services, procure and maintain the office furniture and ensure regular office supplies;
- g) Ensure other logistical and/or clerical services through contracts with service providers;
- h) Identify areas of potential risks and proposes and implement appropriate mitigating measures.

2.6.3 Resources

- a) 431 k EUR
- b) 2.21 FTEs

Annex I: Resource allocation per activity 2019

ACTIVITIES 2018	Direct Costs kEUR	FTEs	HR related costs kEUR	Total costs kEUR
Operational activities				
- Support to BEREC EWGs	597	12.32	907	1504
Set-up EWGs and provide support	582	11.19 ³⁰	799	1381
BEREC Office activities under market analysis and notifications	15	1.13	108	123
- Support to BEREC and NRAs	793	9.62	848	1641
Support to the BEREC Chair and Vice-Chairs and organisation of CN and BoR and MC Plenary meetings and BEREC stakeholder and international events	587	4.35	444	1031
Public transparency, accountability and integrity and support to BEREC and NRAs	206	5.27	404	610
TOTAL operational expenditure	1390	21.94	1755	3145
Horizontal activities				
Coordination activities ³¹	50	1.47 ³²	136	186
Finance and non-operational procurement	41	4.19	314	355
TOTAL horizontal expenditure	91	5.66	450	541
Administrative support activities				
Human Resources	0 ³³	2.19 ³⁴	166	166
ICT, security, logistics and document management	431	2.21 ³⁵	135	566
TOTAL administrative expenditure	431	4.40	301	732
TOTAL	1912	32³⁶	2506	4418

³⁰ Including 2 trainees.

³¹ Includes the following sub-activities: 'General coordination and communication activities' and 'Legal activities and advice'.

³² Including 1 trainee

³³ All HR related expenditure is shown under the 'HR related costs kEUR' column and are assigned to the respective activities.

³⁴ Including 1 trainee.

³⁵ Including 1 trainee.

³⁶ Including 5 trainees in total.

Annex II: Financial Resources 2019-2021**Table 1 – Expenditure**

Expenditure	2018		2019	
	Commitment appropriations	Payment appropriations	Commitment appropriations	Payment appropriations
Title 1	2,489,045	2,489,045	2,505,703	2,505,703
Title 2	452,624	452,624	522,904	522,904
Title 3	1,389,331	1,389,331	1,389,393	1,389,393
Total expenditure	4,331,000	4,331,000	4,418,000	4,418,000

EXPENDITURE	Commitment appropriations						
	Executed Budget 2017 ³⁷	Budget 2018	Budget 2019		VAR 2019/ 2018	Envisaged 2020	Envisaged 2021
			Agency request	Budget Forecast*			
Title 1	2,357,113	2,489,045	2,505,703	2,505,703	0.67%	2,548,348	2,615,716
Staff Expenditure							

³⁷ Final figures of executed budget will be published together with the statement of revenue and expenses in OJ.

EXPENDITURE	Commitment appropriations						
	Executed Budget 2017 ³⁷	Budget 2018	Budget 2019		VAR 2019/ 2018	Envisaged 2020	Envisaged 2021
			Agency request	Budget Forecast*			
11 Salaries & allowances	1,724,885	1,850,521	1,877,041	1,877,041	1.43%	1,914,582	1,952,874
- of which establishment plan posts	1,136,972	1,224,703	1,241,852	1,241,852	1.40%	1,266,688	1,292,022
- of which external personnel	587,913	625,818	635,189	635,189	1.50%	647,894	660,852
12 Expenditure relating to Staff recruitment	22,365	48,403	35,538	35,538	-26.58%	36,249	36,974
13 Mission expenses	228,000	198,000	191,840	191,840	-3.11%	195,677	204,590
14 Socio-medical infrastructure	3,019	4,060	4,060	4,060	0.00%	4,141	5,224
15 Training	98,911	76,912	85,912	85,912	11.70%	86,161	87,884
16 External Services	270,388	299,029	297,672	297,672	-0.45%	297,625	313,978
17 Receptions and events	9,545	12,120	13,640	13,640	12.54%	13,913	14,192
Title 2	448,703	452,624	522,904	522,904	15.53%	533,362	566,241
Infrastructure and operating expenditure							
20 Rental of buildings and associated costs	104,475	108,285	132,673	132,673	22.52%	135,326	138,355
21 Information and communication	223,711	217,000	236,412	236,412	8.95%	241,141	268,637

EXPENDITURE	Commitment appropriations						
	Executed Budget 2017 ³⁷	Budget 2018	Budget 2019		VAR 2019/ 2018	Envisaged 2020	Envisaged 2021
			Agency request	Budget Forecast*			
technology							
22 Movable property and associated costs	19,320	5,073	19,363	19,363	281.69%	19,750	20,047
23 Current administrative expenditure	80,087	96,726	103,814	103,814	7.33%	105,890	107,478
24 Postage / Telecommunications	12,125	14,110	18,567	18,567	31.59%	18,939	19,223
25 Meeting expenses	8,985	11,430	12,075	12,075	5.64%	12,316	12,501
Title 3	1,437,649	1,389,331	1,389,393	1,389,393	0.005%	1,424,290	1,425,147
Operational expenditure							
30 Support to BEREK EWGs	659,763	600,000	596,600	596,600	0.57%	611,982	616,982
31 Support to BEREK and NRAs	777,886	789,331	792,793	792,793	0.44%	812,308	808,165
TOTAL EXPENDITURE	4,243,465	4,331,000	4,418,000	4,418,000	2.01%	4,506,000	4,607,104

EXPENDITURE	Payment appropriations						
	Executed Budget 2017 ³⁸	Budget 2018	Budget 2019		VAR 2019/ 2018	Envisaged 2020	Envisaged 2021
			Agency request	Budget Forecast*			
Title 1	2,357,113	2,489,045	2,505,703	2,505,703	0.67%	2,548,348	2,615,716
Staff Expenditure							
11 Salaries & allowances	1,724,885	1,850,521	1,877,041	1,877,041	1.43%	1,914,582	1,952,874
- of which establishment plan posts	1,136,972	1,224,703	1,241,852	1,241,852	1.40%	1,266,688	1,292,022
- of which external personnel	587,913	625,818	635,189	635,189	1.50%	647,894	660,852
12 Expenditure relating to Staff recruitment	22,365	48,403	35,538	35,538	-26.58%	36,249	36,974
13 Mission expenses	228,000	198,000	191,840	191,840	-3.11%	195,677	204,590
14 Socio-medical infrastructure	3,019	4,060	4,060	4,060	0.00%	4,141	5,224
15 Training	98,911	76,912	85,912	85,912	11.70%	86,161	87,884
16 External Services	270,388	299,029	297,672	297,672	-0.45%	297,625	313,978
17 Receptions and events	9,545	12,120	13,640	13,640	12.54%	13,913	14,192
Title 2	448,703	452,624	522,904	522,904	15.53%	533,362	566,241

³⁸ Final figures of executed budget will be published together with the statement of revenue and expenses in OJ.

EXPENDITURE	Payment appropriations						
	Executed Budget 2017 ³⁸	Budget 2018	Budget 2019		VAR 2019/ 2018	Envisaged 2020	Envisaged 2021
			Agency request	Budget Forecast*			
Infrastructure and operating expenditure							
20 Rental of buildings and associated costs	104,475	108,285	132,673	132,673	22.52%	135,326	138,355
21 Information and communication technology	223,711	217,000	236,412	236,412	8.95%	241,141	268,637
22 Movable property and associated costs	19,320	5,073	19,363	19,363	281.69%	19,750	20,047
23 Current administrative expenditure	80,087	96,726	103,814	103,814	7.33%	105,890	107,478
24 Postage / Telecommunications	12,125	14,110	18,567	18,567	31.59%	18,939	19,223
25 Meeting expenses	8,985	11,430	12,075	12,075	5.64%	12,316	12,501
Title 3	1,437,649	1,389,331	1,389,393	1,389,393	0.005%	1,424,290	1,425,147
Operational expenditure							
30 Support to BEREC EWGs	659,763	600,000	596,600	596,600	0.57%	611,982	616,982
31 Support to BEREC and NRAs	777,886	789,331	792,793	792,793	0.44%	812,308	808,165
TOTAL EXPENDITURE	4,243,465	4,331,000	4,418,000	4,418,000	2.01%	4,506,000	4,607,104

Table 2 – Revenue

Revenues	2018	2019
	Revenues estimated by the agency	Budget Forecast
EU contribution	4,331,000	4,418,000
Other revenue	p.m.	p.m.
Total revenues	4,331,000	4,418,000

REVENUES	2017	2018	2019		VAR 2019 /2018	Envisaged 2020	Envisaged 2021
	Executed Budget	Revenues estimated by the agency	As requested by the agency	Budget Forecast			
1 REVENUE FROM FEES AND CHARGES							
2. EU CONTRIBUTION	4 243 465	4 331 000	4 418 000		2.01%	4 506 000	4 607 104
of which Administrative (Title 1 and Title 2)	2 805 816	2 941 669	3 028 607		2.96%	3 081 710	3 181 957
of which Operational (Title 3)	1 437 649	1 389 331	1 389 393		0.005%	1 424 290	1 425 147
of which assigned revenues deriving from previous years' surpluses	220 167	206 664	23 336		-88.71%	p.m.	p.m.

3 THIRD COUNTRIES CONTRIBUTION (incl. EFTA and candidate countries)	0	p.m.	p.m.			p.m.	p.m.
of which EFTA	0	p.m.(1)	p.m.(1)			p.m.(1)	p.m.(1)
of which Candidate Countries	0	p.m.	p.m.			p.m.	p.m.
4 OTHER CONTRIBUTIONS	0	p.m.(2)	p.m.(2)			p.m.(2)	p.m.(2)
of which delegation agreement, ad hoc grants	0	0	0			0	0
5 ADMINISTRATIVE OPERATIONS	p.m.	p.m.	p.m.			p.m.	p.m.
6 REVENUES FROM SERVICES RENDERED AGAINST PAYMENT	0	0	0			0	0
7 CORRECTION OF BUDGETARY IMBALANCES	0	p.m.	p.m.			p.m.	p.m.
TOTAL REVENUES	4 243 465	4 331 000	4 418 000			4 506 000	4 607 104

(1) Subject to the signature of the Agreement with EFTA countries.

(2) Voluntary contributions from MS or their NRAs: should the BoR decide to approve such contributions, a new budgetary procedure will be launched.

Table 3 – Budget outturn and cancellation of appropriations

Calculation of the budget outturn:

Budget outturn	2015	2016	2017
Revenue actually received (+)	4,023,939	4,246,176	4,246,000
Payments made (-)	-3,226,448	-3,277,547	-3,690,674
Carry-over of appropriations (-)	-615,957	-807,028	-552,791
Cancellation of appropriations carried over (+)	38,652	44,896	20,412
Adjustment for carry over of assigned revenue appropriations from previous year (+)	0.00	0.00	0.00
Exchange rate differences (+/-)	-19	167	389
Adjustment for negative balance from previous year (-)	0	0	0
Total	220,167	206,664	23,336

Descriptive information and justification on budget outturn:

The estimate of the 2017 surplus that should be reimbursed to the EU budget is of EUR 23,335.55.

Carry-over of appropriations (EUR 552,790.87) relates to:

Title 1: Staff related costs, such as:

- missions of staff for support provided to BEREC and EWGs;
- medical examinations (SLA with Medical Service of the EC);
- training (trainings delivered in 2017, for which the invoices have not been received and trainings to be carried out in 2018 under contracts signed in 2017);
- SLAs with EC services and bodies of the EU (DG HR, CdT, PMO fees for calculation of missions, inter-agencies network secretariat,), liabilities under contracts with external contractors (travelling costs for missions, interim staff) started and/or executed in 2017, for which invoices will be received in 2018.

Title 2: Building, equipment and miscellaneous operating expenditure:

- invoices for services and supplies delivered in 2017 (mainly in December 2017) for premises' utilities, security services, consumables, postal and telecommunications services, that will be received in 2018;
- IT purchases and related services, for which contracts have been signed in 2017 and/or services rendered and invoices will be received in 2018;
- the cost for the use of the EC's financial system (ABAC) and the services for the AccO (debit notes to be received in 2018);

- publications ordered to the Publication Office in 2017 which will be invoiced in 2018 and a subscription to a regulatory intelligence services database for the BEREC Office staff for one year;
- 7 parking lots for the needs of the BEREC Office after a contract with a commercial company was signed in the 2nd half of 2017 for one year;
- the costs for external audit, which will be paid at the end of service delivery - in 2018.

Title 3: Operational activities such as:

- expenses for organisation and expert reimbursements for participation in BEREC meetings (incl. EWG meetings) beginning of 2018 (January), planned under the 2017 budget;
- SLAs (PMO fees for calculation of expert reimbursements, CdT, Publications Office);
- contracts signed in 2017 (IT platform for online public consultations, studies, provision of ICT support to BEREC) for which services were partially rendered in 2017 and invoices for which will arrive in 2018.

Cancellation of payment appropriations carried over

	Payment appropriations	Payments made	Cancellation Payment appropriations (EUR)	Cancellation %
	1	2	3	5=3/1
Title 1 C8	252,143.37	235,637.04	6,781.33	2.69%
Title 2 C8	104,605.97	103,251.99	1,353.98	1.29%
Title 3 C8	450,279.03	438,002.37	12,276.66	2.73%
Total	807,028.37	786,616.40	20,411.97	2.53%

The cancellation of payment appropriations carried over happened mostly due to the fact that:

Title 1: Staff:

- The BEREC Office has planned for the ICC assistant from ENISA for ex-post controls (under a SLA for sharing the ICC capacity) to provide the control activities remotely for a maximum period of 20 days (750 EUR per day) and the amount invoiced was lower by EUR 6,177.87 (11 days of remote ex-post controls) and needed to be cancelled;
- Carry-forwards for interim staff contracts were based on the contracts' amount. The actual expenditure was lower by EUR 405.04 and unused appropriation had to be cancelled;
- Expenditure for invoices received for BEREC Office Staff badges for access to EC premises and for the inter agencies network contribution was less than expected and 620 EUR had to be cancelled.

Title 2: Building, equipment and miscellaneous operating expenditure:

- The estimates of the needs for telecommunication services, utilities, security services, provision of the HR system SYSPER 2 by DG HR (for personnel management), office supplies, an unused amount for the AccO for travelling to the BEREC Office (in accordance to the contracts in place and on the basis of expenses incurred in the previous period) was lower by EUR 1,353.98 cumulatively. Therefore, the unused appropriations had to be cancelled.

Title 3: Operational activities:

- Reimbursement of participants/experts to EWGs travel were based on the number of people invited and eligible to receive reimbursements and average costs per expert;

However, the final costs depend on the actual participation and the number of applications received and actual costs incurred. These costs were lower than estimated by EUR 12,101.90 and were cancelled;

- An amount of 174.76 EUR was cancelled by the ICT services for BEREC contract due to travelling expenses not incurred as per the conditions of the said contract.

Annex III: Human Resources 2019-2021, part 1

Table 1 – Staff population and its evolution; Overview of all categories of staff

Staff population		Actually filled as of 31.12.2016 ³⁹	Authorised ⁴⁰ under EU Budget 2017	Actually filled as of 31.12.2017	Authorised ^{41/} estimated ⁴² under EU budget for year 2018	Authorised ^{43/} estimated ⁴⁴ under draft EU budget for year 2019	Envisaged in 2020	Envisaged in 2021
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
TAs	AD	11	11	11	11	11	11	11
	AST	3	3	3	3	3	3	3
	AST/SC	0	0	0	0	0	0	0
Total ⁴⁵		14 ⁴⁶	14	14	14	14	14	14
CA GF IV		8	8	8	8	8	8	8
CA GF III		0 ⁴⁷	0	0	0	0	0	0
CA GF II		1	1	1	1	1	1	1
CA GFI		0	0	0	0	0	0	0
Total CAs		9	9	9	9	9	9	9

³⁹ Including job offers sent for an AST 3, a CA FG IV and a SNE, who started in Q1 2017.

⁴⁰ As authorised for officials and TAs and as estimated for CAs and SNEs.

⁴¹ For officials and TAs

⁴² For all other categories of staff

⁴³ For officials and TAs

⁴⁴ For all other categories of staff

⁴⁵ Headcounts.

⁴⁶ The total headcount of 14 includes the decrease by 1 post brought about by the Inter-institutional Agreement of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management, 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, and the decrease by 1 post for the redeployment pool. The first cut (Administrative Assistant (AST1) from the Programme Management Unit) actually constituted 6.25 % of the total number of establishment plan posts and, therefore, the BEREC Office completed the objective for progressively render 5 % of its staff as agreed. The objective to decrease 1 post for the redeployment pool was achieved in September 2016, when the post of the Budget Assistant (AST 4) became vacant and has not filled in with a view to a further cut in the establishment plan as of January 2017. Also in this case, the decrease by 1 post represented more than 5 % of BEREC Office Staff.

⁴⁷ One CA FGIII post was converted into one CA FGIV post as of 1 January 2017 due to inclusion of policy related tasks to the job description and outsourcing the technical IT tasks to service providers, which required the change of the FG for that post.

Staff population	Actually filled as of 31.12.2016 ³⁹	Authorised ⁴⁰ under EU Budget 2017	Actually filled as of 31.12.2017	Authorised ⁴¹ / estimated ⁴² under EU budget for year 2018	Authorised ⁴³ / estimated ⁴⁴ under draft EU budget for year 2019	Envisaged in 2020	Envisaged in 2021
SNEs ⁴⁸	4	4	4	4	4	4	4
Structural service providers ⁴⁹	0	2	2	2 ⁵⁰	4	5	6
TOTAL ⁵¹	27	27	27	27	27	27	27
External staff for occasional replacement ⁵²	2	na	4	na	na	na	na

⁴⁸ FTE.

⁴⁹ 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.

⁵⁰ Envisaged.

⁵¹ Excluding external service providers.

⁵² For instance replacement due to maternity leave, long sick leave or unexpected turnover, and workload peaks. FTEs.

Table 2 – Multi-annual staff policy plan year 2019-2021

Category and grade	Establishment plan in EU Budget 2017		Filled as of 31/12/2017	Modifications in year 2017 in application of flexibility rule ⁵³		Establishment plan in voted EU Budget 2018 ⁵⁴		Modifications in year 2018 in application of flexibility rule	Establishment plan in draft EU Budget 2019		Establishment plan 2020		Establishment plan 2021	
	Officials	TA		Officials	TA	Officials	TA		Officials	TA	officials	TA	officials	TA
AD 16														
AD 15														
AD 14		1	1				1			1		1		1
AD 13														
AD 12												1		1
AD 11							1			1		1		1
AD 10		1	1				1			1		2		2
AD 9		1	1				2			2		1		1
AD 8		2	2				1			1		2		3
AD 7		1	1				2			3		3		2
AD 6		4	3				3			2		0		
AD 5		1	2				0			0		0		
Total AD		11	11				11			11		11		11
AST 11														
AST 10														
AST 9														
AST 8														
AST 7														1
AST 6										1		1		1
AST 5							1			1		1		1

⁵³ In line with Article 32 (1) of the framework Financial Regulation, the management board may modify, under certain conditions, the establishment plan by in principle up to 10% of posts authorised, unless the financial rules of the body concerned allows for a different % rate.

⁵⁴ The Establishment Plan includes the revision of the grades of posts in order to ensure equal opportunities for the staff's career progression. This is without prejudice to the outcome of the annual reclassification exercise, which is based on merit **and bound by the promotion rates of Annex I.B of the Staff Regulations** over years.

Category and grade	Establishment plan in EU Budget 2017		Filled as of 31/12/2017	Modifications in year 2017 in application of flexibility rule ⁵³		Establishment plan in voted EU Budget 2018 ⁵⁴		Modifications in year 2018 in application of flexibility rule	Establishment plan in draft EU Budget 2019		Establishment plan 2020		Establishment plan 2021	
	Officials	TA		Officials	TA	Officials	TA		Officials	TA	officials	TA	officials	TA
AST 4		3	1				2			1		1		
AST 3			2											
AST 2														
AST 1														
Total AST		3	3				3			3		3		3
AST/SC6														
AST/SC5														
AST/SC4														
AST/SC3														
AST/SC2														
AST/SC1														
Total AST/SC														
TOTAL		14	14⁵⁵				14			14		14		14

⁵⁵ According to the Commission Communication Programming of human and financial resources for decentralised agencies 2014-2020 and the General Budget of the EU for 2017, in 2017 the BEREC Office needed to contribute with one post to the redeployment pool of Agencies. As a consequence, the post of the Budget Assistant, vacant as of September 2016, has not been filled in and was cut as of January 2017.

Annex IV: Human Resources 2019-2021, part 2

A. Recruitment policy

The recruitment and selection policies are defined in the relevant implementing rules of the EU Staff Regulations.

It is not foreseen to recruit permanent officials at the BEREC Office.

The selection and recruitment of TAs, CAs and SNEs will follow the relevant rules and the latest version of the internal recruitment documents. The selection and recruitment procedures' consistency is ensured by the agency entity in charge of HR through policies and guidelines.

B. Appraisal of performance and reclassification/promotions

Table 1 – Reclassification of temporary staff/promotion of officials

Category and grade	Staff in activity at 1.01.2016		How many staff members were promoted / reclassified in 2017		Average number of years in grade of reclassified/ promoted staff members
	Officials	TA	officials	TA	
AD 16					
AD 15					
AD 14		1			
AD 13					
AD 12					
AD 11					
AD 10					
AD 9		1 ⁵⁶			
AD 8		2 ⁵⁷			
AD 7		1			
AD 6		3 ⁵⁸			
AD 5		2		2	2 years, 1 month
Total AD		10		2	
AST 11					

⁵⁶ One Temporary Agent AD 9 was reclassified in grade AD 10 at the end of 2016 with retroactive effect as of 01.08.2016. The post of Head of Administration was vacant at 01.01.2016 and was filled in during Q1 2016.

⁵⁷ Including 2 Temporary Agents AD 7 who were reclassified in grade AD 8 at the end of 2016 with retroactive effect as of 01.01.2016.

⁵⁸ Including 2 Temporary Agents AD 6 who resigned during the first half of 2016 and 1 Temporary Agents AD 5 who was reclassified in grade AD 6 at the end of 2016 with retroactive effect as of 01.01.2016.

Category and grade	Staff in activity at 1.01.2016		How many staff members were promoted / reclassified in 2017		Average number of years in grade of reclassified/ promoted staff members
	Officials	TA	officials	TA	
AST 10					
AST 9					
AST 8					
AST 7					
AST 6					
AST 5					
AST 4		2			
AST 3		2			
AST 2					
AST 1					
Total AST		4		0	
Total		14		2	

The key feature of the BEREC Office's staff appraisal and career development scheme is the establishment of an annual dialogue with management / reporting officer on performance, to set up clear and measurable objectives, to put in place meaningful indicators to measure performance against individual objectives and to guide possible promotion (reclassification) opportunities. This non-automatic procedure is based on merit.

The reclassification is usually preconditioned by an evaluation/appraisal. All BEREC Office staff managers are being informed to set objectives of their staff members at the beginning of each year and to evaluate the performance of their staff based on the guidelines of the Staff Regulations, CEOS and relevant implementing rules.

The BEREC Office conducted the appraisal 2014 exercise from February to October 2014, which was followed up with the reclassification 2014 exercise. Due to the rigidity within the Establishment Plan, it was not possible to reclassify any TA. As a consequence, the reclassification rates of Annex I.B will allow for an increased volume of reclassifications over the period 2018-2020.

As mentioned above, the rigidity within the Establishment Plan made it impossible to reclassify temporary agents in 2014, but the problem has been solved in the first part of

2015. As a consequence, four TAs have been reclassified in 2015, three TAs have been reclassified in 2016 and two TAs have been reclassified in 2017.

Since the reclassification is based on merit, the actual reclassification rates will only be known when the performance appraisal has been conducted following the principle of merit and of transparency. Additionally, reclassification will only be possible if provided for in the adopted budgetary limits and establishment plan.

Table 2 – Reclassification of contract staff

Function Group	Grade	Staff in activity at 1.01.2016	How many staff members were reclassified in 2017	Average number of years in grade of reclassified staff members
CA IV	18			
	17			
	16	1		
	15			
	14			
	13	5		
CA III	12			
	11			
	10			
	9	1		
	8			
CA II	7			
	6	1		
	5			
	4			
CA I	3			
	2			
	1			
Total		8	0	

The general principles which guide the appraisal and reclassification exercise for temporary staff also apply to the appraisal of contract staff employed under Article 3a of the CEOS. In the reclassification exercise of 2016, a contract agent has been reclassified, while in 2017, no contract agents were reclassified.

C. Mobility policy

- Mobility within the agency

Horizontal mobility within the BEREC Office is quite limited due to specialisation for different positions. The implementing rules for temporary agents at the BEREC Office foresee the possibility of internal publication of vacant posts.

- Mobility among agencies (Inter-agency Job Market)

The implementing rules for temporary agents at the BEREC Office foresee the possibility of publishing a vacancy in the Inter-agency job market. The implementation of an Inter-agency Job Market is envisaged in the future. Currently no posts have been filled with staff from other agencies using this procedure.

- Mobility between the agencies and the institutions

Currently no posts have been filled with staff seconded from other EU institutions.

D. Gender and geographical balance

In accordance with Article 1d of the Staff Regulations and articles 12.1 and 82.1 of the CEOS, the BEREC Office applies equal opportunities policy for its staff, while making provision for measures and actions promoting equal opportunities in respect to the provisions of the European Commission's Strategy on equal opportunities for women and men (2010 – 2014, ref. SEC (2010) 1554/4, adopted on 17.12.2010 by the EC).

In order to have better gender balance within the BEREC Office, the units are reminded to pay attention to the gender balance. The middle management of the Agency is evenly balanced (50% female, 50% male).

Geographical balance has been achieved in accordance to articles 12.1 and 82.1 of CEOS, bearing in mind the small size of the Office. As of 30.09.2017 the Office has representatives from 13 different MSs (15 MSs taking into account also trainees) and will keep monitoring this balance for planned recruitments in next years.

However, while the BEREC Office manages to keep a good balance in the reserve lists recently established, it has been proven challenging to fill in posts with candidates of EU nationalities other than Latvians. The number of refusal of job offers from candidates who are not Latvian citizens is high. In parallel, the number of Latvian nationals working at the BEREC Office has a tendency to increase.

The general living conditions in Latvia, together with the low correction coefficient, are the main cause of this trend. The BEREC Office has no influence on the establishment of the

correction coefficient. On the other hands, it has brought the issue of the difficult living conditions, especially for expats, to the Latvian Authorities. Only with concrete measures offered by the host member state it will be possible to keep the geographical balance under control.

E. Schooling

As established in the Seat Agreement (Article 18) between the Latvian Government and the Office, the Government undertakes to its utmost efforts jointly with the BEREC Office to find the best solution possible for multilingual schooling for the children of the BEREC Office staff. The Ministry of Education and Science of the Republic of Latvia is acting as a focal point addressing the questions with regard to schooling in the Republic of Latvia.

Currently, the host Member State Latvia does not have an accredited European School in Riga and children of the staff members attend English, French or Latvian speaking schools. Since the possibility of providing accredited European schooling for the pupils of BEREC Office staff does not currently exist, the Latvian Government should establish such an accredited curriculum. The BEREC Office can only insist in its support of this plan and contribute to its progress. On more than one occasion, the BEREC Office offered its support to the local authorities and to the representatives of the schools with an international dimension in Latvia. Relations have been established with the management of the schools and the premises of such schools have been visited by representatives of the Administration and Finance Unit.

The Ministry of Education and Science has been exploring possibilities of establishing an accredited European School within the public school network in Latvia or within the private school network, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools. Negotiations are ongoing since November 2010.

The establishment of a new accredited European School is a long process, and in the meantime the BEREC Office is adopting all the necessary measures to ensure the proper schooling of staff pupils. The BEREC Office has already in place 3 agreements with Latvian schools with an international dimension, in order to ensure the multi-lingual schooling for the children of staff. The basis for such measures is the financial autonomy of the BEREC Office, which allowed the BEREC Office to take measures within the framework of the Financial Regulation in order to support staff and cover most part of the costs of multilingual tuition provided by the international schools available in Latvia.

Annex V: Buildings

A. Current building:

The BEREC Office premises are located at 14 Zigfrida Annas Meierovica boulevard, Riga, Latvia, 1st and 2nd floor. The BEREC Office rents its premises in accordance with the Memorandum of Understanding with the Government of the Republic of Latvia, signed on 30 September 2011⁵⁹, which was further detailed in a lease agreement.

	Main Information	Other Comments
Name, location and type of building	14 Zigfrida Annas Meierovica boulevard, Riga, Latvia	
Surface area (in square meters)	877,1 m ²⁶⁰	According to the MoU with the Latvian Government the BEREC Office can use in addition to the main surface area 1 covered and 5 open parking spaces in the inner yard of the building free of charge and 2 open air parking spaces in front of the main entrance of the premises free of charge.
– of which office space	877,1 m ²	
– of which non-office space	0 m ²	
Annual rent (in EUR)	53 541,96	The rental price is based on a Regulation of the Cabinet of Ministers of the Republic of Latvia No 515 “Procedure for Lease of State and Local Government Owned Property, Methodology for Determination of Rent Charges and Standard Terms of Lease Agreements” of 08.06.2010 determining the state and local government

⁵⁹ [Memorandum of Understanding between the BEREC Office and the Government of the Republic of Latvia on the establishment of the headquarters of this European entity in Riga](https://www.vestnesis.lv/index.php?menu=doc&id=246139), 30 September 2011, published in Latvian at: <https://www.vestnesis.lv/index.php?menu=doc&id=246139>

⁶⁰ The BEREC Office has requested additional offices from the property manager; the discussion is ongoing; the budgetary impact can be addressed within the planned appropriations.

		property leasing arrangements, which will cover the lessor's expenditure for the leased object without any profit.
Type and duration of rental contract	Lease agreement with State owned joint-stock company Valsts nekustamie īpašumi, signed on 01/08/2011, effective until 31/03/2021 (with a possibility of renewal).	
Host country grant or support	Not applicable for the programming period	
Present value of the building (if the agency owns the building)	Not applicable	The BEREC Office does not own the building.

B. Building projects in planning phase:

For the programming period the BEREC Office does not plan any building projects.

Annex VI: Privileges and immunities

According to the provision of Article 23 of the BEREC Regulation the Protocol on the privileges and immunities of the EU are applicable also to the BEREC Office and its staff.

In order to ensure practice implementation of the aforementioned Protocol on 24 February 2011 the BEREC Office and the Government of the Republic of Latvia signed a Seat Agreement, which further details the right and obligation of the BEREC Office staff and host Member State. However, some areas of improvement have been identified. A revision of the Seat Agreement in 2019 might be appropriate.

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
Inviolability and Immunity		According to the Seat Agreement the Latvian Government has undertaken the responsibility jointly with the BEREC Office to find the best solution possible for schooling for the children of the BEREC Office staff.
The seat of the BEREC Office, irrespective of ownership, is inviolable	The BEREC Office staff shall enjoy privileges and immunities based on the Protocol on the Privileges and Immunities of the EU and enjoy immunity from legal proceedings in respect of acts performed by them in their official capacity.	The Latvian Government shall facilitate offering European schooling to children of the BEREC Office staff in English, French and German by the existing private and public international schools in Riga and will ensure that the children of the BEREC Office staff get priority access to them.
The seat of the BEREC Office is exempt from search, requisition, confiscation or expropriation.	Together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens	In practice this provision has not been applied. The Latvian Ministry of Education, which is the focal point for issues related to schooling has informed the BEREC Office that due to case law no priority access to BEREC Office staff children can be ensured. Additionally the BEREC Office has been informed that the Latvian Government cannot influence the fees of the private
The property and assets of the BEREC Office cannot be subject to any administrative or legal measure of constraint, whether by executive, administrative, judicial or legislative action, without the authorisation of the Court of Justice of the EU.	The Administrative Manager and the members of his/her family, who have not been nationals or permanent residents of Latvia before being employed by the BEREC Office, are accorded with the privileges and immunities, exemptions and facilities accorded to the heads of diplomatic missions and the members of their family in accordance with the Vienna Convention on Diplomatic	
Communications and the transmission of all BEREC Office documents are treated in the same way as documents and communications of diplomatic missions.		

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
	Relations of 18 April 1961.	establishments.
Exemption from taxes, duties, national, regional and municipal charges		
The Agency is exempt from:	BEREC Office staff are exempt from	
- all direct taxes on its assets, revenues and other property	Salaries, wages, emoluments, SNEs' allowances, retirement, invalidity and survivor's pensions paid by the BEREC Office or by the EU are exempted from national taxes.	
- all national, regional and municipal excise duties, sales charges and other taxes for substantial purchases for official use (e.g. for any amount above 125 LVL ⁶¹ = EUR 177.86); exemption from VAT, excise duty and other indirect taxes is provided by means of a tax refund.	<p>The VAT included in the price of articles listed in an annex to the Seat Agreement, including 1 vehicle for personal use, acquired by the BEREC Office staff in the Latvia within 1 year from taking up their post in Latvia is reimbursed to the staff and SNEs provided that the single article price is not less than 35 LVL. This rule is not applicable for nationals or permanent residents of Latvia.</p> <p>The application of this provision shows a lack of flexibility by the Latvian side.</p>	
- imports and exports customs duties, taxes, prohibitions or restrictions on goods for official use, including vehicle and spare parts	<p>BEREC Office staff has the right to import free of duty and without prohibitions or restrictions, in respect of initial establishment, within 2 years of taking up their appointments within the BEREC Office and in maximum 2 shipments, furniture and personal effects, including vehicles purchased under market conditions.</p> <p>BEREC Office staff is entitled to export, after the date of</p>	

⁶¹ Official exchange rate 1LVL = EUR 0,702804

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
	<p>cessation of functions at the BEREC Office, without prohibitions or restrictions, personal and household effects, including vehicles they use and which are in their possession.</p> <p>However, the excessive administrative burden on the staff of the BEREC Office on the registration of the vehicles, pose a problem to the proper application of this provision.</p>	
- vehicle exploitation tax for BEREC Office official vehicles registered under a special series	The BEREC Office AM is exempt from vehicle exploitation tax.	

Annex VII: Evaluations

In September 2016 the EC published an evaluation of the regulatory framework for electronic communications⁶², which among others also contains a Screening of the BEREC Regulation (see annex VI). The screening has been carried out based on the following evaluation criteria, namely: relevance, effectiveness, efficiency, coherence. It has been based on a study prepared by an external consultant (PricewaterhouseCoopers Luxembourg, PwC) and published by the EC in 2013, together with a Commission Staff Working Document⁶³ and the outcome of the public consultation organised by the EC on the review of the EU regulatory framework for electronic communications.

The evaluation has concluded that the work carried out by BEREC and supported by the BEREC Office is relevant and has an impact on stakeholders. The BEREC Office provides administrative support to BEREC and its budget is also used to finance BEREC activities, therefore its activities continue to be relevant for BEREC.

However, the evaluation questions the adequacy of the current governance structure. In particular, it is emphasised that the organisational structure of the BEREC Office is not in line with the Common Approach (CA) agreed between the EP, the Council and the EC. Article 10(3) of the BEREC Regulation provides that the power of the appointing authority should be exercised by the Vice-Chair of the MC and only a limited list of tasks is delegated to the Administrative Manager, thus unnecessary administrative burden is created. Therefore, this aspect of the day-to-day operation of the Agency has been identified as an area for improvement both in the EC legislative proposal and by BEREC in its opinion on the telecom review⁶⁴.

Furthermore, it is emphasised that, in order to allow the MC to focus on the core business, the powers of the Appointing Authority for all the staff should be delegated to the Administrative Manager (who must also be authorised to sub-delegate those powers).

The role of the BEREC Office, which is limited to administrative and professional support, and its size (only 27 FTE posts, around 11 posts are exclusively occupied with providing administrative support for the Office itself), creates some inefficiency. The Office has to comply with the same resource-intensive procedures as much bigger Agencies and the professional support it provides to BEREC is still rather limited, as identified through experience and pointed out in the Evaluation Study. This has created difficulties in order to

⁶² SWD(2016) 313 final; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2016:0313:FIN>

⁶³ SWD(2013) 152 final; BEREC provided its own input to the evaluation process; see BoR (12) 118 BEREC input to the European Commission on the BEREC and BEREC Office Evaluation Exercise, 13.11.2012, http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1073-berec-input-to-the-european-commission-on-the-berec-and-berec-office-evaluation-exercise

⁶⁴ BoR (17) 94, BEREC views on the draft report elaborated by ITRE Rapporteur Evžen Tošenovský on the proposal for a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications, 28.03.2017, http://berec.europa.eu/eng/document_register/subject_matter/berec/opinions/7040-berec-views-on-the-draft-report-elaborated-by-itre-rapporteur-ev382en-to353enovsk253-on-the-proposal-for-a-regulation-of-the-european-parliament-and-of-the-council-establishing-the-body-of-european-regulators-for-electronic-communications

recruit and retain qualified staff as well as challenges in ensuring such basic requirements as the segregation of duties in financial circuits or ensuring that certain functions could be performed in an independent way (this is one of the reasons why recently the accounting officer function has been delegated to the Commission).

As pointed out in the Evaluation Study, it is also suggested that the BEREC Office could be better used, especially when supporting EWGs in their everyday work (see also comments under "effectiveness" and "coherence" of the EC SWD).

Finally, no performance indicators were included in the Working Programmes to allow for effective assessment of the results achieved in terms of objectives, as pointed out in the Evaluation Study, in the EP's opinion on the Evaluation Report and by respondents to the Public Consultation, which has been rectified in the Annual and Multiannual Programming Document for 2017-2019.

Annex VIII: Risks for 2019

In compliance with its internal control standards framework⁶⁵ the BEREC Office has established a risk management process. To ensure practical implementation of this requirement on 30 June 2015 the BEREC Office Administrative Manager established a Risk Management Implementation Guide. Afterwards, under the Service Level Agreement with ENISA for sharing the function of the Internal Control Coordinator, the BEREC Office undertook a full risk assessment/analysis of all BEREC Office activities.

In the summer of 2016 the BEREC Office carried out a full ICT risk assessment and in January 2017 – a full fraud risk assessment. In the autumn of 2017 the BEREC Office organised a risk assessment workshop to assess the risk for the implementation of the 2018 and 2019 WPs.

During these risk assessment exercises no critical risks have been identified. The most significant risks identified were recorded in a risk register. The BEREC Office has developed action plans for addressing these risks, whose execution is regularly monitored by the management.

In 2016 the BEREC Office hired an independent consultant to assess the efficiency and effectiveness of the internal control system with a focus on the risk management processes. The evaluation of the consultant demonstrated that the risk management at the BEREC Office is performed in compliance with the internal control standards framework.

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⁶⁵ MC (13) 34, BEREC Office Internal Control Framework and Standards, June 2016, not published

Annex IX: Procurement plan for 2019

No	Ref. to 2019 Work Programme	Budget line	Subject /Scope	Type of procedure	Type of contract	Budget estimated for whole contract duration (EUR)	Budget 2019	Contract duration (years)	Estimated launch date
1.	2.3.2.2. 2.2.2.2.	A-2330 B-3101	Legal Services	ENP	FWC	135 000.00	5 000.00	4	Q4 2019
2.	2.2.2.2.	B-3101	Renewal of the BEREC website, incl. multi-language	OTP	Service Contract	250 000.00	0.00	2-3	Q2 2019
3.	2.2.2.2.	B-3101	NRA training	OTP	FWC	250 000.00	60 000.00	4	Q1 2019
4.	2.2.2.2.	B-3101	Study in support to BEREC ⁶⁶	NP3	SC	60 000.00	60 000.00	1	Q3 2019
5.	2.2.2.2.	B-3101	Development of IT tool for BEREC open data platform ⁶⁷	TBD	FWC	TBD	TBD	4	Q1 2019
6.	2.1.1. 2.1.2. 2.2.1. 2.2.2. 2.3.1. 2.5.	A-1500 A-1700 A-2500 B-3001 B-3002 B-3101	Provision of professional event management services	OTP	FWC	4 000 000.00	1 000 000.00	4	Q1 2019

⁶⁶ Subject – TBC after the establishment of the BEREC WP

⁶⁷ Subject to the approval of the project by the BoR

Annex X: Organisation chart for 2018

