

## **22nd meeting of the Management Committee of the BEREC Office**

Hosted by the Swiss [Federal Communications Commission](#) (ComCom) and [Federal Office of Communications](#) (OFCOM / BAKOM / UFCOM)

# **Conclusions**

**Chair: Prof. Fátima Barros**

President of the Board of Directors of  
Autoridade Nacional de Comunicações (ANACOM)

***27 February 2015, Berne (Switzerland)***

## Main Results of the 22nd Meeting of the BEREC Office Management Committee

The BEREC Office Management Committee (MC) held its 22nd ordinary plenary meeting on 27 February 2015 in Berne (Switzerland), kindly hosted by the Swiss [Federal Communications Commission](#) (ComCom) and [Federal Office of Communications](#) (OFCOM / BAKOM / UFCOM).

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

### I. Documents approved for signature:

The MC approved for signature the [Mission Charter of the Internal Audit Service of the European Commission in relation to bodies set up under the TFEU and the EUROATOM Treaty having legal personality and receiving contributions charged to the budget](#). The Charter was signed by the BEREC Chair on behalf of the MC on the day of its approval, 27 February 2015.

### II. Documents submitted to the MC for information

1. The MC took note of the information provided in the following documents:
  - Explanatory Note on transfers carried out by the Administrative Manager (AM) in the BEREC Office Budget 2014 in October-December 2014;
  - 2014 BEREC Office Report on Operation and Budget Execution;
  - 2014 BEREC Office Report on Budgetary and Financial Management;
  - Notes on audit conclusions from the Commission Internal Audit Service on the follow-up on the outstanding recommendations from the limited review on the implementation of Internal Control Standards (ICSs) at the BEREC Office;
  - Report on the Activities of the BEREC Office Advisory Group (BAG) in 2014.

### III. Discussion on other important topics

The MC discussed the current policy of the BEREC Office for reimbursement of representatives of National Regulatory Authorities (NRAs) participating in BEREC activities. The MC asked the BEREC Vice-Chair (BNetzA) to further study the possibility of reimbursing Expert Working Group (EWG) Chairs who are requested to present BEREC documents at the Contact Network and plenary meetings and to come up with a proposal for the way forward at the next MC plenary meeting (5 June 2015, Bergen).

The MC also discussed the possibility of acquiring and using BEREC Office assets (in particular video-conference equipment) at the premises of the BEREC Brussels presence (IRG Secretariat). The MC asked the BEREC Office AM, in cooperation with the BEREC Vice-Chair from BNetzA and the Commission Services, to prepare a draft MC Decision and to submit it to the MC for approval.

### I. Next meeting

The next meeting of the MC will take place on **5 June 2015 in Bergen (Norway)** and will be hosted by the [Norwegian Communications Authority](#) (Nkom).

## Introduction and participation

The MC held its 22nd meeting on 27 February 2015 in Berne (Switzerland), kindly hosted by the Swiss [Federal Communications Commission](#) (ComCom) and [Federal Office of Communications](#) (OFCOM / BAKOM / UFCOM). The meeting was attended by the heads and/or high-level representatives of the NRAs with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services established in each Member State of the European Union (EU), and the Commission. Heads and high-level representatives of the NRAs from the EFTA States and the candidate countries for EU accession also took part in the meeting.

## List of documents

The list of documents made available to the public in compliance with the BEREC Regulation and the MC transparency rules are included in Annex I of the Conclusions.

## Items discussed

A short overview of the information presented under each agenda item and a record of the conclusions reached by the MC under each agenda item is presented below.

### 1. Opening of the meeting and adoption of the agenda

Document(s)	<a href="#">MC (15) 27</a> Draft MC Agenda
Introduction by	BEREC Chair
Information presented	The BEREC Chair opened the meeting and presented the agenda for approval by the MC meeting. The MC members were invited to suggest any additional issues to be raised or presented under 'Any other business' (AOB).
Conclusions	The MC approved the agenda as suggested by the Chair.

### 2. Oral update on the BAG recent activities

Document(s)	MC (15) 22 Report on the BAG Activities in 2014
Introduction by	Representatives of the BAG Chairs for 2014 (ANACOM) and 2015 (BNetzA)
Information presented	A Representative of the 2014 BAG Chair presented the Report on the BAG activities in 2014. The report contains information on the BAG mission and method of work, its composition and all cases in which the BAG has issued an opinion. The Report pays special attention to the activities undertaken by the BAG as a follow-up to the observations of the ECA on the 2012 BEREC Office Annual Accounts and the postponement of the discharge of the 2012 Budget and the efforts to ensure full staffing of the Office by the end of 2014.

	<p>The Representative of the 2014 BAG Chair highlighted, in particular, the activities carried out by the BAG in December 2014. The MC was informed that the BAG had examined the following documents, which were submitted to the MC:</p> <ul style="list-style-type: none"> <li>• Decision of the BEREC Office MC on the request of the Administrative Manager to authorise expenditure in excess of one provisional twelfth of the anticipated 2015 budget;</li> <li>• Budget of the BEREC Office for 2015;</li> <li>• Recruitment of Financial and Accounting Assistant at the BEREC Office;</li> <li>• BEREC Office Multiannual Programme Outlook.</li> </ul> <p>The information contained in the Report was complimented by an oral update on the BAG's activities in 2015, which was presented by the BEREC Vice-Chair from BNetzA on behalf of the 2015 BAG Chair.</p> <p>He recalled that the BAG issued an opinion on all the documents submitted to the MC in 2015, amongst which were the draft BEREC Office Multiannual Staff Policy Plan for 2016-2018, the preliminary draft Budget for 2016, the Mission Charter of the Internal Audit Service, and others.</p> <p>In most of the cases the BAG issued positive opinions and in very few cases suggested some minor adjustments.</p> <p>On 23 February 2015 the BAG held a meeting via video-conference mainly to discuss upcoming BEREC Office issues.</p> <p>The BEREC Vice-Chair informed the MC that all BEREC Office activities are on track.</p>
<b>Conclusions</b>	The MC took note of the information.

### 3. BEREC Office operation in 2014 - status update on the functioning of the BEREC Office (key activities, budget execution and human resources)

<b>Document(s)</b>	<p>MC (15) 23 Transfers by the BEREC Office AM in the BEREC Office Budget in the Period October - December 2014</p> <p>MC (15) 24 BEREC Office Report on Operation and Budget Execution January-December 2014</p> <p>MC (15) 25 BEREC Office Report on Budgetary and Financial Management for the 2014 Financial Year</p>
<b>Introduction by</b>	BEREC Office AM
<b>Information presented</b>	<p><b>3.1. Transfers by the AM in the BEREC Office Budget Q4 2014</b></p> <p>The AM presented information on the transfers carried out by him in the BEREC Office Budget in the period October-December 2014 in compliance with the provisions of Article 27(4) of the <a href="#">BEREC Office Financial Regulation</a><sup>1</sup>.</p>

<sup>1</sup> Decision MC/2014/1 of the BEREC Office MC on the financial regulation applicable to the BEREC Office in conformity with the framework Financial Regulation for the bodies referred to in Article 208 of Council Regulation (EU, Euratom) No 966/2012 on the Financial Regulation applicable to the general budget of the European Union

The AM emphasised that in 2014 the number of BEREC Office staff was below the number of authorised posts and therefore it was possible to use funds from Title 1 and 2 for financing BEREC operational activities financed under Title 3.

The MC was informed that during the whole of 2014 the BEREC Office transferred more than EUR 600 000 [TEUR 657.96] from Title 1 and 2 to Title 3 to support the launch of the Ecodem Study, the study on the future of the sector, the 2<sup>nd</sup> Stakeholder Forum Meeting (17 October 2014, Brussels) and the 21<sup>st</sup> BEREC plenary (5-6 December 2014, Brussels), which the BEREC Office unexpectedly needed to host.

The AM informed the MC that such transfers are not always well perceived by the auditors, who would like to see the budget execution as it had been planned. However, as the 2015 budget was drafted in 2012/2013, when the BEREC Office was still being set up, it was difficult to predict the exact expenditure. The objective for this year will be to limit the number of such transfers as much as possible.

### **3.2. 2014 BEREC Office quarterly Report on operation and budget execution**

The BEREC Office AM presented a detailed Report on operation and budget execution in 2014 with a focus on the activities of the last quarter of 2014.

The AM recalled that the Report contains information on the operational activities, the budget execution by quarters and titles, the human resources management and information on the state of the key projects.

The AM informed the MC that on 31 December 2014 the BEREC Office was fully staffed. In particular, there were 24 active staff members; three offer letters were sent out and the secondment for one Seconded National Expert (SNE) was agreed with the SNE employer. Therefore, based on the definitions for statistics provided to the Commission, the BEREC Office was considered fully staffed.

In the meantime, three staff members decided to resign but due to the prior notice they had given to the BEREC Office the recruitment procedure was started on time. The recruitment procedure for two of the vacant posts was finalised and the selected candidates were expected to start their assignments on 16 February 2015, but several days before that date both candidates gave up as they found better jobs. However, the BEREC Office has a Framework Contract for interim workers in place and currently has 27 staff members in active employment, who are sufficient for ensuring the continuity of work before the new staff members join.

In 2015, four SNE contracts will expire and the BEREC Office will run a procedure for the establishment of a reserve list for SNEs. Therefore, the BEREC Office will rely on the strong commitment of the NRAs to second experts to the BEREC Office Programme Management Unit, which is key for the provision of support to the BEREC EWGs.

As far as budget execution is concerned, the AM emphasised the high rate of execution of the 2014 budget achieved by the BEREC Office: namely 98 % (compared to 87 % in 2013). The AM explained that according to the target set by DG Budget and the auditors for good budget management the budget execution should not be below 95 %. To achieve this target the BEREC Office has executed all transfers in the budget in order to be able to spend the budget with the highest rate possible.

	<p>The AM also informed the MC that due to the signature of several contracts for studies and projects with a longer cycle for which payment will be due in 2015, payment carry-overs for 2015 are significantly higher than in 2013 and amount to TEUR 926 (compared to last year: TEUR 462). Although there is no target for carry-overs, in 2015 the objective of the Office would be to reduce the percentage of carry-overs.</p> <p>As a last topic related to budget execution, the AM made a review of the rate of cancelled carry-overs, which, for the 2013 Budget, was TEUR 65 or 14 %. This was significantly lower compared to the previous year (TEUR 174 or 28 %) but still above the target of 5 % introduced by DG Budget.</p> <p>Due to improved planning of the budget execution in 2014, the AM expects that the carry-over from the 2014 budget, although very high, will be spent up to 97-98 %.</p> <p>Last but not least the AM recalled that low budget execution (e.g. below 95 %) and a high rate of cancelled carry-overs (above 5 %) lead to penalties for the EU bodies and therefore the objective of the BEREC Office will be to not go below/above these key indicators.</p> <p><b>3.3. Report on budgetary and financial management</b></p> <p>In line with the provisions of Article 93 of the <a href="#">BEREC Office Financial Regulation</a>, the BEREC Office AM has prepared a report on budgetary and financial management for 2014. The report gives an account, both in absolute terms and expressed as a percentage, of the rate of implementation of appropriations together with summary information on the transfers of appropriations among the various budget items.</p> <p>In compliance with Article 93(2), the AM has to send the report to the EP, the Council, the Commission and the European Court of Auditors by 31 March 2015.</p> <p>The AM informed the MC that the Report will be included in the consolidated annual activity report of the BEREC Office to be submitted to the MC for its 23rd plenary meeting (5 June 2015, Bergen).</p> <p>Following the presentation of the three documents listed above, the AM requested to the MC to take note of their content. The AM recalled that the BAG had examined them and had expressed its agreement to their submission to the MC.</p>
<b>Conclusions</b>	The MC took note of the documents presented.

#### 4. Internal Audit Service (IAS)

<b>Document(s)</b>	<p>MC (14) 138 IAS Follow-up on outstanding recommendations from IAS Limited Review on the Implementation of Internal Control Standards (ICSS) in the BEREC Office – note on audit conclusions</p> <p>MC (15) 16 IAS Follow-up on outstanding recommendations from IAS Limited Review on the Implementation of ICSS in the BEREC Office – note on audit conclusions</p> <p>MC (15) 26 Draft Mission Charter of the IAS of the European Commission in relation to bodies set up under the TFEU and the EUROATOM Treaty having</p>
--------------------	--

	legal personality and receiving contributions charged to the budget
Introduction by	BEREC Office AM
Information presented	<p>As an introduction to the topics to be presented under this agenda item the AM recalled that according to Article 14 of the <a href="#">BEREC Regulation</a> the internal auditor of the Commission is responsible for auditing the BEREC Office. For that reason the BEREC Office has established a close working relationship with the Commission IAS, which has led to the submission of the current documents for the attention of the MC, as follows:</p> <p style="text-align: center;"><b>4.1. Conclusions of the IAS follow-up audit on the limited review of the ICSs implementation</b></p> <p>The AM recalled that in 2013 the IAS undertook a limited review of the implementation of the ICSs by the BEREC Office. The IAS made 18 recommendations for improvement in 12 out of all 16 ICSs. The European Court of Auditors considered the recommendations made for ICSs 5, 8, 11 and 12 as very critical and included them in their observations in the report on the BEREC Office annual accounts for 2012, which became one of the reasons for postponing the discharge of the 2012 BEREC Office Budget.</p> <p>In the second half of 2013 and in 2014 the BEREC Office implemented numerous measures to comply with the recommendations of the internal auditor. All additional actions were periodically reported to the IAS.</p> <p>On the basis of table research, the IAS closed two of the recommendations. Additionally, the IAS undertook a follow-up audit on the limited review of the ICSs implementation, which was conducted in the period 3-7 November 2014. After the audit, the IAS concluded that most of the recommendations addressed to the BEREC Office had been adequately and effectively implemented.</p> <p>For that reason the IAS proposed closure of all recommendations with the exception of two, which related to risk management and IT security systems.</p> <p>Due to the fact that the BEREC Office does not represent a high risk, the BEREC Office agreed with the IAS that the implementation of the ICS on risk management will continue in 2015. In the field of information security significant progress has been made, but there is still one remaining risk related to off-site back-up storage.</p> <p>The BEREC Office has planned to undertake additional measures in these two areas with ENISA under the Service Level Agreement signed in 2014 for sharing the Internal Control Coordinator capability and to report their implementation by the end of Q2 this year.</p> <p>Due to the fact that the situation at the BEREC Office had significantly improved, the IAS decided to issue a note and not to proceed with a formal report.</p> <p style="text-align: center;"><b>4.2. IAS Mission Charter</b></p> <p>In compliance with the provisions of Article 115 of the Rules of Application of the Financial Regulation (applicable to the BEREC Office pursuant to Article 114 of the <a href="#">BEREC Office Financial Regulation</a> - Decision MC/2014/1) the BEREC Office has to provide the internal auditor with a mission charter detailing his tasks, duties and obligations.</p>



	<p>Such a Mission Charter (registered under No <a href="#">MC (11) 21</a>) was already signed between the BEREC Office and the IAS in 2011 (following its approval by the MC during its <a href="#">8<sup>th</sup> plenary meeting</a> (30 September 2011, Barcelona), but following the entry into force of the new <a href="#">BEREC Office Financial Regulation</a> it needs to be updated.</p> <p>Therefore, the IAS has submitted a new draft Mission Charter, which, if signed, will replace the 2011 Mission Charter.</p> <p>The MC was requested to approve the new Mission Charter for signature, publication and implementation.</p>
<b>Conclusions</b>	To MC took note of the information provided in the notes from the IAS on the follow-up of the limited review of the implementation of the ICSs at the BEREC Office and approved the IAS Mission Charter for signature, publication and implementation.

#### 5. Oral update on the acquisition and usage of BEREC Office assets, in particular video-conference equipment, at the premises of the BEREC Brussels presence (IRG Secretariat)

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Office AM and BEREC Vice-Chair (BNetzA)
<b>Information presented</b>	<p>The BEREC Vice-Chair (BNetzA) informed the MC that BNetzA, together with the BEREC Office and the IRG Secretariat, has analysed the possibility of deploying the video-conference facility at the BEREC Brussels presence, which should be purchased by the BEREC Office.</p> <p>The BEREC Vice-Chair (BNetzA) recalled that in 2012, BEREC and the IRG Secretariat agreed to establish the BEREC Brussels presence at the IRG Secretariat (on the basis of a BoR decision based on a letter of the 2012 IRG-Chair (RTR) offering the provision by IRG of free of charge services to BEREC in Brussels). The preliminary discussions have shown that the existing arrangement as described above should, in principle, be sufficient for the deployment and usage of BEREC Office assets at BEREC Brussels presence. However, a MC financing decision may be required (covering all issues of buying and using the video-conference system), which is currently under preparation by the BEREC Office and, after scrutiny by the BAG, will be presented to the MC for approval by electronic voting.</p> <p>Additionally, the BEREC Office AM informed the MC that he had received a letter from the Chair requesting the BEREC Office to check the possibility of providing video-conference equipment at the premises of the BEREC Brussels presence. This request fits within the mandate of the BEREC Office, in particular as far as the support to the BEREC EWGs is concerned. This activity will be financed under Title 3 of the BEREC Office budget as the equipment will not be used by the BEREC Office staff but by the BEREC EWGs. Therefore, the BEREC Office has undertaken some preparatory activities, including drafting a Financing Decision to be submitted for approval by the MC.</p> <p>The Commission suggested using the expertise of DG CONNECT when drafting the Financing Decision.</p>
<b>Conclusions</b>	The MC discussed the acquisition and usage of BEREC Office assets (in particular video-conference equipment) at the premises of the BEREC Brussels presence (IRG Secretariat) and requested the BEREC Office AM to



	prepare a draft MC Decision in line with the meeting conclusions and in cooperation with the Commission Services and the responsible Vice-Chair (BNetzA), which should be submitted to the MC for approval via the electronic voting procedure.
--	---

## 6. Reimbursement of travel expenses by the BEREC Office to BEREC representatives for BEREC activities

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Vice-Chair (BNetzA)
<b>Information presented</b>	<p>The BEREC Vice-Chair (BNetzA) recalled that in different meetings some NRAs have requested revising the current policy for the reimbursement of NRAs' representatives by the BEREC Office for their participation in BEREC's activities. In particular, it has been requested to consider reimbursing travel expenses for the EWG Chairs for their participation in CN and plenary meetings when they are requested to present BEREC documents.</p> <p>The BEREC Vice-Chair (BNetzA) informed the MC that the preliminary analysis shows that any changes in the reimbursement policy will require an amendment, but due to the fact that more than 60 % of the operational expenditure of the BEREC Office is spent on reimbursement, any future MC decision should be balanced.</p> <p>The BEREC Vice-Chair (BNetzA) emphasised that the BEREC Office operational expenditure should be planned in such a way as to ensure the availability of enough financial resources for studies. Therefore, taking into account all these considerations, the BEREC Vice-Chair (BNetzA) intends to table a document for the 23<sup>rd</sup> Plenary Meeting (5 June 2015, Bergen).</p>
<b>Conclusions</b>	The MC discussed the possible options for reducing the burden (including the financial burden) for the NRAs' representatives participating in BEREC's activities in their capacity as EWG Chairs and requested the BEREC Vice-Chair from BNetzA to prepare a document, in cooperation with the Commission Services, outlining possible compromise solutions to be discussed at the 23 <sup>rd</sup> MC Plenary Meeting (5 June 2015, Bergen).

## 7. AOB

### Information on the next meeting of the BEREC Office MC (4-5 June 2015, Bergen (Norway))

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Representative of the meeting's host (Nkom)
<b>Information presented</b>	The meeting's host (Nkom) presented information on the logistics of the next meeting of the BEREC Office MC, taking place on 5 June 2015 in Bergen (Norway).
<b>Conclusions</b>	The MC took note of the information.

Berne, 27 February 2015.

**List of Documents**

**made available to the public in compliance with the BEREC Regulation and the BEREC Office MC transparency rules**

<b>Document No</b>	<b>Document Title/hyperlink to published version</b>
MC (15) 27	<a href="#"><u>Draft Agenda for the 22nd meeting of the BEREC Office MC</u></a>
MC (15) 23	<a href="#"><u>Transfers by the BEREC Office AM in the BEREC Office Budget in the Period October - December 2014</u></a>
MC (15) 26	<a href="#"><u>Mission Charter of the IAS of the European Commission in relation to bodies set up under the TFEU and the EUROATOM Treaty having legal personality and receiving contributions charged to the budget</u></a>

## Contents

Main Results of the 22nd Meeting of the BEREC Office Management Committee .....	2
Introduction and participation .....	3
List of documents.....	3
Items discussed .....	3
1. Opening of the meeting and adoption of the agenda.....	3
2. Oral update on the BAG recent activities .....	3
3. BEREC Office operation in 2014 - status update on the functioning of the BEREC Office (key activities, budget execution and human resources).....	4
3.1. Transfers by the AM in the BEREC Office Budget Q4 2014 .....	4
3.2. 2014 BEREC Office quarterly Report on operation and budget execution.....	5
3.3. Report on budgetary and financial management .....	6
4. Internal Audit Service (IAS).....	6
4.1. Conclusions of the IAS follow-up audit on the limited review of the ICSs implementation .....	7
4.2. IAS Mission Charter .....	7
5. Oral update on the acquisition and usage of BEREC Office assets, in particular video-conference equipment, at the premises of the BEREC Brussels presence (IRG Secretariat) .....	8
6. Reimbursement of travel expenses by the BEREC Office to BEREC representatives for BEREC activities.....	9
7. AOB.....	9
Information on the next meeting of the BEREC Office MC (4-5 June 2015, Bergen (Norway) .....	9
List of documents made available to the public in compliance with the BEREC Regulation and the MC transparency rules.....	10