

24th meeting of the Management Committee of the BEREC Office

Hosted by the Latvian [Public Utilities Commission](#) (SPRK), in cooperation with the
BEREC Office

Conclusions

Chair: Prof. Fátima Barros

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

2 October 2015, Riga (Latvia)

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Main Results of the 24th Meeting of the BEREC Office Management Committee

The BEREC Office Management Committee (MC) held its 24th ordinary plenary meeting on 2 October 2015 in Riga (Latvia), hosted by the Latvian [Public Utilities Commission](#) (SPRK), in cooperation with the BEREC Office.

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

I. Documents approved for publication

The MC approved for publication and/or implementation the following decisions:

- [BEREC Office MC Decision laying down general implementing provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff;](#)
- [BEREC Office MC Decision to establish reserve lists for the posts of Legal Officer and Executive Support Officer at the BEREC Office;](#)
- [BEREC Office MC Decision on the designation of the two Reporting Officers for the assessment of the probationary period of the Administrative Manager of the BEREC Office;](#)
- [BEREC Office MC Decision concerning the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office](#) with the option chosen (Option 2) and repealing the previous Management Committee Decision № MC/2013/5 of 6 June 2013.

II. Documents submitted to the MC for information

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

- Report on the activity of the appointing authority (June – September 2015);
- [Explanatory Note on Transfers by Administrative Manager in BEREC Office Budget 2015 in April-June 2015;](#)
- 2015 BEREC Office Quarterly Report on operation and budget execution.

The MC also took note of the forthcoming electronic voting procedures on the draft reply by the MC to the observations of the European Court of Auditors (ECA) on the Final Account of the BEREC Office for 2014 and on the appointment of a new BEREC Office Accounting Officer.

III. Next meeting

The next meeting of the BEREC Office MC will take place on **11 December 2015 in London (United Kingdom)** and will be hosted by the [Office of Communications](#) (Ofcom).

Introduction and participation

The MC held its 24th meeting on 2 October 2015 in Riga (Latvia), hosted by the [Public Utilities Commission](#) (SPRK), in cooperation with the BEREC Office. The meeting was attended by the heads and/or high-level representatives of the National Regulatory Authorities (NRAs) with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services established in each Member State of the European Union

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

List of documents

The list of the final documents approved for publication at the 24th MC meeting are included in the Annex to the Conclusions

Items discussed

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

1. Opening of the meeting and adoption of the agenda

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| Document(s) | MC (15) 86 Draft Agenda of the 24th Meeting of the BEREC Office Management Committee in Latvia, Riga |
| 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. List of the 'A' items

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| Document(s) | MC (15) 87 Draft BEREC Office MC Decision laying down general implementing provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff MC (15) 88 Draft BEREC Office MC Decision to approve the proposals for the establishment of a reserve list for the posts of Legal Officer (TA – Grade AD5) and Executive Support Officer (TA – Grade AD5) at the BEREC Office MC (15) 89 Draft BEREC Office MC Decision on the designation of two Reporting Officers for the annual appraisal of the Administrative Manager (AM) |
| Introduction by | BEREC Chair – Fátima Barros |
| Information presented | The Chair presented the list of "A" items. The list of "A" items had been drawn up on the basis of the conclusions of the CN according to which MC approval of these documents should be possible without further discussion. The Chair recalled that the MC members still could make statements for the minutes on |

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| | <p>any of the “A” items and that if requested by a MC member any item from the ‘A’ list could be withdrawn.</p> <p>The Chair requested the consent of the MC members for including all items in the “A” list and asked the MC to approve the “A” items for publication.</p> |
| Conclusions | The MC approved the documents included in the ‘A’ item list for publication. |

3. Recent activities of the appointing authority of the BEREC Office Staff

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| Document(s) | MC (15) 90 Report on the activity of the appointing authority (June – September 2015) |
| Introduction by | BEREC Vice-Chair (BNetzA) |
| Information presented | <p>The BEREC Vice-Chair (BNetzA), who is in charge of the BEREC Office human resources, presented a report on his activities since the last plenary meeting in his capacity of appointing authority for the BEREC Office staff.</p> <p>The BEREC Vice-Chair informed the BEREC Office MC that in the period from 1 June to 30 September 2015 he took around 20 different decisions, including a number of decisions regarding appointment of staff, secondment of national experts, publication of new vacancies, reclassification and resignation, and approval of reserve lists.</p> <p>Among others, the BEREC Vice-Chair approved the reserve list for the post of Communication Officer at the BEREC Office, which will enable the BEREC Office to hire the successful candidate as soon as possible.</p> <p>The Vice-Chair also informed the MC that the Head of Administration and Finance and Accounting Officer has resigned from her current post at the BEREC Office and that her last working day will be 15 October 2015.</p> <p>The Vice-Chair informed the MC about the exchange of letters between the Latvian Ministry of Education and Science and himself in relation to the provision of multilingual schooling for the children of the BEREC Office staff. He requested the Latvian Authorities to examine the possibilities to negotiate with the international schools in Riga on more favourable financial conditions for the education of the children of the BEREC Office staff as currently the fees for multilingual schooling are between EUR 7 000 and 15 000, which exceeds the educational allowance provided to the staff. On 10 July 2015 the Latvian Ministry of Education and Science replied to the letter of the Vice-Chair that the levels of fees in these schools are outside its competence.</p> <p>Therefore, the BEREC Office needs to explore the possibilities and measures for facilitating multi-lingual schooling for the children of the staff as provision for covering these costs from the BEREC Office budget has already been foreseen in the MSPP 2016-2018.</p> <p>In practice, this means that on request of the concerned staff members, the BEREC Office will need to pay the full tuition fee to the international school</p> |

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| | instead of the educational allowance provided currently to the staff. |
| Conclusions | The MC took note of the information. |

4. Recent activities of the BEREC Office Advisory Group (BAG) – oral update

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| Document(s) | No documents |
| Introduction by | BEREC Vice-Chair and BAG Chair (BNetzA) |
| Information presented | <p>The BEREC Vice-Chair (BNetzA), acting as BAG Chair, briefed the MC in relation to the recent BAG activities.</p> <p>The MC was informed that the BAG had examined six documents submitted for consideration by the MC and had delivered opinions on them, which are presented in the respective submission notes. For that reason the BEREC Vice-Chair was of the opinion that there was no need to list all these documents, as the MC members were already familiar with them.</p> |
| Conclusions | The MC took note of the information. |

5. BEREC Office Annual Accounts 2014

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| Document(s) | MC (15) 95 Draft Reply by the MC to the observations of the ECA on the Final Accounts of the BEREC Office for 2014 |
| Introduction by | BEREC Office AM |
| Information presented | <p>The BEREC Office AM recalled that, as required by the BEREC Regulation (Article 9), the MC has to reply to the ECA's observations by 15 October. This reply has to be sent also to the European Parliament and the Commission.</p> <p>The ECA has not provided yet its final report on the Final Account for 2014 as, according to the Financial Regulation, it is due by 15 November. Therefore, at the current stage, the draft Reply by the MC to the ECA observations on the 2014 BEREC Office Final Accounts is provisional. It will be submitted to the MC for approval by electronic voting procedure.</p> <p>The AM took this occasion to present the content of draft reply, as, in principle, the content of the ECA report is not expected to differ from the preliminary observations, which were presented to the MC in June 2015. In general, ECA's preliminary observations on the 2014 Annual Accounts have been much more favourable than the report on the 2013 Accounts and contain only 3 minor comments, concerning the number of budget transfers, the amounts of the carry-overs and the EFTA contribution. The latter could not be cashed due to the lack of political agreement, a matter which is outside the BEREC Office competences.</p> |

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| | On behalf of the MC, the Chair congratulated the AM for the significant improvement in the budget and financial management of the BEREC Office, which has led to a significant decrease of the number of comments by the ECA. |
| Conclusions | The MC took note of the information. |

6. BEREC Office operation in 2015 status up-date

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| Document(s) | MC (15) 91 2015 BEREC Office Quarterly Report on operation and budget execution MC (15) 92 Transfers by the BEREC Office Administrative Manager within the BEREC Office Budget in the period April-June 2015 |
| Introduction by | BEREC Office AM |
| Information presented | <p>The BEREC Office AM presented information on the transfers undertaken by him within the BEREC Office Budget in the period April - June 2015 and the 2015 BEREC Office Quarterly Report on Operation and Budget Execution, as follows:</p> <p><u>Transfers by the AM within the BEREC Office Budget Q2 2015</u></p> <p>The AM recalled that, according to Article 27(1) of the BEREC Office Financial Regulation¹, the AM may transfer appropriations within the BEREC Office budget from one chapter to another and from one article to another without limit, and from one title to another up to a maximum of 10% of the appropriations for the year shown on the line from which the transfer is made. In compliance with the provisions of Article 27(4) of the afore-mentioned Regulation, the AM has to inform the MC as soon as possible of all transfers made. Therefore the AM provided an information note for the attention of the MC and presented the main content of the document to the MC.</p> <p>The transfers made during the afore-mentioned period lie only within Titles 1 “Staff” and Title 2 “Buildings, equipment and miscellaneous operating expenditure” and amount to EUR 29 600 - for Title 1, and EUR 11 124 - for Title 2.</p> <p><u>BEREC Office Quarterly Report on operation and budget execution</u></p> <p>The BEREC Office AM presented a detailed report on budget execution as of 30 June 2015. The report contains information on the operational activities, the budget execution by quarters and titles, human resources management, information on the state of the key projects and the implementation of the Internal Control Standards.</p> <p>The execution of the Budget is presented by budget lines and by fund source</p> |

1 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 (hereinafter, the general Financial Regulation)

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| | <p>(e.g. C1 funds for current year's budget) and contains additional information for each budget line about the amounts committed and paid, the budget available for the rest of the year and the corresponding percentages of the budget line executed.</p> <p>The AM presented also a forecast for the extent of spend by the end of the year and noted that the budget is expected to be close to 100 % spent as in 2014.</p> <p>Special attention was paid to the staffing of the BEREC Office. The AM reported that the BEREC Office is fully staffed. There is a high turnover of staff, which is due both to the provisions of the BEREC Regulation vis-à-vis the length of secondment for national experts (limited to a maximum of 3 years) and to the fact that staff members find more attractive job offers in other EU institutions. To deal with this situation, the BEREC Office has a contract for the supply of short-term staff to cover vacancies.</p> <p>Furthermore, as indicated already by the BEREC Vice-Chair (BNetzA), one of the key staff members, namely the Head of Administration and Finance and Accounting Officer will leave the BEREC Office in mid-October 2015, which will require the appointment of a new Accounting Officer for the BEREC Office.</p> <p>The MC was informed that the BEREC Office is in process of examination of different options and will make a proposal for an MC decision, after consulting the BAG.</p> |
| Conclusions | The MC took note of the information. |

7. Reimbursement by the BEREC Office of travelling expenses for participation in BEREC activities

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| Document(s) | MC (15) 94 Draft BEREC Office MC Decision concerning the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office and repealing the previous Management Committee Decision № MC/2013/5 of 6 June 2013 |
| Introduction by | BEREC Vice-Chair (BNetzA) |
| Information presented | <p>The BEREC Vice-Chair (BNetzA) recalled that the rules currently applicable to the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office are established by Decision No MC/2013/05.</p> <p>The need to change the principles introduced with this Decision have been raised on several occasions by some NRAs who have nominated several EWG Co-Chairs and therefore face a bigger financial burden for their participation in BEREC activities. For that reason, the MC requested the BEREC Vice-Chair (BNetzA) to examine the implementation of the current reimbursement rules and to develop a proposal for their modification. The MC had already exchanged initial views on the subject during the 23rd MC Plenary Meeting (5 June 2015, Bergen) but was then of the opinion that the subject required further debate in a wider political context.</p> <p>Following that discussion, the BEREC Vice-Chair (BNetzA) provided the CN during its 3rd meeting (10-11 September 2015, Baden) with 3 different options to be applied to the reimbursement of experts. The CN was of the opinion that, for its final decision, the MC should focus on 2 options, as follows:</p> <ul style="list-style-type: none"> • Option 1 - in addition to all other reimbursement costs, reimbursement of 1 Co-Chair per EWG participating in CN and plenary meetings. <p>This option could lead to increase in the expenditure for reimbursement up to EUR 47 000 per year. Due to the limited possibilities for transfers within the current BEREC Office budget, the choice of this option would lead to a reduction in the professional support provided by the BEREC Office to BEREC, as was noted previously.</p> <p>The BEREC Vice-Chair also called the attention of the MC members to the fact that the choice of this option could also lead to external criticism that an excessive proportion of the main operational expenditure of the BEREC Office is used for travel reimbursements.</p> <ul style="list-style-type: none"> • Option 2 – keeping the status quo. <p>Under this option the travel reimbursement rules stay as they are, i.e. the costs of participation of EWG Co-Chairs at CN and/or plenary meetings will be borne by the respective NRA as now.</p> |

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| | <p>The submitted draft MC decision also clarified that for international meetings outside Europe between BEREC and regulators or groups of regulators with which BEREC has concluded a Memorandum of Understanding (called 'external events'), the BEREC Office will provide reimbursement to a maximum of 3 persons and only if they represent BEREC.</p> <p>The BAG examined the draft MC Decision before the CN meeting and took note of the Commission views that any deviations from the Commission rules should be carefully assessed.</p> |
| Conclusions | The MC discussed the policy on reimbursement of the travel and approved the document for publication on the basis of option 2 suggested by the Vice-Chair. |

8. AOB

Information on the next meeting of the BEREC Office MC (10-11 December 2015, London (UK))

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| Document(s) | No documents |
| Introduction by | Representative of the meeting host (Ofcom) |
| Information presented | A representative of the meeting host (Ofcom) presented information on the logistics of the next BEREC Office MC meeting to take place on 10 and 11 December 2015 in London. |
| Conclusions | The MC took note of the information. |

Riga, 2 October 2015.

**List of final documents
approved during the 24th MC meeting and subject to publication
in compliance with the BEREC Regulation and the MC transparency rules.**

| Document no. | Document title/Link |
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| MC/2015/10 | <u>BEREC Office MC Decision laying down general implementing provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff</u> |
| MC/2015/11 | <u>BEREC Office MC Decision to establish reserve lists for the posts of Legal Officer and Executive Support Officer at the BEREC Office;</u> |
| MC/2015/12 | <u>BEREC Office MC Decision on the designation of the two Reporting Officers for the assessment of the probationary period of the Administrative Manager of the BEREC Office;</u> |
| MC/2015/13 | <u>BEREC Office MC Decision concerning the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office</u> |