

25th Ordinary Plenary Meeting of the Management Committee of the BEREC Office

Hosted by Ofcom

Conclusions

Chair: Prof. Fátima Barros

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

***10-11 November 2015, London (United Kingdom of Great Britain and
Northern Ireland)***

Main Results of the 25th Meeting of the BEREC Office Management Committee

The BEREC Office Management Committee (MC) held its 25th ordinary plenary meeting on 10 and 11 December 2015 in London, hosted by the Office of Communications (Ofcom) of the United Kingdom of Great Britain and Northern Ireland (UK).

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

I. Elections of Chair for 2017 and Vice-chairs for 2016

The MC elected **Sébastien Soriano**, President of [ARCEP](#) (France), as Chair for 2017 and the following Vice-Chairs for 2016:

- **Angelo Marcello Cardani**, President of [AGCOM](#) (Italy);
- **Henk Don** – Member of the Board of [ACM](#) (The Netherlands).

According to the Rules of Procedure the elected Chair 2017 and the Outgoing Chair 2015 – **Fátima Barros** ([ANACOM](#)), must serve one year as Vice-Chairs in 2016 to support the Chair 2016, **Wilhelm Eschweiler**, Vice-President of [BNetzA](#) (Germany), who was elected Chair 2016 at the [21st Plenary Meeting \(4-5 December 2015, Brussels\)](#).

The BEREC Office MC agreed that the MC Chair for 2017 and the MC Vice-Chairs for 2016 should hold the same positions in the BEREC Board of Regulators (BoR).

II. Documents approved for publication

The MC approved for publication and implementation the following documents:

- [Decision on the replacement of the establishment plan for the financial year 2015](#);
- [BEREC Office Budget and Establishment Plan for 2016](#).

III. Documents submitted to the MC for information

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

- [Explanatory Note on transfers by the Administrative Manager \(AM\) in the BEREC Office Budget 2015 in July-September 2015](#);
- 2015 BEREC Office Quarterly Report on operation and budget execution.

The MC was also briefed in relation to the recent activities of the BEREC Office Advisory Group (BAG) and of the BEREC Vice-Chair exercising the powers conferred on the appointing authority by the Staff Regulations of Officials of the EU and the powers conferred on the authority entitled to conclude contracts by the Conditions of employment of other servants of the EU (hereinafter referred to as 'the appointing authority').

IV. Other important topics discussed

The MC held an orientation debate on the multiannual programming of the activity of the BEREC Office for the period 2017-2019. The outcome of the debate will be used by the BEREC Office for the preparation of the BEREC Office Annual and Programming Document for 2017-2019 and the draft Budget Estimate for 2017, which will be submitted to the MC for approval by electronic voting in January 2016.

V. Next meeting

The next meeting of the BEREC Office MC will take place on **26 February 2016 in Rotterdam (The Netherlands)** and will be hosted by the Dutch [Authority for Consumers and Markets](#) (ACM).

Introduction and participation

The MC held its 25th ordinary plenary meeting on **10 and 11 December 2015 in London (UK)**, kindly hosted by the [Office of Communications](#) (Ofcom). 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, and from the EFTA Surveillance Authority also took part in the meeting.

List of documents

The list of final documents approved by the meeting and subject to publication in compliance with the BEREC Regulation and the MC transparency rules are included in 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

Document(s)	MC (15) 130 Draft Agenda for the 25th Meeting of the BEREC Office Management Committee in London (UK)
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair opened the meeting and welcomed the newly appointed Heads of RATEL and BTK.</p> <p>The BEREC Chair presented the draft agenda and asked if the MC members had any additional issues to be raised or presented under “Any other business” (AOB). This not being the case, the Chair suggested to the MC to approve the meeting agenda.</p> <p>A representative of the meeting host (Ofcom) presented information on the logistics of the meeting and the social event.</p>
Conclusions	The MC approved the agenda as suggested by the Chair.

2. Elections of Chair for 2017 and Vice-Chairs for 2016

Document(s)	No documents
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Introduction by	BEREC Chair
Information presented and initial proceedings	<p>The BEREC Chair recalled that according to Article 2 “Appointment and Term of the Chair and Vice-Chairs” of the MC Rules of Procedure (RoP), every year the MC must appoint the Chair for the year subsequent to the following year.</p> <p>In order to be eligible, the applications for the post of Chair have to be submitted two months before the elections and must be supported by at least four Members.</p> <p>Within this deadline the BEREC Office has received one application for the post of Chair 2017, submitted by the President of ARCEP – Sébastien Soriano –, which was compliant with all requirements and consequently eligible.</p> <p>According to the RoP the MC may decide to elect additional Vice-Chairs for one year. The Chair had suggested the election of two additional Vice-Chairs, as in previous years. For the two posts of Vice-Chairs the following applications had been received:</p> <ul style="list-style-type: none"> - Angelo Marcello Cardani – President of AGCOM; - Henk Don – Member of the Board of ACM. <p>The Chair also recalled that according to the RoP the MC had to appoint two tellers to assist the vote, which had to be held by secret ballot. Therefore, the Chair suggested to the MC to appoint as tellers the MC Members:</p> <ul style="list-style-type: none"> - Marius Cătălin Marinescu – ANCOM; - Jack Hamande – BIPT. <p>As the election procedure for the elections of BoR Chair and Vice-Chairs envisaged in the BoR RoP is the same, for practical reasons the Chair suggested to organise a joint vote for the election of MC and BoR Chair and Vice-Chairs, given that the candidacies were the same.</p> <p>In light of the information provided above the Chair proposed to the MC to agree on the following issues:</p> <ul style="list-style-type: none"> - To agree to elect two additional Vice-Chairs for 2016 to provide support to the Chair 2016, in addition to the Outgoing 2015 and Incoming 2017 Chairs, who will also serve as Vice-Chairs in 2016. - To elect the MC members mentioned above as tellers to assist the vote. - To organise a joint vote for Chair 2017 and Vice-Chairs 2016 for the MC and the BoR, with the latter endorsing the result under its agenda. <p>The MC agreed with these proposals.</p>
Proceedings	<p>With the assistance of the tellers, the MC cast a secret vote on the aforementioned applications.</p> <p>The outcome of the election procedure is presented in the conclusions section.</p>

Conclusions	<p>The MC elected Sébastien Soriano, President of ARCEP (France), as Chair for 2017 and the following Vice-Chairs for 2016:</p> <ul style="list-style-type: none"> – Angelo Marcello Cardani, President of AGCOM (Italy); – Henk Don – Member of the Board of ACM (The Netherlands). <p>The elected Chair 2017 and Vice-Chairs 2016 of the MC will serve in the same capacity at the BoR, which should endorse the result.</p>
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3. List of the ‘A’ items

Document(s)	MC (15) 131 Draft BEREC Office MC Decision on the replacement of the establishment plan for the financial year 2015
Introduction by	BEREC Chair
Information presented	The BEREC Chair presented the document listed above, which had been included in the “A” item list on the basis of the conclusions of the CN, according to which discussion at the MC should be unnecessary.
Conclusions	The MC approved the document included in the ‘A’ item list for publication and implementation.

4. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) and of the BEREC Vice-Chair in his capacity of appointing authority

Document(s)	No documents
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 as appointing authority for the BEREC Office staff since the last plenary meeting.</p> <p>The BEREC Vice-Chair also briefed the MC on the recent BAG activities. The BAG had examined all documents submitted to the MC for approval to the current meeting or through electronic voting procedure.</p>
Conclusions	The MC took note of the information.

5. BEREC Office operation

5.1. BEREC Office operation in 2015

Document(s)	MC (15) 132 Explanatory Note on transfers by the AM in the BEREC Office Budget 2015 in July-September 2015
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	MC (15) 133 2015 BEREC Office Quarterly Report on Operation and Budget Execution
Introduction by	BEREC Office AM
Information presented	<p>– Transfers by the AM in the BEREC Office Budget Q4 2014</p> <p>In compliance with the provisions of Article 27 (4) of the BEREC Office Financial Regulation¹ the AM made a short overview of the transfers carried out by him in the BEREC Office Budget in the period July-September 2015, which are presented in detail in the above-mentioned document.</p> <p>In particular the MC was informed that the AM had minor transfers within the three titles of the BEREC Office budget 2015 amounting to:</p> <ul style="list-style-type: none"> – EUR 58 600 within Title 1; – EUR 14 421 within Title 2; – EUR 60 500 within Title 3. <p>The AM pointed out that the BAG had reviewed the document and agreed with its submission to the MC.</p> <p>– 2015 BEREC Office quarterly Report on operation and budget execution</p> <p>The BEREC Office AM presented a detailed Report on operation and budget execution in 2015 with a focus on the activities of the 3rd quarter of 2015.</p> <p>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.</p> <p>Some of the activities of the BEREC Office were presented already under agenda item 8 and therefore the AM was of the opinion that there was no point to repeat them.</p> <p>The AM emphasised that the BEREC Office has managed to keep the fully staffed situation with the support of Interim Staff. At the end of the year the budget execution is expected to be above 95 % as requested. All important projects in support to BEREC are on track.</p> <p>The MC was also informed that the BEREC Office organised for the first time an open-door-day, which was held on 25 September 2015, back-to-back with the open-door-day of the Representation of the European Commission in</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)

	Latvia. The BEREC Office was visited by students from two Latvian Universities and citizens and received positive feed-back for this initiative.
Conclusions	The MC took note of the information.

5.2. BEREC Office Budget 2016

Document(s)	MC (15) 134 Draft Final Budget and Establishment Plan for 2016
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM recalled that on 30 January 2015 the MC approved the provisional draft BEREC Office budget for 2016 at chapter level² for submission to the Commission and the Budgetary Authority [the Council and the European Parliament (EP)], which also contains the proposed amount of the subsidy from the EU Budget for the BEREC Office for 2016.</p> <p>The Budgetary Authority approved the General Budget of EU for 2016 on 25 November 2015 without any changes from the requested amount of the EU subsidy for the BEREC Office (e.g. without any change to the provisional draft budget adopted by the MC in January 2015).</p> <p>The final technical step of the budget preparation is the adoption of the final BEREC Office Budget 2016 at item level.</p> <p>The BAG reviewed the document and agreed with submitting it to the MC for approval.</p>
Conclusions	The MC approved the document for publication.

5.3. Training provided by the BEREC Office to NRAs

Document(s)	MC (15) 138 Short survey on BEREC training
Introduction by	BEREC Vice-Chair (BNetzA)
Information presented	<p>In compliance with the provision of the BEREC Office Work Programme for 2015 the BEREC Office organised training for NRAs' junior experts on the EU Regulatory Framework for electronic communications Regulation, which is split into four sessions of two full days each.</p> <p>Following the completion of the first training session held on 3 and 4 November 2015 the BEREC Vice-Chair (BNetzA) held a short survey among the NRAs on the level of satisfaction with the training and with a view to adjusting their content and organisation to the NRAs.</p>

² The BEREC Office budget is split by titles, chapters and articles or items.

	<p>The results of the survey show an overwhelming support for continuing the training offered free of charge to the NRAs' experts.</p> <p>The NRAs have expressed also their preferences for shortening the training from four to three sessions and opening it for senior staff with a focus on case studies.</p> <p>In the context of the outcome of the survey the BEREC Vice-Chair suggested to the MC to approve the following guidance to the BEREC Office:</p> <ul style="list-style-type: none"> - to reflect the suggestions listed above in the ToR for the procurement of training services; - to launch the procurement procedure as soon as possible. <p>The MC approved the proposed guidance.</p>
Conclusions	<p>The MC took note of the results from the survey on the training organised by the BEREC Office and provided the following guidance to the BEREC Office:</p> <ul style="list-style-type: none"> - to reflect the suggestions for improvement of the training made during the survey in the ToR for the procurement of training services; - to launch the procurement procedure as soon as possible.

6. Orientation debate on the BEREC Office Programming Document

Document(s)	MC (15) 135 Discussion paper on the BEREC Office annual and multiannual programming document
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM recalled that for ensuring consistent programming the BEREC Office has to draw up a programming document for a three years period containing annual and multi-annual programming.</p> <p>The BEREC Office AM emphasised that the timetable for the annual and multiannual programming is aligned with the budgetary procedure to ensure consistency between these documents and presented to the MC the differences in the time table and the procedure compared to the previous years.</p> <p>The AM also informed the MC that the format of the Programming Document has to follow the Commission Guidelines and has to comprise the two main parts:</p> <ul style="list-style-type: none"> – multiannual programming; – annual work programme. <p>It will become definitive after the final adoption of the general budget of the EU.</p> <p>As such kind of document will be drafted for the first time, the AM would like to seek high-level guidance from the MC on the major elements of the</p>

	<p>document in terms of the strategic objectives and the resourcing of the BEREC Office for the programming period.</p> <p>The AM suggested to the MC to agree with the following strategic areas of operation for the BEREC Office for the programming period:</p> <ul style="list-style-type: none"> – maintaining appropriate capacity; – developing expertise; – improving working methods and quality. <p>The AM also pointed out that the MC may delegate powers to the AM to amend non-substantial amendments of the document. As non-substantial could be considered the following elements:</p> <ul style="list-style-type: none"> - procurement plan; - schooling; - internal mobility policy; - organisation chart. <p>In terms of the resources the AM recalled that according to the Commission proposal of 2013³ on the establishment of a redeployment pool to be used by all Agencies in case of need for increase of staff the BEREC Office should cut one post in 2017. However, taking into account the intensified work of the EWGs and the additional tasks assigned to BEREC in the ‘Connected Continent’ (TSM) Regulation, the AM suggest to the MC to consider keeping the staff in the programming period at the current level, namely 15 establishment posts. Such an approach would also allow not to prejudge the outcome of the review of the EU Regulatory Framework for electronic communications.</p> <p>At the end of his presentation the AM invited the MC to answer the following questions:</p> <ul style="list-style-type: none"> – Would the MC agree with the strategic areas of operation as drafted? – Would the MC agree with requesting for human resources to keep the existing level until the regulatory framework reviewed? <p>The AM emphasised that the guidance from the MC will be used for drafting the programming document, which will be submitted to the MC for approval by electronic voting procedure in the beginning of January 2016 with a view to submitting it to the Commission, the European Parliament (EP) and the Council of the EU by 31 January 2016.</p>
Conclusions	The MC discussed the main parameters of the BEREC Office Multiannual Programming Document and provided guidance to the BEREC Office AM for

³ COM (2013) 519 final: Communication from the Commission to the EP and the Council: Programming of human and financial resources for decentralised agencies 2014-2020.

	the preparation of the draft document for submission to the Commission, the EP and the Council by 31 January 2016.
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7. AOB

Information on the next meeting of the BEREC Office MC (26 February 2016, Rotterdam (The Netherlands))

Document(s)	No documents
Introduction by	Representative of the meeting host (ACM)
Information presented	A representative of the meeting host, ACM, provided information on the logistics for the meeting.
Conclusions	The MC took note of the information.

11 December 2015, London.

List of Final Documents

**approved during the 25th MC meeting and subject to publication
in compliance with the BEREC Regulation and the MC transparency rules**

Number of document	Document title/link
MC/2015/15	Decision No MC/2015/15 of the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on the replacement of the establishment plan for the financial year 2015
MC (15) 132	Explanatory note Transfers by Administrative Manager in the BEREC Office Budget 2015 in July – September 2015
MC (15) 134	Budget and establishment plan for 2016

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