

# General overview of the legal framework of the Agency for Support for BEREC (BEREC Office)

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Body of European Regulators  
for Electronic Communications

**BEREC**  
OFFICE

BEREC Office is an  
agency of the EU



## Scope of the presentation

I. Legal requirements governing the activity of the Agency, in particular in the filed of:

- Programming;
- Procurement;
- Budget;
- Finance.

II. Introduction to the Financial Regulation.

III. BEREC Office procurement plan.

- I. **BEREC Regulation** - [Regulation \(EU\) 2018/1971 of 11 December 2018 establishing the Body of European Regulators for Electronic Communications \(BEREC\) and the Agency for Support for BEREC \(BEREC Office\), amending Regulation \(EU\) 2015/2120 and repealing Regulation \(EC\) No 1211/2009.](#)

Additional info: [Directive \(EU\) 2018/1972 of 11 December 2018 establishing the European Electronic Communications Code \(EECC\)](#) is also a very important element of our legal framework.

- II. **General Financial Regulation** – [Regulation \(EU, Euratom\) 2018/1046 of 18 July 2018 on the financial rules applicable to the general budget of the Union](#), Part One, Title V (Common rules), Title VII (Public procurement and concessions) and Annex 1.

Additional info: It incorporates the rules from Directive 2014/24/EU on public procurement and Directive 2014/23/EU on concessions.

- III. **Judgments**, mainly of the General Court of the EU in procurement cases.
- IV. **Framework Financial Regulation** - [Commission Delegated Regulation \(EU\) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty.](#)
- V. *Soft law* – **Commission guidelines** on the preparation of the Single programming document.
- VI. **BEREC Office procurement plan.**

### EU Regulatory Framework for Electronic Communications

- Transparency
- Least market distortion
- Non-discrimination
- Proportionality
- Technological neutrality
- Predictability
- Promotion of efficient investment and innovation

### EU Procurement

- Transparency
- Proportionality
- Equal treatment and non-discrimination
- Sound financial management
- Ensuring competition

### Budget Establishment and Implementation

- Unity, annuality & equilibrium
- Accuracy, universality & specification
- Sound financial management
- Performance
- Transparency

- EU procurement should ensure that Union funds are used in an effective, transparent and appropriate way, while reducing administrative burden on recipients of EU funds.
- In that regard, e-procurement should contribute to the better use of EU funds and enhance access to contracts for all economic operators.
- All Union institutions conducting procurement should publish clear rules on their websites regarding acquisition, expenditure and monitoring, as well as all contracts awarded, including their value.

## How the BEREC Office applies these principles?

- Prior publication of the BEREC Office procurement plan as part of the draft single programming document (by 31 January of year N – for year N+1)
- Publication of any subsequent amendments
- Publication of prior notices, ex-ante advertisements and information on contracts concluded
- Publications in OJ (specialised edition for procurement – TED Daily - eTendering)
- Further advertisements on the landing page [berec.europa.eu](http://berec.europa.eu) and on our professional accounts in the social media

## Landing page of the website

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SEARCH

### Latest News

EU Public Procurement training - watch the live stream on our website on 18 September  
17 September 2019

How to handle security within electronic communication and particular within 5G?  
30 August 2019

Joint BEREC and IIC conference in Riga, Latvia  
27 June 2019

News archive »

### Latest press releases

Press release - BEREC launches public consultations – calls for input  
19 June 2019

1/4 See all press releases »

### Upcoming events

Afternoon Training Session on EU Public Procurement for Economic Operators  
18 September 2019, Latvia, Riga

1/6 See all events »

Public consultations HR matters **Procurement**

- Currently there are no on-going public consultations
- Privacy Statement - BEREC Office Policy document
- Notice to the potential applicants for contract agents at the BEREC Office
- Permanent Call for Expression of Interest Trainees at the BEREC Office
- Working with the BEREC Office
- Public procurement at the EU institutions training session
- Open tender procedure for provision of interim workers services for the BEREC Office

## Procurement at the BEREC Office section

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Tasks and Mission Organisation Programming documents Budget&Finance **Public procurement** Recruitment Traineeship

Ex post publicity Public procurement at EU Institutions

### Introduction

Procurement in the context of the activity of the BEREC Office means the acquisition services and the acquisition or rental of land, buildings or other immovable property public procurement at the BEREC Office are defines in [Regulation \(EU, Euratom\) 2018 the general budget of the Union \(General Financial Regulation\)](#). These rules are wide [2014/23/EU on the award of concession contracts](#) and [Directive 2014/24/EU on public procurement](#).

### Basic information about the Procurement Procedures launched by the BEREC Office

#### Principles

When awarding a contract, the BEREC Office follows the principles of transparency, p discrimination, sound financial management and ensuring competition to the extent

#### Thresholds

The choice of the procurement procedure depends mainly on the threshold amounts:

Estimated value of the contract	Procedure
€ 0.01 - € 1,000.00	Simple payment against invoice
€ 1,000.01 - € 15,000.00	Negotiated procedure with at least one tender
€15,000.01 – € 60,000.00	Negotiated procedure for low value contracts with at least three tenders or Negotiated procedure for middle value contracts with at least five tenders
€ 60,000.01 - € 143,999.99	Procedure following a call for expression of interest (list of pre-qualified candidates)
€ 144,000.00 and upwards	Open or restricted procedure with publication of a contract notice in the Official Journal of the European Union or Competitive procedure with negotiation (limited cases such as concession contracts and development services, etc.)
Regardless of the amount	Negotiated procedure without publication of a contract notice (very specific services, monopoly exists, extreme urgency due to

### Transparency

To ensure transparency of its procurement procedures the BEREC Offices the specialized electronic edition of the Official Journal of the EU for procurement, TED eTendering, the BEREC website and social media. The BEREC Office always publishes well in advance [a procurement plan](#), which should be used as the main source of information by the economic operators for the forthcoming procurements.

TED eTendering is an EU institutions' eProcurement platform based on EU Directives on public procurement. Allowing free electronic access to call for tenders' documents such as contractual documentation, technical specifications, annexes, questions and answers etc., TED eTendering effectively represents an added-value extension to TED (Tenders Electronic Daily), the online version of the "Supplement to the Official Journal of the European Union".

e-Tendering is also used for the electronic exchange of information between the BEREC Office and the potential contractors, as well as for the electronic submission of documents in response to call for tenders.

### Benefits for Economic Operators from the use of TED eTendering

- Free electronic access, at any time, to all publicly available calls for tenders
- Easy download of documents in the available language versions
- Consultation of available questions and answers and possibility to ask new questions
- Electronic subscription to a call for tenders to be informed about updates by email
- Email alerts about new calls for tenders published

All information on public calls for tenders is accessible even without registration.

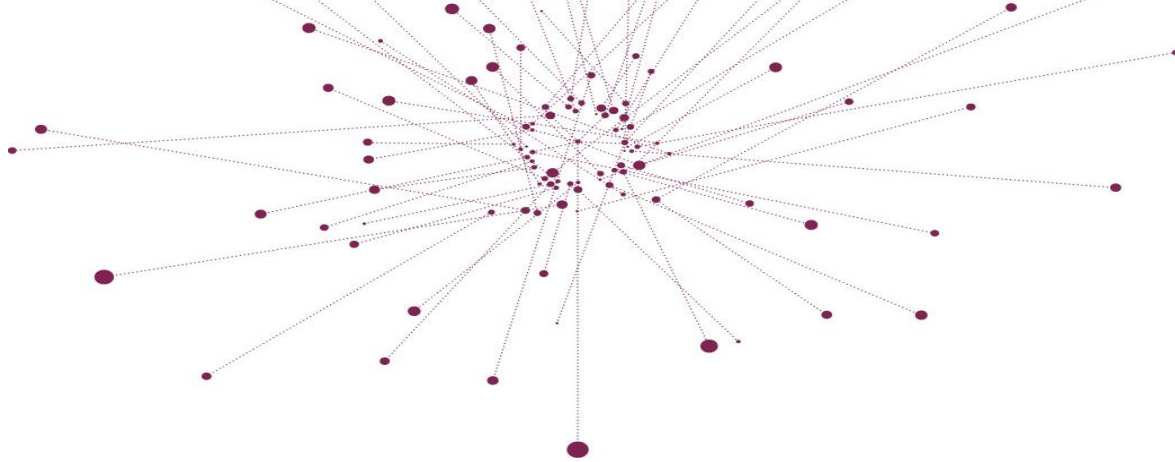
Registered Economic Operators will get also access to the **following functionalities**:

- To submit questions related to the calls for tenders they are interested in
- To subscribe to calls for tenders in order to receive updates
- To have notification messages of calls for tenders saved in their TED eTendering account

More information about the use of TED eTendering can be found in the [Quick Reference Guide](#) prepared jointly by the European Commission and the BEREC Office.

Public consultations HR matters Procurement

- Currently there are no on-going public consultations
- Notice to the potential applicants for contract agents at the BEREC Office
- Public procurement at the EU institutions training session



Thank you for your attention!

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