

## **Seventeenth Meeting of the Management Committee of the BEREC Office**

Hosted by the Hungarian National Media and Infocommunications Authority  
(NMHH)

# **Conclusions**

**Chair:** **Dr Leonidas KANELLOS**  
President of the Hellenic Telecommunications and  
Post Commission (EETT)

***5-6 December 2013, Budapest (Hungary)***

## Main Results of the Seventeenth Meeting of the BEREC Office Management Committee

### I. Elections of BEREC Chair for 2015 and Vice-chairs for 2014

The BEREC Office Management Committee (MC) elected Dr **Fátima BARROS**, President of the Board of ANACOM (Portugal), BEREC Chair for 2015 and the following BEREC Vice-Chairs for 2014 (BEREC Office MC members, listed in alphabetical order):

- Mr **Jack HAMANDE** – Chairman of the Council of BIPT (Belgium);
- Mr **Domagoj JURJEVIC** – Deputy President of the Council of HAKOM (Croatia);
- Ms **Asta SIHVONEN-PUNKKA** – Director General of FICORA (Finland).

According to the Rules of Procedure, the BEREC Chair for 2015 must serve one year as Vice-Chair in 2014.

### II. Documents approved for publication:

- [Budget of the BEREC Office for 2014](#).

### III. Other important topics discussed:

- New draft BEREC Office Financial Regulation;
- Execution of the BEREC Office budget for 2013;
- Draft reply by the MC to the observations of the European Court of Auditors (ECA) on the Final Accounts of the BEREC Office for 2012;
- BEREC Office staff policy, including the Multi-annual staff policy plan for the period 2015–2017, the new Staff Regulations and their implementing rules and the recruitment for the post of Head of Programme Management;
- The outcome of the work of the Task Force.

### IV. Next meeting

The next meeting of the MC will take place on 27 and 28 February 2013 in Stockholm (Sweden) and will be hosted by the [Swedish Post and Telecom Authority](#) (PTS), whose Director General, Mr **Göran MARBY**, will be the BEREC Chair in 2014.

## Introduction and participation

The MC held its seventeenth meeting, kindly hosted by the [Hungarian National Media and Infocommunications Authority](#) (NMHH), on 5 and 6 December 2013 in Budapest (Hungary). The meeting was attended by 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 EU member state, and the Commission. Representatives of the NRAs from the EFTA states and the states that are candidates for accession to the EU also took part in the meeting, represented at high level.

## Items discussed

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

<b>Document(s)</b>	MC (13) 75 Draft MC Agenda
<b>Introduction by</b>	BEREC Chair
<b>Information provided</b>	<p>The BEREC Chair opened the meeting giving the floor to the ne representative of BNezA to present himself. Then, the BEREC Chair asked if the MC members had any additional issues to be raised or presented under AOB.</p> <p>This not being the case, the Chair suggested to the MC to approve the meeting agenda.</p>
<b>Discussion</b>	No discussion.
<b>Conclusions</b>	The agenda was approved as proposed.

### 2. Elections of Chair for 2015 and Vice-Chairs for 2014

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Chair
<b>Information presented</b>	<p>The BEREC Chair reminded the MC that every year at its last ordinary meeting the MC must appoint the Chair for the year subsequent to the following year [2015]. The newly-elected Chair and the Outgoing Chair must serve one year [2014] as Vice-Chairs. The MC may decide to appoint additional Vice-Chairs for 1 year.</p> <p>The BEREC Chair informed the MC about him stepping out from the EETT presidency sometime soon. Therefore, there is an obvious need to resign from the post of Vice-chair 2014 as an Outgoing Chair. However, he is committed to support the BEREC Chair and Vice-chairs, while he remains in the presidency of EETT and in the MC as well.</p>

	<p>That being said, the BEREC Chair suggested the MC to elect 3 additional Vice-Chairs for 2014.</p> <p>He also proposed to use the already adopted process that all members elected respectively as Chair of the BEREC Office MC for 2015 and Vice-Chairs for 2014 should hold the same positions in the BoR. Should the proposal be accepted, elections would have to be held only once, at the MC, and the vote would become binding to the BoR as well.</p>
<b>Discussion</b>	<p>The MC had no objections to the proposal of the BEREC Chair. The Incoming Chair, on behalf of the BEREC Office MC, thanked the current Chair for his contribution to the successful work of BEREC and the BEREC Office this year.</p>
<b>Conclusions</b>	<p>The MC decided to elect three additional Vice-Chairs for 2014.</p> <p>The MC agreed that all members elected respectively as Chair of the BEREC Office MC for 2015 and Vice-Chairs for 2014 should hold the same positions in the BoR.</p>

### 3. Recruitment of the BEREC Office Administrative Manager (AM)

<b>Document(s)</b>	No document
<b>Introduction</b>	<p>BEREC Chair</p> <p>Incoming BEREC Chair</p>
<b>Information presented</b>	<p>The BEREC Chair informed the MC that following the selection procedure approved by the MC the Selection Committee has invited 4 short-listed candidates to be interviewed by the MC. He proposed to dedicate 15 minutes to each candidate of which (s)he will need to present him/herself for 4 minutes and will be requested to answer to 5 questions – common for all candidates.</p> <p>After the interviews the MC has to proceed with a vote, which according to the Rules of Procedure should be by raising hands. However, if 2 MC members request a secret ballot, the MC may decide with a majority of its members to organise a secret vote.</p> <p>As there were no proposals for a secret vote, the Chair announced that the vote will be by raising hand.</p>
<b>Proceedings</b>	<p>The interviews of the short listed candidates took place in a closed session of the meeting. A Commission representative acted as Secretary for the selection.</p>
<b>Conclusions</b>	<p>The MC selected one of the candidates for appointment as Administrative Manager of the BEREC Office. The process for confirming the selected candidate as Administrative Manager will continue with a hearing before the ITRE Committee of the European Parliament (EP) after which the EP may issue a non-binding opinion.</p>

#### 4. Elections of Chair for 2015 and Vice-chairs for 2014

Document(s)	No document
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair recalled the procedure for the election of the MC Chair 2015 and vice Chairs 2014.</p> <p>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. In order to be eligible, the applications for the post of Chair have to be submitted 2 months before the elections and must be supported by at least 4 members.</p> <p>Within this deadline the BEREC Office received only 1 application for the post of BEREC Chair 2015, which satisfied the formal requirements and therefore the applicant is admitted to the election procedure.</p> <p>The application was circulated by the BEREC Chair on 14 October 2013, as required by the RoP.</p> <p>The BEREC Chair reminded that when there is only a single application, the candidate shall be elected provided that (s)he receives the support of a 2/3 majority of all members. Should the candidate not receive that support in the first round, a second vote must be held. Should the candidate not receive the required support in the second round, a new invitation for candidacies must be made.</p> <p>The same procedure is applicable to the appointment of the Vice-Chairs as for the three posts of BEREC Vice-Chairs 2014 the BEREC Office received three applications.</p> <p>All applications submitted satisfy the requirement of the RoP and therefore were admitted to the elections.</p> <p>Finally, the BEREC Chair quoted the relevant procedure of the RoP according to which the MC has to appoint two tellers to assist the vote, which has to be held by secret ballot. Therefore, the BEREC Chair invited two MC members to volunteer for tellers.</p>
Proceedings	<p>Pursuant to Article 2 (4) of the RoP, the MC appointed as tellers two Members from ACM and ANCOM to assist the vote.</p> <p>With the assistance of the tellers the MC casted 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 Chair for 2015 - Dr <b>Fátima BARROS</b>, President of the Board of ANACOM (Portugal); and the following Vice-Chairs for 2014 (listed in alphabetical order of their family names):</p> <ul style="list-style-type: none"> <li>– Mr <b>Jack HAMANDE</b> – Chairman of the Council of BIPT (Belgium);</li> <li>– Mr <b>Domagoj JURJEVIC</b> – Deputy President of the Council of HAKOM (Croatia);</li> <li>– Ms <b>Asta SIHVONEN-PUNKKA</b> – Director General of FICORA (Finland).</li> </ul>

	The elected Chair for 2015 and Vice-Chairs for 2014 of the MC will serve in the same capacity at the BoR and will be jointly referred to as “BEREC Chair 2015” and “BEREC Vice-Chairs 2014”.
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## 5. Oral up-date from the BEREC Office Task Force

<b>Document(s)</b>	No document
<b>Introduction by</b>	Incoming CN Chair (PTS), on behalf of the BEREC Office Task Force Chair (PTS)
<b>Information presented</b>	<p>The Incoming CN Chair (PTS), on behalf of the BEREC Office Task Force Chair (PTS), informed the MC that the Task Force, established for improving the functioning of the BEREC Office, has had two meetings so far. The last [third] meeting has been scheduled for December 2013. The final report of the work done by the Task Force will be presented during the first plenary meeting in 2014.</p> <p>In general, the Task Force has concluded that the number of employees of the Office makes it vulnerable to risks such as sick leaves, lack of well-trained backups and that there is need to involve the staff members in many different activities, which lead to too heavy work load and lack of specialisation. However, the Task Force believes that when the remarks from ECA and the Internal Audit Service are handled, the situation will improve significantly.</p> <p>The MC was informed also about the specific areas examined during the last meeting, such as procurement, recruitment, budget planning and execution, communications activities and IT policy.</p>
<b>Conclusions</b>	The MC took note of the information provided.

## 6. BEREC Office Financial issues

### 6.1. Execution of the BEREC Office budget for 2013

<b>Document(s)</b>	MC (13) 71      Execution of the BEREC Office budget for 2013
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM presented information on the execution of the BEREC Office Budget from the beginning of the current year until 31 October 2013.</p> <p>He provided information about the expenditure by titles and fund sources (fund source C1 – budget and payments planned in 2013 budget; fund source C8 – budget carried forward from 2012 budget and to be paid in 2013), as follows:</p> <p>1. <b>Fund source C1:</b> current year’s budget with the primary focus:</p> <p>For all budget lines information about the percentage of execution of each budget line (incl. the amounts committed and paid); and budget available for the rest of 2013 is provided.</p> <p><u>Title 1</u> (total execution 63%)</p>

- Chapter 11 (Salary payments) well on track because of predictability and linearity of payments.
- Chapter 12 (Recruitments) - low execution. Invoice for publication of AM recruitment in newspapers (EUR 45,000) not yet received. Reimbursements for AM candidates to come in December 2013. Some carry-forward to 2014 (reimbursements), remaining surplus to be de-committed;
- Chapter 13 (Missions) - lower execution because of long processing cycle for payments (1-2 months from the meeting). Definitely some carry-forwards to 2014 for December missions. Some surplus to be de-committed.
- Chapter 14 (Medical services) – invoices received always in the middle of next year;
- Chapter 15 (Training) many invoices arrive late, next year. Significant amount of planned trainings could not be executed because of a leave of one staff member and absence of HR Officer in Admin. & Finance Unit. Some carry-forwards to 2014 and de-commitment of surplus;
- Chapter 16 (External services) – several large consultancy projects, some ongoing, 1 contract to be signed. Speed-up receiving invoices for work done, carry-forwards for not yet finished projects;

Title 2 (total execution 31%)

- Chapter 20 (Rental of buildings) – rental payments in 2013 started only in September 2013, execution only for one quarter. New security contract signed in October 2013, most of the commitment will be carried forward into 2014;
- Chapter 21 (IT-purchases) – under software, the purchase of HR soft for (EUR 73,000) unfortunately delayed, because of the long sick leave of project manager. To be de-committed. Unfortunately.
- Chapter 24 (Postage and telecom) – all amounts related to new contracts, which are signed in Oct. – Dec., therefore most of the budget will be carried-forward onto 2014;

Title 3 (total execution 52%)

- Chapter 30 (Support to implementation of BEREC WP 2013) – Expert reimbursements have a processing cycle of 1,5 - 2 months after the meeting. Therefore, most of payments for Nov. & Dec. meetings to be carried-forward into 2014;
- Budget line B3003 (Collection and transmission of info) related to 3 BEREC workshops in Q4 2013, where the processing of organisation costs and reimbursements is in progress.
- Chapter 31 (Horizontal activities) – budget line B3101 is related to the reimbursements of CNs, Plenaries, International travel, Board and Task Force travel. Reimbursements have a processing cycle of 1,5 - 2 months after the meeting. Reimbursements for December 2013 meetings and some November meetings to be carried forward to 2014.
- Budget line B3102 (Provision of advice and other ad-hoc services) – payments to Translation Centre for translations and proof-reading (late invoices) and contract with the public website provider (the payment for the contractor will be reduced, because no development works have been done with the website. Pending payments for translations and

	<p>website hosting to be carried-forward, remaining amounts to be de-committed.</p> <p>2. <b>Fund source C8:</b> there are 3 primary reasons for the budget of previous year to be carried over (C8):</p> <ul style="list-style-type: none"> <li>- payments for services where invoices are arriving only in the next financial year (most of them in January, but there are examples about invoices arriving in Q2 or even Q3);</li> <li>- payments, which are due to in year n-1, but have not been finalised by the end of year (example: BEREC reimbursements not fully finalised by end of December)</li> <li>- contracts, which do not end in December of the financial year. The relevant budgetary commitment for a particular contract has to be carried forward into the next year (proportion of contract payments due in new year).</li> </ul>
<b>Conclusions</b>	The MC took note of the information provided.

## 6.2. BEREC Office Budget for 2014

<b>Document(s)</b>	MC (13) 72      Draft Budget of the BEREC Office for 2014
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM made a short overview of the budget procedure. He pointed out that according to Article 12 “Establishment of the budget” of the BEREC Regulation the Preliminary Draft Budget for the BEREC Office for 2014 was approved by the MC during the Ljubljana Plenary on 8 March 2013. It was submitted to the Commission on 30 March 2013 in compliance with the standard template for Draft Budgets prepared by DG Budget of the Commission, which included on the revenue side the EU contributions, the budgetary surpluses of previous year N-2, the estimations of third country contributions (incl. EFTA by a pre-defined 3.03% of EU contributions), any other contributions (Members States, NRAs, etc.).</p> <p>The AM informed the MC that the Budgetary Authority approves the aggregated budget of “fresh” EU contributions, but without the surplus, EFTA and NRA contributions and without going into the details on item level. However, BEREC Office is required to present its appropriations specified by Titles, Chapters, Articles and Items (budget lines).</p> <p>Taking into account the fact that the Council and the EP have approved the BEREC Office budget for 2014 in November 2013 at the level requested in the preliminary financial statement for 2014 – EUR 3 617 948, the BEREC Office AM presented a detailed draft Budget for 2014, which specified the appropriations for each item, which, if approved, has to be published on the BEREC website. A more globalised financial statement – at Chapter level will be published in the Official Journal of the EU.</p>
<b>Conclusions</b>	The MC took note of the information provided.



### 6.3. New BEREC Office Financial Regulation and its implications

<b>Document(s)</b>	MC (13) 73      Draft BEREC Office Financial Regulation
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the MC that in 2012 the legislator and the Commission adopted the revised EU Financial Regulation<sup>1</sup> and its Rules of Application<sup>2</sup>, which entered into force on 1 January 2013.</p> <p>The revised Financial Regulation and its Rules of Application were adopted in order to address the following main issues:</p> <ul style="list-style-type: none"> <li>• simplification: speeding up procedures, in particular the time-to-grant, and shifting the focus from paperwork to performance;</li> <li>• accountability: ensuring enhanced sound financial management and the protection of the EU's financial interests;</li> <li>• leverage: introducing financial mechanisms which will enable the mobilisation of third-party funds as leverage on EU funds.</li> </ul> <p>In that respect all agencies were requested to develop respectively a new Financial Regulation in order to align it with the new Financial Regulation of the EU. The Financial Regulation in general is the main point of reference for the principles and procedures governing the budget forecasts and implementation. It determines the main principles applied to the financial transactions, the main roles of the financial actors, the control of the use of the financial resources, etc.</p> <p>The BEREC Office new Financial Regulation has been developed on the basis of the template provided by the Commission to all agencies but has been adjusted to the specific BEREC Office structure . The BEREC Office has tried also to align it with the deadline envisaged in the BEREC Regulation as much as possible.</p> <p>The new Financial Regulation has to enter into force on 1 January 2014. The work on the draft is jointly executed with experts from DG Connect and BEREC Office</p>
<b>Conclusions</b>	The MC took note of the information provided.

<sup>1</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, OJ L 298, 26.10.2012, p. 1–96 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:01:EN:HTML>

<sup>2</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1–111 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:0001:01:EN:HTML>

## 7. Reply by the Management Committee to the observations of the ECA on the Final Accounts of the BEREC Office for 2012

<b>Document(s)</b>	MC (13) 69 Final Report of the ECA on the Final Accounts of the BEREC Office for 2012 MC (13) 74 Draft Reply/Opinion of the Management Committee to the Final Report of the ECA on the Final Accounts of the BEREC Office for 2012
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM reminded the MC that Article 13 (9) of the BEREC Regulation requires the MC to reply to the ECA's observations by 15 October and also to send this reply to the EP and the Commission.</p> <p>However, by the 15 October 2013 the ECA Final Report had not yet been sent to the BEREC Office and therefore the MC could not submit its formal reply. The BEREC Office forwarded to the ECA (with cc the EP and the Commission) the draft MC opinion (not signed), which was adopted by Riga MC meeting. The draft was sent with an explicit clarification that the final Opinion will be sent after its approval following the expected receipt of the ECA Final Report.</p> <p>The Final Report of ECA was received on 6 November 2013. There have been no changes in the substance of the observations but they have been grouped differently and respectively the numbering of the observations has been changed.</p> <p>In that respect the BEREC Office AM presented a revised opinion of the MC, which proposes the following changes compared to the previous draft approved by the Riga plenary:</p> <ul style="list-style-type: none"> <li>- adding the date of the BEREC Office receipt of the Final Report;</li> <li>- updating the references to the groups and numbers of the ECA observations;</li> <li>- some minor wording improvements.</li> </ul> <p>After the presentation made by the AM the BEREC Chair suggested approving the draft by e-clearance procedure to be launched immediately on the week to follow the plenary meeting.</p>
<b>Conclusions</b>	The MC took note of the draft and agreed to approve the document by e-clearance after the MC meeting.

## 8. BEREC Office staff policy

### 8.1. BEREC Office Multi-annual Staff Policy Plan (MSPP) for 2015-2017 and new Staff Implementing rules

<b>Document(s)</b>	No document
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM presented the following information:</p> <p><b><u>MSPP</u></b></p> <p>In compliance with Article 27(4) of the BEREC Office Financial Regulation,</p>

	<p>the BEREC Office has to send to the Commission and the budgetary authority by 31 March each year at the latest its updated MSPP, established in line with the guidelines set by the Commission.</p> <p>According to the practice established by the Commission's Services, the draft MSPP has to be presented to the parent DG and DG HR by end of January for preliminary review and comments in order to be finalised for formal transmission to the Commission and the Budgetary Authority by the end of March.</p> <p>That requires approval of the first draft by the December plenary meeting or via written procedure. Because of the recent changes in the Staff Regulations, the Commission has been late with providing its guidelines to the Agencies for the preparation of the MSPP and for that reason the BEREC Office has not been able to deliver the document for last MC meeting. Therefore, it will have to be approved via e-clearance.</p> <p><b><u>New Staff Implementing rules</u></b></p> <p>On 1 January 2014, the new Staff Regulations will enter into force, and will require revision of the staff implementing rules. The MC will need to repeal all decisions introducing staff implementing rules and to adopt the new ones.</p> <p>In compliance with Article 10(2) of the BEREC Regulation, the MC has to adopt the necessary implementing measures in agreement with the Commission. For that reason, once adopted, the draft staff implementing rules have to be submitted to the Commission for obtaining its agreement and only afterwards the draft measures can be adopted by the MC for implementation.</p>
<b>Conclusions</b>	The MC took note of the information presented.

## 8.2. Extension of reserve list for the post of the Head of Programme Management (PM) in the BEREC Office

<b>Document(s)</b>	MC (13) 76 Draft Decision to extend the reserve list for the post of the Head of Programme Management in the BEREC Office - withdrawn
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM informed the MC that in the opinion of DG Human Resources of the Commission the fact that the validity of the reserve list for the post of the Head of PM has expired does not leave any possibility to recourse to that list in the new selection. They were of the opinion that recruiting someone from the list would raise the question of unequal treatment in relation to other potential candidates.</p> <p>In that respect the BEREC Office AM proposed opening a new vacancy for the post of Head of PM and proposed indicative timeline for the selection procedure. The MC was informed that DG Connect had agreed to act as secretariat for the recruitment for this post.</p>
<b>Conclusions</b>	The MC discussed the recruitment procedure for the post of Head of PM and decided that a new vacancy notice should be published.

## 9. BEREC Intranet development

<b>Document(s)</b>	No document
<b>Introduction</b>	BEREC Office AM
<b>Information presented</b>	<p>The BEREC Office AM provided short overview of the state of preparation of the tender documentation for the launch of the procurement procedure for the BEREC Intranet project.</p> <p>He reminded the MC that the work on the project had started in the summer of 2013 by the establishment of an Ad Hoc EWG to prepare the concept of the BEREC Net from user perspective, which had been approved by the MC on 27 September 2013 (document MC (13) 64).</p> <p>Based on the concept paper, the BEREC Office, in cooperation with Deloitte, drafted the first version of the technical specifications, which was presented in the last Contact Network meeting (14 - 15 November 2013, Berlin). The objective of the BEREC Office is to procure a solution, which would be readily available on the market as much as possible.</p> <p>The next steps to follow are to finalise the technical specification and the tender documentation with a view to launching the procurement procedure as soon as possible.</p> <p>The BEREC Office will be ready to launch the procurement for BEREC net either at the end of December 2013 or the beginning 2014</p>
<b>Conclusions</b>	The MC took note of the information presented.

## 10. AOB

### Next MC Meeting (Stockholm, 27-28 February 2014)

<b>Document(s)</b>	No document
<b>Introduction by</b>	Incoming BEREC Chair (PTS)
<b>Information presented</b>	The Incoming BEREC Chair (PTS) presented some information on the next MC meeting to be held on 27 and 28 February 2014 in Stockholm (Sweden). The invitation for the meeting has been circulated.
<b>Conclusions</b>	The MC took note of the information provided.

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