

DECISION № MC/2012/5

by the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) to establish direct service agreements with the international schools in the Republic of Latvia to cover schooling fees for children of the BEREC Office staff

The Management Committee of the BEREC Office (hereinafter referred to as “the Management Committee”),

Having regard to the Regulation (EC) № 1211/2009 of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office, and, in particular, Article 9, paragraphs 5 and 6;

Having regard to the Staff Regulations of Officials of the European Communities (Staff Regulations) and in particular Articles 27 and 1 and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) № 259/68, and in particular Articles 12 and 82;

Having regard to the decisions of the Commission setting up implementing rules for the application of the Staff Regulations and the CEOS;

Having regard to the decision of the Management Committee of 3 December 2010 on the adoption “by analogy” of the implementing rules to the Staff Regulations;

Having regard to the Guidelines on Staff Policy in the European Regulatory Agencies adopted by the European Commission on 16 December 2005 (C(2005)5304), and in particular of point 2.3.3 thereof;

Whereas:

- 1) The BEREC Office is a new regulatory agency of the European Union in its start-up phase with 14 staff members recruited at the end of March 2012;
- 2) The BEREC Office is established in Riga, the Republic of Latvia;
- 3) The BEREC Office needs to employ, and possibly retain, staff of the highest standards of ability and efficiency, recruited on the broadest possible geographical basis from amongst the nationals of the EU Member States;
- 4) Currently, in Riga and in the Republic of Latvia there are no European Schools;
- 5) The Seat Agreement with the hosting country recognizes the importance of multilingual and multicultural schooling of children of BEREC Office staff. For this reason, all parties concerned shall be requested to assist and facilitate a process in accordance with the Seat Agreement defining the Statute of the European Schools;
- 6) However, from the experience of other EU Regulatory Agencies, and given the extremely small size of the BEREC Office (20 staff members), it is clear that the establishment of a new European School is a long process. The conditions of providing

European schooling in Riga are subject to the fact that the Latvian Government will establish such school in Riga. Negotiations are on-going.

- 7) In the absence of European Schools in Riga and in the Republic of Latvia, it is appropriate that the BEREC Office takes measures by supporting the staff to cover the costs of multi-lingual tuition provided by International schools available in Riga or elsewhere in Latvia and accredited by the responsible national institution in the Republic of Latvia, in order to enable staff members to choose the best possible solution for schooling of their children;
- 8) However, no extra-curricular activities shall be supported by the budget of the BEREC Office;
- 9) Given that, it is, however, appropriate that the support to be granted shall not involve an unreasonable financial burden for the BEREC Office budget;

HAS ADOPTED THE FOLLOWING DECISION:

Article 1 Scope

The BEREC Office shall cover schooling fees for children of the BEREC Office staff members attending or applying to international schools that have signed a service agreement with the BEREC Office. Covered under these provisions are: staff members' children from the age of 5, and attending, regularly or on full time basis, or applying for primary or secondary education in an International school, after that the school had been considered eligible by the BEREC Office.

Article 2 Payments

For children enrolled in the schools which have signed the service agreement with the BEREC Office, registration, capital, tuition and examination fees will be paid directly to the schools by the BEREC Office upon receipt of the relevant invoices. All other due fees, including transport costs, canteen, extracurricular activities and any other service requested by staff members, shall be invoiced directly to the staff members by the schools.

Article 3 Education in schools which have not signed a service agreement with the BEREC Office

For those members of the staff with children attending schools which have not signed a service agreement with the BEREC Office, the provisions under the implementing rules on the granting of education allowance shall apply.

Article 4
Eligibility

Only temporary and contract agents employed by the BEREC Office shall have access to the support granted by this decision;

In order to be eligible for the support granted by this decision, a child of the BEREC Office staff member must be deemed to be a “dependent” child within the meaning of article 2(2) of Annex VII to the Staff Regulations.

For the expenses that are not covered directly by the BEREC Office under this decision, the staff member may claim reimbursement under the conditions laid down by the Staff Regulations, in particular as per article 3 of Annex VII.

Article 5
Entry into force, duration and implementation

This decision shall apply for the school year 2012-2013. It shall apply to further school years unless the Management Committee decides to repeal it.

The Administrative Manager shall take all necessary measures in order to implement this decision. The Administrative Manager will notably select the most appropriate international schools that will be invited to sign a service agreement.

This Decision enters into force on the same date of its adoption by the Management Committee.

Done at Dubrovnik, on 25 May 2012.

For the Management Committee,

**Georg SERENTSCHY
BEREC Chair 2012**