

DECISION N° MC/2013/2
by the Management Committee of the Office of the Body of European Regulators
for Electronic Communications (BEREC Office)
to elect a new Vice Chair for 2013 and a new Chair for 2014

THE MANAGEMENT COMMITTEE OF THE BEREC OFFICE,

Having regard to the Staff Regulations of Officials (hereinafter "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (hereinafter "CEOS"), laid down by Council Regulation N° 259/68,

Having regard to the Council and European Parliament Regulation (EC) N° 1211/2009 of 25 November 2009 (hereinafter "BEREC Regulation") establishing the Body of European Regulators for Electronic Communications (hereinafter "BEREC") and the BEREC Office, and in particular Articles 7(1), 7(4), and 10(3) thereof,

Whereas:

(1) In the 13th meeting of the Management Committee of the BEREC Office held on 7 December 2012 in Malta, Luc Hindryckx, Chairman of BIPT was elected BEREC Vice-Chair 2013 and Chair 2014;

(2) The BEREC practice is that the BEREC incoming Chair for the year "y+1" acts as Vice-Chair of the Management Committee in regard to matters linked to human resources and exercises the powers conferred on the appointing authority by the Staff Regulations and the CEOS for the calendar year "y";

(3) The appointment decision of Luc Hindryckx, as Chairman of BIPT, was annulled by the judgment of the Belgian Council of State on 17 January 2013 (n 222.114). As result of the judgement Luc Hindryckx is no longer representing BIPT in the Management Committee of the BEREC Office. Taking into account that the Vice Chair and the Chair posts are *ad personam*, and that the preconditions for the election are not met any longer, the posts of the Vice Chair and the Chair of the Board of Regulator and the Management Committee of the BEREC Office, held by Luc Hindryckx, are effectively vacant;

(4) A new Vice Chair, who will become Chair in 2014, should be elected. The Vice Chair will be in charge of human resources and exercises the powers conferred on the appointing authority by implementation of the Staff Regulations and the CEOS;

(5) The Management Committee Rules of Procedures, Article 2.4 provide that the elections shall take place in the last ordinary plenary meeting of the year.;

(6) According to the exceptional circumstances described above, there is a need to derogate from the provisions of the above mentioned Article 2.4, in order to hold election of Chair for 2014 in the 15th meeting of the Management Committee that will take place on 6 and 7 June 2014.

Therefore,

HAS ADOPTED THIS DECISION:

Article 1

1. Elections for a new Chair 2014 shall be held in the 15th meeting of the Management Committee of the BEREC Office, which will take place in Athens on 7 June 2013.

2. The candidate that will be elected shall, from the day of his/her election and for the remainder of 2013 (a) hold the Vice Chair post and (b) act as Vice Chair of the Management Committee responsible for matters linked to human resources and exercises the powers conferred on the appointing authority by implementation of the Staff Regulations and the CEOS implementation of the Staff Regulations and the CEOS;

Article 2

1. The election shall be held following the provisions of the Management Committee Rules of Procedures, Article 2.

2. Candidacies for the Chair 2014 shall be submitted to the Office in writing until 6 April 2013, COB.

Article 3

This decision shall take effect on the day of its adoption.

Done in Ljubljana, on 8 March 2013

For the Management Committee

Dr Leonidas KANELLOS
Chair for 2013