

18th Meeting of the BEREC Office Management Committee

Hosted by the [Swedish Post and Telecom Authority](#)

Conclusions

Chair: Mr Göran Marby
Director-General of the
Swedish Post and Telecom Authority (PTS)

28 February 2014, Stockholm (Sweden)

Main Results of the 18th Meeting of the BEREC Office Management Committee

I. Decisions of the BEREC Office Management Committee (MC)

The BEREC Office MC discussed all issues related to the functioning of the BEREC Office and approved the following decisions:

1. [BEREC Office MC Decision on Designation of the Reporting Officers for the Appraisal of the Administrative Manager \(AM\) of the BEREC Office;](#)
2. [BEREC Office MC Decision on the appointment of the AM of the BEREC Office;](#)
3. Establishment of an Advisory Group for the BEREC Office.

II. Discussion on important subjects

The MC discussed the following important topics:

1. The Final Report of the BEREC Office Task Force;
2. The discharge of the implementation of the BEREC Office budget for 2012.

III. Information provided to the BEREC Office MC

The MC was informed about the status of the recent procurement procedures, the recent BEREC Office staff policy and the recent electronic voting procedures (in writing).

The BEREC Office presented to the MC its provisional accounts for 2013, which include also the report on budgetary and financial management for 2013.

IV. Forthcoming electronic voting procedures

The BEREC Office MC decided to approve the BEREC Office preliminary draft budget for 2015 by electronic voting procedure. Quite likely, the MC bridging decision on the employment and use of Temporary Agents (TAs) at the BEREC Office will be submitted for approval by electronic voting, as well.

V. Next meeting

The [next MC meeting](#) will take place on 5-6 June 2014 in Dublin (Ireland) and will be hosted by the Irish [Commission for Communications Regulation](#) (ComReg).

Introduction and participation

The MC held its 18th meeting on 28 February 2014 in Stockholm (Sweden), kindly hosted by the [Swedish Post and Telecom Authority](#) (PTS). 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

Document(s)	MC (14) 32 Draft MC Agenda
Introduction by	BEREC Chair
Information presented	The BEREC Chair opened the meeting and presented the draft agenda for approval by the MC members. The MC members were invited to suggest any additional issues to be raised or presented under any other business (AOB).
Discussion	One NRA suggested postponing the approval of the 2015 preliminary draft budget due the fact that a revised draft had been circulated very late and the MC did not have time to assess the effect of the proposed changes. That NRA suggested approving the draft budget by electronic voting procedure after the meeting. The MC agreed with the proposed change.
Conclusions	The MC decided to postpone the approval of the preliminary draft budget for 2015 of the BEREC Office. The MC approved the agenda with the above-mentioned amendment.

2. Information by the BEREC Chair on important activities since the last meeting

Document(s)	No documents
Introduction by	BEREC Chair
Information presented	The BEREC Chair suggested sending the information on the important activities since the last meeting to the MC in writing.
Conclusions	The MC agreed with the proposal made.

3. Outcome of the work of the BEREC Office Task Force

Document(s)	MC (14) 29 Final report of the BEREC Office Task Force
Introduction by	BEREC Office Task Force Chair (PTS)
Information presented	<p>The BEREC Office Task Force Chair presented the outcome of the work of the Task Force set up at the Athens plenary meeting (June 2013). The Task Force was set up in order to propose measures to improve the functioning of the BEREC Office, in particular by investigating the reasons behind the critical reports issued by the European Court of Auditors (ECA) and the Internal Audit Service (IAS) with regard to the work of the BEREC Office.</p> <p>The Task Force was composed of experts from eight NRAs (PTS, BNetzA, ARCEP, FICORA, SPRK, CMT, RTR and ComReg) and DG Connect. The Task Force held three meetings between September and December 2013. It examined several specific activity areas of the BEREC Office, including procurement, recruitment, budget planning and execution, communication activities and IT policy, and made some recommendations for improvement.</p> <p>The Task Force recommended the following to the BEREC Office:</p> <ul style="list-style-type: none"> – In the field of Human Resource (HR) management: <ul style="list-style-type: none"> ▪ to focus recruitment efforts on those NRAs that are able to send Seconded National Experts (SNEs); ▪ to work on team-building at the BEREC Office; ▪ to ensure that information about vacant positions reaches the appropriate people; – In the field of procurement: to use framework contracts more frequently and to cooperate more actively with NRAs; – In the field of budget and transparency: to provide executive summaries on budget execution to the MC and to prepare presentations on the budget with an explanation on how this specific issue fits into the work process; – In the field of IT: to develop an IT strategy for the Office and to study all opportunities provided by DG DIGIT; – In the field of communication and PR: to include the communication plan in the Office WP. <p>In general the Task Force felt that there is a need for the MC to provide more steering to the BEREC Office. For that reason as a follow-up to the work of the Task Force, which was set up on an ad hoc basis, the latter tabled a proposal to the MC to consider setting up a permanent Advisory Group (AG) for the BEREC Office.</p> <p>The proposal for the establishment of an AG was presented under the next agenda item.</p>
Conclusions	The MC took note of the information

4. Establishment of an AG for BEREC Office

Document(s)	MC (14) 30 Establishment of an AG for BEREC Office
Introduction by	BEREC Office Task Force Chair (PTS)
Information presented	<p>The BEREC Office Task Force Chair presented a proposal for the establishment of an AG for the BEREC Office, based on the findings in the Final report of the BEREC Office Task Force. The proposal was elaborated jointly by the BEREC Chair and the Vice-chair in charge of the BEREC Office (ANACOM). According to the proposal the AG for the BEREC Office should have the following objectives:</p> <ul style="list-style-type: none">– to ensure the functions of the BEREC Office are more closely monitored;– to minimise the burden for MC of dealing with BEREC Office issues, saving time in the plenaries for the discussion of more substantive issues;– to ensure decisions regarding the BEREC Office that require MC and/or Vice-Chair involvement are taken in a more reliable and accountable way. <p>The AG will be responsible for regular administrative supervision of the BEREC Office in order to support and advise the MC and the Incoming Chair on his/her duties regarding the BEREC Office. All BEREC Office matters requiring MC approval will first be submitted to the AG for its consideration.</p> <p>The AG could be composed of four or five members, as follows:</p> <ul style="list-style-type: none">– One Chair, representing the incoming Chair of BEREC;– One Vice Chair, representing the Chair of BEREC;– One representative from the Commission;– One or two representatives from other NRAs. <p>The members of the AG should be experts with experience in administration, finance, HR and other relevant aspects of running an agency. The representatives from the Commission and from the NRAs should be appointed for two or three years in order to assure the continuity of the group.</p> <p>Following the presentation made the MC was asked to discuss and approve the proposal.</p>
Conclusions	The MC discussed the proposal and agreed with the establishment of the AG. The MC asked the BEREC Vice-chair in charge of BEREC Office (ANACOM) to establish the AG as soon as possible.

5. BEREC Office Budget and Financial Issues

5.1. BEREC Office provisional accounts for 2013

Document(s)	MC (14) 35 BEREC Office provisional accounts for 2013, including the report on budgetary and financial management for 2013
Introduction by	BEREC Office AM

<p>Information presented</p>	<p>The BEREC Office AM presented the BEREC Office provisional accounts for 2013, which include also the report on budgetary and financial management for 2013 according to the requirements of Article 93 of the BEREC Office Financial Regulation (MC/2014/1). Special attention was paid to the execution of the budget under each title and in particular to title 2, which was not executed with 42% due to the following reasons:</p> <ul style="list-style-type: none"> – the purchase of HR software was delayed because of a long sick leave of the project manager and it was not possible to sign a contract which could have enabled a carry-forward of the amount envisaged for this project; – the actual expenditures for telecommunication charges was lower than forecast. <p>The BEREC Office AM informed the MC that according to Article 98 of the BEREC Office Financial Regulation, the Accounting Officer must send the provisional accounts to the Accounting Officer of the Commission and to the ECA by 1 March 2014. The Office accounts must also contain a report on budgetary and financial management for the financial year. The report has to be sent by the AM to the European Parliament (EP), the Council, the Commission and the ECA by 31 March 2014.</p> <p>The documents presented to the MC were submitted for information purposes, taking into account the fact that after receiving the observations of the ECA on the provisional accounts, the AM must draw up the final Office accounts and send them to the MC to receive its opinion.</p>
<p>Conclusions</p>	<p>The MC took note of the information presented, including as far as the deadlines for submission of the provisions accounts and the report on budgetary and financial management for 2013 to the ECA, the Commission, the EP and the Council are concerned.</p>

5.2. BEREC Office budget for 2015

<p>Document(s)</p>	<p>MC (13) 33 Preliminary draft budget of the BEREC Office for 2015</p>
<p>Introduction by</p>	<p>BEREC Chair</p>
<p>Information presented</p>	<p>Following the agreement reached under agenda item 1 to postpone the approval of the Preliminary draft budget of the BEREC Office for 2015, the BEREC Chair made a short statement on the topic in order to emphasise that the document would be circulated for approval by electronic voting procedure.</p> <p>The electronic voting should be organised in such a way to allow submission of the Preliminary draft budget of the BEREC Office for 2015 to the Commission within the deadlines envisaged in the BEREC Regulation, namely: 31 March 2014.</p>
<p>Conclusion</p>	<p>The MC agreed to approve the Preliminary draft budget of the BEREC Office for 2015 by electronic voting procedure with a view to its presenting to the Commission by 31 March 2014.</p>

5.3. Discharge of the implementation of the BEREC Office budget for 2012 – oral up-date

Document(s)	No documents ¹
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM presented the following information on the discharge of the implementation of the BEREC Office budget for 2012:</p> <p>In January 2014 the EP Committee on Budgetary Control (CONT) submitted questions to all agencies asking them to comment on different aspects of the report by the ECA and their accounts to which the BEREC Office replied in due time.</p> <p>Four Heads of EU agencies were invited to comment their accounts and the ECA observations at a CONT hearing held on 20 January 2014. The BEREC Office had not been invited, but the BEREC Office AM and the Head of Administration and Finance were present as observers.</p> <p>During that meeting the BEREC Office accounts were not addressed and there were no questions in related to the BEREC Office. However, the rapporteur decided to propose postponing the granting of the discharge for the implementation of the BEREC Office budget due to high number of observations in the ECA report</p> <p>Following that proposal by the rapporteur on 18 February 2014 CONT organised a discussion of the draft reports on discharge. CONT decided not to invite BEREC Office representatives at the discussion and the questions were addressed to the respective parent DG – DG Connect.</p> <p>The BEREC Office AM informed the MC about his opinion that the proposal to postpone the discharge of the 2012 BEREC Office budget is disproportionate due to the fact that the ECA gave its assurance that all transactions of the BEREC Office were regular and legal. In addition to that in 2013 the BEREC Office managed to overcome most of the deficiencies criticised by the ECA in 2012.</p> <p>Both the Commission and the BEREC Office provided additional information on that subject to the EP.</p> <p>In late February 2014 there was intensive discussion with the rapporteur and several members of the EP (MEPs) in order to inform them about the recent favourable developments in the BEREC Office. In addition Ms Pilar del Castillo, Member of the EP Committee on Industry, Research and Energy (ITRE), has tabled some amendments, including a proposal to grant the discharge on the basis of the 2013 achievement.</p> <p>However, the rapporteur remains convinced that the granting of the discharge should be postponed by 1 September 2014.</p> <p>The BEREC Office AM informed the MC about the next step, as follows:</p> <ul style="list-style-type: none"> - On 18 March 2014 there will be voting in CONT on the proposed

¹ The MC members may be willing to consult the draft Report on the discharge in respect of the implementation of the budget of the BEREC Office for the financial year 2012 [here](#) and a BEREC Office note to the file on the topic, availbel [here](#).

	<p>amendments to the draft report;</p> <ul style="list-style-type: none"> - The BEREC Office (and DG CONNECT) plans to interact with the MEPs in order to further clarify the situation and provide counter-arguments to the critical comments/amendments, in particular by emphasising the fact that the comments of the ECA have been addressed in 2013 and the postponement of the discharge will not have any practical effect.
Conclusions	The MC took note of the information.

6. BEREC Office Staff Policy

6.1. Update on recent developments in BEREC Office Staff Policy, including the recently approved new staff implementing rules and draft Multi-annual Staff Policy Plan (MSPP) for 2015-2017

Document(s)	No documents
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM updated the MC on the recent developments in the BEREC Office Staff policy, including the proposed changes in draft MSPP for 2015-2017 submitted at the end of January 2014 to the Commission, EP and the Council of the EU.</p> <p>The AM presented the information about the current staffing in all Units and emphasised the difficulty of the BEREC Office in recruiting SNEs. The AM informed the NRAs that the BEREC Office was ready to provide additional information and presentations to those NRAs which could be ready to second experts to the BEREC Office.</p> <p>Furthermore the AM informed briefly about the proposed changes in the MSPP, as follows:</p> <ul style="list-style-type: none"> – introduction of the role of Budget Assistant for one of the AST 3 posts in Programme Management (PM); – transfer of one SNE position from PM to Administration and Finance (AF); – conversion of two SNEs posts in PM into Contract Agents (CAs); – upgrading of two CAs positions to higher grade; – addressing the staff reduction requirements in 2015 (1) and 2017 (1 position), which only concerns the TAs by closing down one AST1 and one AST3 post. <p>The BEREC Office AM pointed out that hiring SNEs is crucial for the PM due the big number of SNEs and for that reason the BEREC Office has prepared a presentation of the employment opportunities and responsibilities of the SNEs in order to attract more applicants for those posts.</p> <p>So far the BEREC Office has received expression of interest only from three NRAs, which have indicated their readiness to second experts.</p>
Conclusions	The MC took note of the information presented.

6.2. General implementing provisions regarding the engagement and employment of TAs at the BEREC Office

Document(s)	No documents
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM informed the MC that the revised Staff Regulations, which entered into force on 1 January 2014, introduced a new category of temporary staff and laid down specific rules for that category in Article 2(f) of the CEOS.</p> <p>Taking into account the need to define a consistent staff policy, the BEREC Office prepared a draft MC decision on the engagement and use of TAs at the BEREC Office with the objective to amend the one in force, namely: Decision MC (10) 23.</p> <p>Due to the fact that the proposed measure is a staff implementing rule, as required by Article 10(2) of the BEREC Regulation and Article 110 of the Staff Regulations, it can be adopted only after consultation with the Staff Committee and in agreement with the Commission.</p> <p>The BEREC Office was informed that Commission needed to undertake additional internal consultations in order to provide its agreement on the BEREC Office draft decision. According to the information received the whole procedure would take about one month.</p> <p>Since at this stage the Commission has not given its agreement, the approval of the draft decision has to be postponed and quite likely will be submitted for approval by electronic voting procedure.</p>
Conclusions	The MC took note of the information.

6.3. Appraisal of the BEREC Office AM

Document(s)	MC (14) 31 Draft MC Decision on the appraisal of the BEREC Office AM
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair informed the MC that according to MC Decision (10) 26, the performance of the AM of the BEREC Office is subject to annual appraisal. The appraisal has to be carried out by at least two reporting officers who should be selected from the BEREC Vice-Chairs. The last appraisal covered the period from 1 January to 31 December 2012 and therefore the MC must nominate new reporting officers to appraise the performance of the AM during the period 1 January to 31 December 2013.</p> <p>After an internal discussion between the BEREC Chair and the Vice-Chairs, the BEREC Chair proposes to the MC to appoint the following two Vice Chairs as reporting officers: Ms Fatima BARROS and Ms Asta SIHVONEN-PUNKKA.</p>
Conclusions	The MC approved the decision for publication and implementation.

6.4. Appointment of the BEREC Office AM

Document(s)	MC (14) 34 Draft Decision by the BEREC Office MC on the appointment of the AM of the BEREC Office
Introduction by	BEREC Vice Chair in charge of HR issues (ANACOM)
Information presented	<p>The BEREC Vice Chair in charge of HR reminded the MC that according to Article 7 (2) of the BEREC Regulation, the MC must appoint the AM. In that respect, on 6 December 2013, the MC selected Mr László Ignéczi as the new AM for the BEREC Office. He was invited to a hearing in front of ITRE, which took place on 22 January 2014. Mr Ignéczi has confirmed that he can start work at the BEREC Office on 1 April 2014.</p> <p>In order to formalise the appointment of Mr Ignéczi, the BEREC Vice Chair requested the MC to approve the proposed draft decision.</p>
Conclusions	The MC approved the decision for publication and implementation

7. Oral up-date on recent procurements

Document(s)	No documents
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM informed the MC about the recent procurement procedures at the BEREC Office. He informed the MC that currently there are two open tender procurement procedures running, as follows:</p> <p><u>Open tender 'The Value of Network Neutrality to European Consumers'</u></p> <p>The open tender on the Value of Network Neutrality (NN) to European Consumers was launched on 14 December 2014 with a view to signing a direct service contract for seven months. The contractor will carry out a survey on NN, which will include the work of the NN EWG. The deadline for the submission of tenders was 17 February 2014 and the opening will take place on 5 March 2014.</p> <p>The estimated value of the contract excluding VAT is EUR 400,000.</p> <p><u>Open tender "Provision of Interim Support Workers Services"</u></p> <p>On 27 December 2013, the BEREC Office published a contract notice for the launch of an open tender "Provision of Interim Support Workers Services" with the objective to sign a framework service contract(s) with a maximum duration of four years for the amount of EUR 512,000 (up to EUR 128,000 per year).</p> <p>The deadline for submission of tenders is 18 March 2014.</p> <p>The tenders will be opened on 2 April 2014. Another important project which is under preparation is the public procurement regarding the development of the</p>

	<p>BEREC net to be used as a tool for collaboration. The launch of the tender is forthcoming.</p> <p>The BEREC Office AM informed the MC that when the BEREC Office receives information about forthcoming procurement procedures about framework contracts to be signed by the Commission, the BEREC Office usually joins all of them in order to reduce the administrative burden for running procurement procedures by itself as far as possible.</p>
Conclusions	The MC took note of the information

8. AOB

Information by ComReg on the next MC meeting, 5-6 June 2014, Dublin (Ireland)

Document(s)	No documents
Introduction by	ComReg representative
Information presented	A representative of the meeting host presented information on the next MC meeting to be held on 5-6 June 2014 in Dublin (Ireland). The meeting will be preceded by a workshop on BEREC Office governance.
Conclusions	The MC took note of the information

Stockholm, February 2014.

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