

19th meeting of the BEREC Office Management Committee

Hosted by the Commission for Communications Regulation ([ComReg](#))

Conclusions

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

6 June 2014, Dublin (Ireland)

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Main Results of the 19th Meeting of the BEREC Office Management Committee

I. Documents approved by the BEREC Office Management Committee (MC) for publication:

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

- [MC Decision to approve the proposals for the appointment of a HR Officer and the establishment of a reserve list for BEREC Office;](#)
- [BEREC Office 2013 annual activity report](#) (AAR);
- [MC Opinion concerning the BEREC Office Final Accounts of the year 2013;](#)
- [Revised MC Rules of Procedure.](#)

II. Information provided to the BEREC Office MC

The MC took note of the preliminary observations of the European Court of Auditors prior to their Report on the annual accounts of the BEREC Office for the financial year 2013.

The MC examined the Annual Administrative Report from the BEREC Office Authorising Officer (AO)/Administrative Manager (AM), the [2013 BEREC Office final accounts](#) and the state of play of the execution of the 2014 BEREC Office Budget as at 31 March 2014.

The MC was informed about the recent staff policy, on-going procurement procedure and the activity of the BEREC Office Advisory Group, established by the 18th MC meeting (28 February 2014, Stockholm).

III. Next meeting

The [next MC meeting](#) will take place on **25-26 September 2014 in Rome (Italy)** and will be hosted by the Italian NRA - [Autorità per le Garanzie nelle Comunicazioni](#) (AGCOM).

Introduction and participation

The MC held its 19th meeting on 6 June 2014 in Dublin (Ireland), kindly hosted by the Irish [Commission for Communications Regulation](#) (ComReg). The meeting was attended by high-level representatives of the National Regulatory Authorities (NRAs) established in each EU Member State with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services, 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) 71 Draft MC Agenda
Introduction by	BEREC Chair
Information presented	<p>The BEREC Chair opened the meeting and presented the draft agenda for approval by the MC. The MC members were invited to suggest any additional issues to be raised or presented under agenda item “Any other businesses” (AOB).</p> <p>There were no proposals for additional items and the agenda was adopted without amendment.</p>
Conclusions	The MC adopted the meeting agenda.

2. Review of the MC Rules of Procedure

Document(s)	MC (14) 70 Revised MC Rules of Procedure (RoP)
Introduction by	FI EWG Chair (AGCOM)
Information presented	<p>The FI EWG has prepared revisions of the RoP of the Board of Regulators (BoR) and the MC. For better use of the time available to the BoR and MC plenary meetings, the presentation of the changes and the discussion on the proposed changes was made only under agenda item 16.1. of the BoR (see the Conclusions of the 19th BoR meeting – document No BoR (14) 89¹).</p> <p>Therefore, under this agenda item the MC was requested only to vote on the proposed changes.</p>
Conclusions	The MC adopted the revised Rules of Procedure for publication.

¹

http://bereg.europa.eu/eng/document_register/subject_matter/bereg/board_of_regulators_meetings/meeting_conclusions/4466-conclusions-of-the-19th-meeting-of-the-board-of-regulators-in-dublin-ireland

3. Oral up-date on the BEREC Office Advisory Group (BAG) activities

Document(s)	No documents
Introduction by	BAG Chair (ANACOM)
Information presented	<p>The BAG Chair made a short overview of the recent activities of the BAG, which was established by the 18th meeting of the MC to provide support to the BEREC Office MC in dealing with administrative and financial matters.</p> <p>The MC was informed that the Group is composed of 7 members, as follows: ANACOM (chairing the Group), PTS, BNetzA, ComReg, NMHH, DG Connect and the BEREC Office AM.</p> <p>The BAG has so far had one meeting via video conference and one physical meeting, which took place in Lisbon on 14 May 2014, prior to the 2nd Contact Network (CN) meeting.</p> <p>The BAG has considered several issues related to the operation of the BEREC Office including the BEREC Office 2015 draft budget; the BEREC Office 2013 final accounts; the BEREC Office WP; the agenda for the Dublin Workshop; the on-going recruitments; and the resignation of a staff member.</p> <p>The BAG has already started effective work and has issued opinions on the BEREC Office 2015 budget and the 2013 final accounts.</p> <p>The BAG also monitored the hand-over between the previous BEREC Office AM and the new one.</p> <p>The BAG will in general meet before each CN meeting and, when needed, they will organise meetings via video-conference. The next video-conference meeting has been scheduled in 2 weeks' time.</p>
Conclusions	The MC took note of the information presented.

4. Information on the 2012 and 2013 budgetary cycles

4.1. Status up-date on the 2012 and 2013 budgetary cycles, including the discharge procedure

Document(s)	MC (14) 53 Preliminary observations of the European Court of Auditors (ECA) with a view to a report on the annual accounts of the BEREC Office for the financial year 2013
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM presented information on the 2012 and 2013 budgetary cycles, starting from the procedure to be followed in 2013.</p> <p>He informed the MC that following an on-site audit at the BEREC Office in the 1st half of February 2014, the ECA provided its preliminary observations</p>

	<p>on 25 March 2014 on the annual accounts of the BEREC Office for the financial year 2013.</p> <p>The ECA is of the opinion that:</p> <p>a) The Office's Annual Accounts present fairly, in all material respects, its financial position as at 31 December 2013;</p> <p>b) The transactions underlying the annual accounts of the Office for the financial year 2013 are legal and regular.</p> <p>The ECA has made only 3 comments in its Report for 2013 concerning the rate of budget execution², the late reimbursements to experts and the implementation of the internal control standards. Overall, the ECA conclusions are altogether positive and indicate a significant improvement of the budget and financial management at the BEREC Office.</p> <p>The BAG also examined the Final Accounts and issues a favourable opinion.</p> <p>The AM reminded the MC that the EP postponed the discharge of the 2012 BEREC Office budget. The EP has further comments and questions in their report on the postponements of the discharge. They require more information, including on transparency and accessibility of documents, which the BEREC Office needs to address by September 2014. The BEREC Office was asked to provide additional information and replies on certain questions by the beginning of September 2014. This information is currently under preparation by the BEREC Office.</p>
Conclusions	The MC examined ECA's preliminary observations in the context of the next agenda item.

4.2. 2013 BEREC Office annual reports and final accounts

Document(s)	<p>MC (14) 45 final Annual Administrative Report from the BEREC Office AO/AM (to take note)</p> <p>MC (14) 66 BEREC Office 2013 Annual Activity Report (AAR) (to approve)</p> <p>MC (14) 57 2013 BEREC Office Final Accounts (to take note)</p> <p>MC (14) 65 Draft MC Opinion on the 2013 BEREC Office final accounts (to approve)</p>
Introduction by	BEREC Office AM
Information presented	<p>– BEREC Office Annual Reports</p> <p>According to Article 40 of the old BEREC Office Financial Regulation (which is still in force by the end of 2014), the AO has to submit an Annual Administrative Report to the MC on the performance of his duties. Not later</p>

² The rate of cancelled carryovers is still relatively high at 28 % (2012: 45 %); carryovers of committed appropriations decreased to 461 983 euro or 13 % (2012: 611 223 euro or 19 %). Carryovers were mostly related to contracts signed in the second half of 2013 for planned activities in 2013 and 2014.

	<p>than 15 June each year, the MC has to send the budgetary authority and the ECA an analysis and an assessment of the AO's annual administrative report on the previous financial year. This analysis and assessment has to be included in the AAR of the Office, to be drawn up by the MC in accordance with the provisions of Article 13 (2) of the BEREC Regulation.</p> <p>The AAR presented to the MC for approval has been developed on the basis the Annual Administrative Report from the previous BEREC Office AO/AM (who was at the Office on 31 March 2014).</p> <p>– BEREC Office Final Accounts</p> <p>After receiving the observations of the ECA on the provisional accounts the BEREC Office Accounting Officer has to draw up the final accounts of the Office. They have to be transmitted by the AM to the MC for an opinion.</p> <p>The information on the preliminary observations of the ECA has been provided under agenda item 4.1; these are in general favourable. The BAG also provided a favourable opinion to be taken into account by the MC in its Opinion on the final accounts. The information on the opinion of the BAG was presented under agenda item 3.</p> <p>In the light of the information presented, the BEREC Chair asked the MC to approve the 2013 BEREC Office AAR and the MC opinion on the 2013 BEREC Office Final Accounts.</p>
Conclusions	<p>The MC took note of the Annual Administrative Report from the BEREC Office AO/AM and of the 2013 BEREC Office Final Accounts and approved the BEREC Office 2013 AAR and the MC opinion on the 2013 final accounts for publication.</p>

5. BEREC Office operation in 2014 - status up-date on the functioning of the BEREC Office (WP, budget, recruitments, procurement and recently signed contracts)

5.1. Status up-date on the functioning of the BEREC Office

Document(s)	MC (14) 46 Execution of the 2014 BEREC Office Budget as per 31 March 2014
Introduction by	BEREC Office AM
Information presented	<p>The BEREC Office AM presented a status update on the functioning of the BEREC Office, as follows:</p> <p>– Staff Policy</p> <p>The BEREC Office AM presented information on the current staffing of the Office. He made a short overview of the recent staff policy, including a presentation of the whole staff to the MC. The BEREC Office AM informed the MC about the on-going recruitments. He informed the MC that presently the number of the BEREC Office staff is equal to the level 2 years ago but</p>

	<p>emphasised that, according to the current recruitment plan, the BEREC Office will be fully staffed by the end of the year.</p> <p>Finally, the AM informed the MC that all staff contracts due to expire in 2014 had been renewed and that this challenge is overcome.</p> <p>- Budget Execution</p> <p>The BEREC Office AM presented a short overview of the execution of the 2014 BEREC Office Budget as of 31 March 2014 and the forecast for the budgetary needs of the BEREC Office by the end of 2014.</p> <p>The MC was informed that the BEREC Office AM had made a new budget estimate for the rest of the year and expressed conviction that the whole budget for 2014 will be spent. However, there might be a need for budget transfers between the different titles, which can be done, provided that the MC does not object. Such transfers will be needed for providing more financial resources for the operational activities (Title 3), which could be taken from the staff expenditure, which will not be fully consumed owing to the reduced number of staff this year.</p> <p>The BEREC Office has made significant improvements in reducing payment delays, in particular as far as the reimbursement of the travelling expenses are concerned.</p> <p>In addition to putting emphasis on the improvement of the BEREC Office performance in the administrative and financial area, the BEREC Office is working hard on providing high-quality support to BEREC, in particular in the process of Article 7/7a Phase II investigations.</p> <p>- On-going procurement procedure</p> <p>↳ The Value of Network Neutrality to European Consumers</p> <p>In 2013 the BEREC Office launched an open tender for concluding a service contract for the provision of a study which will investigate the value of network neutrality to European consumers. Due to the efforts of the team in charge of the project, the procedure has been almost finalised and the contract is about to be signed. Therefore the deliverable will be available to the respective EWG on time.</p> <p>↳ BEREC collaboration tool (BEREC net)</p> <p>The importance of the BEREC collaboration tool was emphasised during the BEREC Office workshop but unfortunately this project has been frozen. The tender specification was prepared in December 2013 but the procurement procedure has not been launched.</p> <p>Therefore, the BEREC Office will pursue this project vigorously with the objective to have the contract signed by the end of this year and to have the BERECnet developed in 2015.</p>
Conclusions	The MC took note of the information.

5.2. BEREC Office staff related decisions

<p>Document(s)</p>	<p>MC (14) 64 Draft MC Decision to approve the proposals for the appointment of a HR Officer and the establishment of a reserve list (TA – Grade AD5) of the BEREC Office (confidential before approval)</p> <p>MC (14) 72 Draft MC Decision on the general implementing provisions on the procedure governing the engagement and the use of TA at the BEREC Office (TBC, subject to obtaining Commission’s agreement in compliance with the requirement of Article 10 (2) of the BEREC Regulation).</p>
<p>Introduction by</p>	<p>BEREC Chair and BEREC Office AM</p>
<p>Information presented</p>	<p>– Appointment of a HR Officer and the establishment of a reserve list</p> <p>The BEREC Chair informed the MC that following a prior notification of resignation of the HR Officer, on 17 February 2014 the BEREC Office published a vacancy notice for that post (BEREC/2013/07). After examining all applications received, the Selection Committee has nominated the successful candidate and has established a reserve list for the post, subject to approval of the BEREC Office MC.</p> <p>According to the provisions of Articles 7(4) and 10(3) of the BEREC Regulation, the MC is responsible for the appointment of staff and the BEREC Vice-Chair formally exercises the powers conferred on the appointing authority by the Staff Regulations.</p> <p>For that reason, the MC was requested to agree that the Vice Chair appoints the nominated HR Officer and adopts the reserve list.</p> <p>The reserve list is to be adopted in order of merit and with validity for 12 months from the date of its establishment. Its validity may be extended by Decision of the Vice-Chair of the Management Committee prior to its expiration.</p> <p>The MC adopted the Decision as suggested.</p> <p>– Draft MC Decision on the general implementing provisions on the procedure governing the engagement and the use of TA (Bridging Decision)</p> <p>Withdrawn due to the absence of the Commission agreement.</p>
<p>Conclusions</p>	<p>The MC adopted the Decision for the appointment of a HR Officer for the BEREC Office (TA – Grade AD5) and the establishment of a reserve list for the post, for publication and implementation.</p>

6. AOB

- **Information by AGCOM on the next MC meeting, 25-26 September 2014, Rome (Italy)**

Document(s)	No documents
Introduction by	Representative of AGCOM
Information presented	A Representative of AGCOM presented information on the next MC meeting schedule for 25 and 26 September 2014 in Rome (Italy).
Conclusions	The MC took note of the information presented.

Dublin, 6 June 2014.
