

23rd meeting of the Management Committee of the BEREC Office

Hosted by the [Norwegian Communications Authority](#) (Nkom)

Conclusions

Chair: Prof. Fátima Barros

President of the Board of Directors of
Autoridade Nacional de Comunicações (ANACOM)

19 June 2015, Bergen (Norway)

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Main Results of the 23rd Meeting of the BEREC Office Management Committee

The BEREC Office Management Committee (MC) held its 23rd ordinary plenary meeting on 5 June 2015 in Bergen (Norway), kindly hosted by the [Norwegian Communications Authority](#) (Nkom).

During the meeting the MC discussed and agreed on the following:

I. Documents approved for publication

The MC approved for publication and/or implementation the following decisions:

- [BEREC Office MC Decision on appraisal of contract agents](#);
- [BEREC Office MC Decision on engagement and use of “2f” temporary agents](#);
- [BEREC Office MC Decision to repeal the MC Decision covering schooling fees](#);
- [BEREC Office MC Decision on “attestation procedure” relevant for officials](#);
- [BEREC Office MC Decision on adoption of five IR relevant for staff serving in third countries](#);
- [BEREC Office MC Decision on “working time” at the BEREC Office](#);
- [BEREC Office MC Decision on the change of category of staff](#);
- [BEREC Office MC Decision on proposal No 1 to the MC for transfers from Title 2 to Title 3 in the BEREC Office Budget](#);
- [2014 BEREC Office Consolidated Annual Activity Report](#).

II. Documents approved for internal use

The MC discussed the next steps in relation to the review of the BEREC Office organisational and financial structure envisaged in Article 11 (5) of the BEREC Regulation and approved an outline of the contribution to be prepared by the MC and submitted to the Commission for consideration.

III. Documents submitted to the MC for information

The MC took note of the information provided in the following documents:

- Report on the activity of the appointing authority (January – May 2015);
- [Explanatory Note on Transfers by Administrative Manager \(AM\) in BEREC Office Budget 2015 in January-March 2015](#);
- 2015 BEREC Office Quarterly Report on operation and budget execution.

IV. Discussion on other important topics

The MC discussed the current policy of the BEREC Office for reimbursement of representatives of NRAs participating in BEREC activities on the basis of a draft MC Decision tabled by the Vice-Chair (BNetzA) to further study the possibility of reimbursing EWG Chairs who are requested to present BEREC documents at the Contact Network and plenary meetings. The MC was of the opinion that further examination of the proposed measure would be needed in order to ensure that the BEREC core-activities are adequately financed. Therefore the MC requested the Vice-Chair (BNetzA) in collaboration with the AM to assess further the financial impact of the draft MC decision also taking into account the comments made by the MC with a view to its submission for further discussion during the next MC plenary meeting.

V. Next meeting

The next meeting of the BEREC Office MC will take place on **2 October 2015 in Riga (Latvia)** and will be hosted by the Latvian [Public Utilities Commission](#) (SPRK).

Introduction and participation

The MC held its 23rd meeting on 5 June 2015 in Bergen (Norway), kindly hosted by the [Norwegian Communications Authority](#) (Nkom). The meeting was attended by the heads and/or 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 Member State of the European Union (EU), and the Commission. Heads and high-level representatives of the NRAs from the EFTA States and the candidate countries for EU accession also took part in the meeting.

List of documents

The list of the final documents approved for publication at the 23rd MC meeting are included in the Annex to the Conclusions.

Items discussed

A short overview of the information presented under each agenda item, a summary record of the proceedings and a record of the conclusions reached by the MC under each agenda item is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	MC (15) 63 Draft MC Agenda
Introduction by	BEREC Chair
Information presented	The BEREC Chair opened the meeting and presented the agenda for approval by the MC meeting. The MC members were invited to suggest any additional issues to be raised or presented under 'Any other business' (AOB).
Conclusions	The MC approved the agenda as suggested by the Chair.

2. List of the 'A' items

Document(s)	MC (15) 49 Draft BEREC Office MC Decision on appraisal of contract agents MC (15) 50 Draft BEREC Office MC Decision on engagement and use of "2f" temporary agents MC (15) 51 Draft BEREC Office MC Decision to repeal the MC Decision covering schooling fees MC (15) 52 Draft BEREC Office MC Decision on "attestation procedure" relevant for officials MC (15) 53 Draft BEREC Office MC Decision on adoption of five IR relevant for staff serving in third countries MC (15) 54 Draft BEREC Office MC Decision on "working time" at the BEREC Office
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	MC (15) 55 Draft BEREK Office MC Decision on the change of category of staff
Introduction by	BEREC Chair
Information presented	<p>The Chair presented the list of “A” items. The list of “A” items had been drawn up on the basis of the conclusions of the CN according to which MC approval of these documents should be possible without further discussion. The Chair recalled that the MC members still could make statements for the minutes on any of the “A” items and that if requested by a MC member any item from the ‘A’ list could be withdrawn.</p> <p>The Chair requested the consent of the MC members for including all items in the “A” list and asked the MC to approve the “A” items for publication.</p>
Conclusions	The MC approved the documents included in the ‘A’ item list for publication.

3. Recent activities of the appointing authority and of the BEREK Office Advisory Group (BAG)

Document(s)	MC (15) 64 Report on the activity of the appointing authority (January – May 2015)
Introduction by	Representative of the Vice-Chair (BNetzA) and of the 2015 BAG Chair
Information presented	<p>A representative of the Vice-Chair (BNetzA) and of the 2015 BAG Chair presented the following document/information:</p> <ul style="list-style-type: none"> - Report on the activity of the appointing authority (January – May 2015) <p>It was recalled that the Incoming Chair and Vice-Chair of the MC exercises the powers conferred on the appointing authority by the Staff Regulations of EU Officials and the authority entitled to conclude contracts by the Conditions of employment of other EU servants. In this capacity he approved different decisions related to the management of the BEREK Office human resources, including a number of decisions regarding the extension of the validity of the reserve lists for various positions at the BEREK Office.</p> <ul style="list-style-type: none"> - Oral up-date on the recent activity of BAG <p>The MC was briefed about the BAG’s activities in 2015 since the 22nd BEREK Office MC plenary meeting.</p> <p>The MC was informed that the BAG had examined all draft MC documents submitted to the current plenary meeting and its opinion had been presented in the respective submission notes.</p> <p>The BAG held its last meeting by video-conference on 1 June 2015 during which examined the travel reimbursement, the proposal for Amending Budget No 1 and others.</p>
Conclusions	The MC took note of the information.

4. 2014 BEREC Office Consolidated Annual Activity Report (CAAR)

Document(s)	MC (15) 62 Draft 2014 BEREC Office CAAR
Introduction by	BEREC Office Administrative Manager (AM) / Authoring Officer (AO)
Information presented	<p>The BEREC Office AM and AO presented the draft BEREC Office CAAR prepared in compliance with the requirements of Article 47 of Decision MC/2014/1 on the financial regulation applicable to the BEREC Office (“the BEREC Office Financial Regulation”).</p> <p>The MC was informed that the draft CAAR contains information on:</p> <ul style="list-style-type: none"> - the results of the operations by reference to the objectives set in the BEREC Office WP 2014 and the use made of the human and financial resources; - the efficiency and effectiveness of the internal control systems including a summary of number and type of internal audits carried out by the internal auditor, the recommendations made and the actions taken to address these recommendations and those of previous years; - the preliminary observations of the European Court of Auditors (ECA) and the actions taken on these observations; - the follow up on the observations from the Discharge authority. <p>The MC was informed that the BAG had examined the draft CAAR and had agreed to its submission to the MC for approval.</p> <p>The AM highlighted that due to the fact that ECA’s preliminary observations on the BEREC Office Annual Accounts 2014 were received at the BEREC Office only on 11 May 2015, the Final Accounts to be attached as an annex to the CAAR, will be presented to the attention of the MC later together with the request to the MC for an opinion on the annual accounts. The observations of the ECA are very favourable and therefore the final accounts will be the same as the preliminary ones and they will be provided by the Accounting Officer as soon as possible.</p> <p>The Final Accounts together with a draft MC opinion will be submitted to the MC for approval by the electronic voting procedure by 1 July 2015.</p>
Conclusions	The MC approved the CAAR for publication and for submission to the ECA, the Commission, the European Parliament and the Council of the EU not later than 1 July 2015, after the integration of the Annual Accounts in it.

5. BEREC Office operation in 2015

5.1. Status up-date on the functioning of the BEREC Office (key activities, budget execution and human resources)

Document(s)	<p>MC (15) 60 2015 BEREC Office Quarterly Report on Operation and Budget Execution (inducing major projects, such as BERECnet and the Sector Study (to take note)</p> <p>MC (15) 61 Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period January-March 2015 (to take note)</p> <p>MC (15) 56 Proposal No 1 to the MC for transfers from Title 2 to Title 3 in the BEREC Office 2015 Budget (for consideration)</p>
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	<p>MC (15) 57 Draft BERC Office MC Decision on proposal No 1 to the MC for transfers from Title 2 to Title 3 in the BERC Office Budget (approval for publication)</p> <p>MC (15) 58 Draft Request for the BERC Office Amending Budget No 1 for 2015 (approval for submission to the European Commission/Budgetary Authority)</p> <p>MC (15) 59 Draft BERC Office MC Decision on request for Amending 1 of the budget and the establishment plan for the financial year 2015 (approval for publication)</p>
Introduction by	BEREC Office AM
Information presented	<p>The BERC Office AM presented the following documents and information to the MC:</p> <ul style="list-style-type: none"> - Transfers by the AM in the BERC Office Budget Q1 2015 <p>In compliance with the provisions of Article 27 (4) of the BEREC Office Financial Regulation¹ the AM presented information on the transfers carried out by him in the BERC Office Budget in the period January-March 2015.</p> <p>The BAG analysed the information and agreed with its submission to the MC.</p> <ul style="list-style-type: none"> - BEREC Office quarterly Report on operation and budget execution <p>The Report contains information on the operational activities, the budget execution by quarters and titles, the human resources management and information on the state of the key projects in the first quarter of 2015.</p> <p>The AM presented to the attention of the MC a number of key performance indicators depicting the activity of the BERC Office in the first quarter of 2015 covered by the Report, such as support provided to the Expert Working Groups (number of deliverables, documents, workshops, etc.), headcount, budget execution and others.</p> <p>The AM informed the MC that on the basis of the current level of budget execution and the cash-low forecast the budget for the current year will be fully executed.</p> <p>The AM pointed out that the BAG analysed the draft Report and agreed with its submission to the MC for information. The BAG also had recommended updating the final report with the results of the vote by the European Parliament on the discharge of the 2013 budget, which was taken into account in the current version of the Report.</p> <p>The AM also informed the MC that the EP examined the Annual Accounts of the BERC Office for 2013 and taking into account the progress achieved in improving the financial discipline, gave a discharge to the 2013 budget.</p> <ul style="list-style-type: none"> - Proposal for transfers No 1 to the MC from Title 2 to Title 3 in the BERC Office Budget 2015

1. ¹ Decision MC/2014/1 of the BERC Office MC on the financial regulation applicable to the BERC Office in conformity with the framework Financial Regulation for the bodies referred to in Article 208 of Council Regulation (EU, Euratom) No 966/2012 on the Financial Regulation applicable to the general budget of the European Union (hereinafter, the general Financial Regulation)

	<p>The AM presented his proposal to the MC for transfers from Title 2 „Operating/ Administrative Expenditure “to Title 3 “Operational Expenditure” in the BEREC Office Budget 2015 amounting to EUR 155 000. This amount will be used for financing of BEREC’s activities, in particular for organisational and administrative support to BEREC international activities, the stakeholder forum, CN and plenary meetings and the launch of IS-Portal.</p> <p>The BAG reviewed the draft MC decision on proposal No 1 to the MC for transfers from Title 2 to Title 3 in the BEREC Office Budget and agreed with its submitting it to the MC for adoption.</p> <p style="text-align: center;">- Request for Amending 1 to the BEREC Office budget and establishment plan for 2015</p> <p>The AM recalled that the BEREC Office conducted the exercise for the 2014 appraisal, which was followed up with a reclassification (promotion). Due to the inconsistency between the Multiannual staff policy plan (MSPP) and the establishment plan, which is annexed to the annual budget of the Office, it was not possible to reclassify any temporary agent in 2014. In order to provide opportunities for reclassification of the BEREC Office staff already in 2015, the establishment plan needs to be modified in compliance with the MSPP. Therefore, the BEREC Office has tabled a draft amending budget for adoption in accordance with the budget procedure. After the examination of the draft by the Commission Service it was concluded that the requested change has a technical character and will not require any further steps from the MC. Therefore the documents submitted to the MC for approval were withdrawn, as this issue will be dealt by the Commission under the form of technical adjustment.</p> <p>The Commission representative confirmed that the requested change has been taken into account in the draft amending budget prepared by the Commission, which is expected to be approved by the College by written procedure possibly on 5 July 2015.</p>
Conclusions	<p>The MC took note of the information on the transfers by AM, the Quarterly Report and the next steps to be undertaken by the Commission in relation to the amendment of the BEREC Office establishment plan for 2015.</p> <p>The MC examined the Proposal of the AM for transfers from Title 2 to Title 3 in the BEREC Office 2015 Budget and approved it with an MC Decision, which should be published.</p>

5.2. Review of the BEREC Office financial and organisational structure

Document(s)	MC (15) 65 Outline of the review envisaged in Article 11(5) of the BEREC Regulation
Introduction by	Representative of the Vice-Chair (BNetzA)
Information presented	A Representative of the Vice-Chair (BNetzA) recalled that Article 11(5) of the BEREC Regulation ² foresees that the organisational and financial structure of

² Regulation (EC) No 1211/2009

	<p>the BEREC Office should be reviewed five years after the date of establishment of the Office.</p> <p>Therefore, following the discussion held during the 22nd plenary meeting (26-27 February 2015, Berne), the Vice-Chair (BNetzA) proposed to the MC to agree with the elaboration of a paper, which could constitute the input of the MC to the review of the organisational and financial structure of the BEREC Office to be undertaken within the forthcoming review of the EU Regulatory Framework for electronic communications.</p> <p>The input could assess among others if the current BEREC Office organization and the structure of its budget allows for an efficient completion of its assignments.</p> <p>That would be an input paper to be submitted to the Commission to be taken into account in the forthcoming review.</p>
Conclusions	The MC approved the outline and requested the Vice-Chair (BNetzA) to draft the input paper on the basis of the outline and to submit it for consideration by the MC at its next plenary meeting,

6. Reimbursement of the travelling expenses by the BEREC Office for participation in BEREC activities

Document(s)	MC (15) 66 Draft BEREC Office MC Decision concerning the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office and repealing the previous Management Committee Decision № MC/2013/5 of 6 June 2013
Introduction by	Representative of the Vice-Chair (BNetzA)
Information presented	<p>A Representative of the Vice-Chair (BNetzA) recalled that the rules currently applicable to the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office are established by Decision MC/2013/05.</p> <p>The need to change the principles introduced with this decision had been raised on several occasions by some NRAs and therefore during the 22nd BEREC Office MC plenary meeting the MC requested the BEREC Vice-Chair (BNetzA) to examine the implementation of Decision MC/2013/05 and to come up with a proposal for its modification in order to adapt its scope to the actual BEREC needs.</p> <p>After taking into account the requests for proving reimbursement to EWG Chairs who are requested to present meeting documents at CN and plenary meetings and in order to ensure that sufficient operational budget (Title 3) remains available for fulfilling BEREC Office's other tasks (for example commissioning studies, organising trainings, developing projects of common interest to BEREC and the society, such as the Information Sharing Portal) the Vice-Chair has concluded that any amendment of the reimbursement rules should be cost neutral as far as possible. The CN discussed this approach and agreed with it in principle but emphasised that the solution should be cost neutral not only for the BEREC Office budget but for the NRAs' budgets as far as possible, as well.</p>

	<p>Therefore following the conclusions of the CN, the Vice-Chair tabled a draft MC Decision, which proposes a more balanced approach towards reimbursements.</p> <p>The MC was informed that the BAG had examined the draft and had concluded that the suggested amendments are legally sound. Due to budgetary consequences on individual NRAs, the BAG however also recommended a careful examination of the proposal by the BoR/MC.</p>
Conclusions	<p>The MC discussed the proposed changes to the reimbursement rules of the BEREC Office and requested the Vice-Chair (BNetzA) to further assess the financial impact of the draft MC Decision and to verify with the AM the possibilities for transfers within the current BEREC Office budget.</p> <p>Taking into account these considerations the Vice-Chair (BNetzA) should submit a draft MC Decision for consideration by the next MC plenary meeting.</p>

7. AOB

Information on the next meeting of the BEREC Office MC (2 October 2015, Riga (Latvia))

Document(s)	No documents
Introduction by	Representative of the meeting host (SPRK)
Information presented	A representative of the meeting host (SPRK) presented information on the logistics of the next BEREC Office MC to take place on 2 October 2015 in Riga.
Conclusions	The MC took note of the information.

5 June 2015, Bergen

LIST OF FINAL DOCUMENTS
approved during the 23rd MC meeting and subject to publication
in compliance with the BEREC Regulation and the MC transparency rules

Document №	Document Title / Link
MC/2015/2	<u>Decision of the BEREC Office MC on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations</u>
MC/2015/3	<u>Decision of the BEREC Office MC on laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union</u>
MC/2015/4	<u>Decision by the BEREC Office MC repealing the Decision MC/2012/05 adopted 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</u>
MC/2015/5	<u>Decision of the BEREC Office MC on the adoption of certain implementing rules to the Staff Regulations on attestation procedure</u>
MC/2015/6	<u>Decision of the BEREC Office MC on the adoption of certain implementing rules to the Staff Regulations</u>
MC/2015/7	<u>Decision of the BEREC Office MC laying down general implementing provisions of the Conditions of Employment of Other Servants of the European Union on the procedure governing the working time</u>
MC/2015/8	<u>Decision of the BEREC Office MC on change of category of staff</u>
MC/2015/9	<u>Decision of the BEREC Office MC on proposal No 1 to the MC for transfers from Title 2 to Title 3 in the BEREC Office Budget 2015</u>
MC/2015/62	<u>BEREC Office Consolidated Annual Activity Report</u>