

**Explanatory Memorandum
to the Decision of the Management Committee of the Office
of the Body of European Regulators for Electronic
Communications (BEREC Office) on the adoption
the working language regime at the BEREC Office
(MC/2016/02)**

The BEREC Office is an Agency of the EU, established with the objective of providing administrative and professional support to the Body of European Regulators for Electronic Communications (BEREC). BEREC contributes to the development and better functioning of the internal market for electronic communications networks and services. BEREC and the BEREC Office were established by Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009.

EU Institutions and bodies are granted a degree of operational autonomy on the choice of the working language, provided the choice objectively meets the functional needs of the body concerned and does not give rise to unjustified differences of treatment as between Union citizens. In accordance with the fourth paragraph of article 24 of the Treaty on the Functioning of the European Union, every citizen of the Union may write to the BEREC Office in one of the languages mentioned in article 55 (1) of the Treaty on European Union and have an answer in the same language.

Whilst maintaining its obligations towards Member States or persons subject to the jurisdiction of a Member State under Regulation 1 of 15 April 1958 , it is necessary for the Office to ensure an efficient functioning of its daily operational activities, taking into account its available financial and human resources. Throughout 2015, several EU agencies have adopted decisions on working language. The BEREC Office aims at aligning with other agencies and adopting a decision on working language. The decision, that BEREC Office working language is English was adopted on 26 February 2016 during the 26th MC plenary meeting in Rotterdam. This decision shall not prevent the BEREC Office from using other European Union official languages as it might be considered appropriate. The decision on working language is not intended nor limited to recruitment procedures. In the absence of language regime in the BEREC Office founding regulation, all vacancy notices shall still be translated into all EU official languages as indicated by General Court.