

33rd Ordinary Plenary Meeting of the BEREC Office Management Committee (MC)

Hosted by the [Danish Business Authority \(DBA\)](#)

Conclusions

Chair: Sébastien Soriano

President
French [Autorité de régulation
des communications électroniques et des postes \(Arcep\)](#)

7-8 December 2017

Contents

Contents.....	2
Main Results of the 33 rd BEREC Office MC Meeting	3
Introduction and participation	5
Items discussed	5
1. Opening of the meeting and adoption of the agenda	5
2. Elections of Chair 2019 and Vice-Chairs for 2018	5
3. List of the ‘A’ items and documents for information.....	6
4. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) and of the BEREC Vice-Chair in the capacity of appointing authority	7
5. Multiannual Programming of the BEREC Office Activities 2018-2020.....	7
6. Multiannual Programming of the BEREC Office Activities 2019-2021.....	9
7. AOB	10
Information on the next plenary meetings (7-9 March 2018, Bratislava, Slovak Republic)	10

Main Results of the 33rd BEREC Office MC Meeting

The BEREC Office Management Committee held its 33rd ordinary plenary meeting on 7-8 December 2017 in Copenhagen, Denmark.

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

1. Documents submitted to the MC for approval and information alongside the 'A' items:

1.1. For publication:

- MC Decision on the implementation of telework in the BEREC Office (in line with Commission Decision No C(2017) 5308);
- MC Decision on the Framework for Learning and Development (in line with Commission Decision No C(2017) 6772);
- MC Decision on the approval of the new Mission Charter of the IAS in relation to bodies set up under the TFEU and the EURATOM Treaty and having legal personality and receiving contributions charged to the Budget;
- Mission Charter of the IAS in relation to bodies set up under the TFEU and the EURATOM Treaty and having legal personality and receiving contributions charged to the Budget

1.2. For information:

- BEREC Office Report on operation and budget execution in the period January-September 2017;
- Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period July-September 2017

2. Documents submitted to the MC as regular documents:

2.1. For publication and implementation:

- MC Decision on the adoption of the Programming Document of the BEREC Office for the period 2018-2020;
- Up-dated draft Programming Document of the BEREC Office for the period 2018-2020;
- Final budget and establishment plan of the BEREC Office for 2018

2.2. For discussion:

- Discussion paper on the BEREC Office Annual and Multiannual Programming Document for the period 2019-2021;
- MC Decision on the adoption of the Programming Document of the BEREC Office for the period 2019-2021;

- Initial draft Programming Document of the BEREC Office for the period 2019-2021 (without the financial annexes)

3. Next meeting

The next MC meeting will take place on 7-9 March 2018 in Bratislava (Slovak Republic) and will be hosted by the Slovak [Regulatory Authority for Electronic Communications and Postal Services](#) (RU)

Introduction and participation

The BEREC Office MC held its 33rd ordinary plenary meeting on 7-8 December 2017 in Copenhagen, Denmark. The meeting was hosted by the [Danish Business Authority](#) (DBA).

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 by the European 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.

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 is presented below.

1. Opening of the meeting and adoption of the agenda

Document(s)	MC (17) 101 Draft MC Agenda
Introduction by	BEREC Chair (Arcep)
Information presented	<p>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).</p> <p>The BEREC Chair welcomed the meeting participants who were new heads attending a plenary meeting:</p> <ul style="list-style-type: none"> - Mr Sorin Grindeanu (ANCOM); - Ms Elisabeth Aarsaether (Nkom); - Ms Katrine Winding (DBA); - Ms Tanja Muha (AKOS). <p>A representative of the meeting host presented information on the logistics of the meeting.</p>
Conclusions	The agenda was approved without any changes

2. Elections of Chair 2019 and Vice-Chairs for 2018

Document(s)	No documents
Introduction by	BEREC Chair (Arcep)
Information presented	<p>According to Article 2 (“Appointment and Term of the Chair and Vice-Chairs”) of the MC Rules of Procedure (RoP), every year the MC must appoint the Chair for the year subsequent to the following year. In order to be eligible, the applications for the post of Chair have to be submitted 2</p>

	<p>months before the elections and must be supported by at least 4 members.</p> <p>The BEREC Chair informed the MC that within this deadline the BEREC Office had received 1 application for the post of BEREC Chair 2019, submitted by the Commissioner of ComReg – Mr Jeremy Godfrey.</p> <p>The MC was reminded about the election procedure. According to the RoP, in the event of a single application the candidate shall be elected provided that he/she receives the support of a 2/3 majority of all members.</p> <p>According to the RoP, the Incoming BEREC Chair and outgoing Chair shall also serve as BEREC Vice-chairs. The MC may decide to elect additional Vice-Chairs for 1 year.</p> <p>The BEREC Chair suggested the election of 2 additional Vice-Chairs. As of beginning of the meeting the BEREC Office received 2 applications for these posts from:</p> <ul style="list-style-type: none"> - Mr George Michaelides, Commissioner of the Cypriot Office of Electronic Communications and Postal Regulation (OCECPR); - Mr Dan Sjöblom, Director General of the Swedish Post and Telecom Authority (PTS). <p>As the number of applicants for the position of Vice-Chairs was equal to the number of posts to be filled, the election procedure was the same as the one explained for a single application for a Chair.</p> <p>The MC was asked to appoint 2 tellers from its members to assist the vote. The following Members were appointed as tellers: Mr Andris Virtmanis (SPRK) and Mr Angelo Cardani (AGCOM).</p> <p>As the procedure for the elections envisaged in the BoR RoP is the same as for the MC, for practical reasons the BEREC Chair suggested organising a single vote for the election of MC/BoR Chair and for MC/BoR Vice-Chairs, given that the candidacies were the same, and on the assumption that this process would be approved by the BoR.</p>
Conclusions	<p>The MC agreed to elect 2 additional Vice-Chairs for 2018 to provide support to the BEREC Chair 2018, working alongside the Outgoing (2017) and Incoming (2019) Chairs, who would also serve as Vice-Chairs in 2018. The MC agreed to organise a single vote respectively for the positions of BoR/MC Chair 2019 and BoR/MC Vice-Chairs 2018.</p> <p>The final outcome of the election process was the following:</p> <ul style="list-style-type: none"> - BEREC Chair 2019 and Vice-Chair 2018 - Mr Jeremy Godfrey (ComReg) Ireland; - BEREC Vice-Chair 2018 - Mr George Michaelides (OCECPR) Cyprus; - BEREC Vice-Chair 2018 - Mr Dan Sjöblom (PTS) Sweden.

3. List of the 'A' items and documents for information

Document(s)	<p><u>For publication and implementation:</u> MC (17) 102 Draft MC Decision on the implementation of telework in the BEREC Office (in line with Commission Decision No C(2017) 5308)</p>
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	<p>MC (17) 103 Draft MC Decision on the Framework for Learning and Development (in line with Commission Decision No C(2017) 6772</p> <p>MC (17) 104 Draft MC Decision on the approval of the new Mission Charter of the IAS in relation to bodies set up under the TFEU and the EURATOM Treaty and having legal personality and receiving contributions charged to the Budget</p> <p>MC (17) 105 Draft Mission Charter of the IAS in relation to bodies set up under the TFEU and the EURATOM Treaty and having legal personality and receiving contributions charged to the Budget</p> <p><u>Documents for information alongside 'A' items:</u></p> <p>MC (17) 106 BEREC Office Report on operation and budget execution in the period January-September 2017</p> <p>MC (17) 107 Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period July-September 2017</p>
Introduction by	BEREC Chair (Arcep)
Information presented	The BEREC Chair presented the list of 'A' items, as set out above, and asked for their approval. He also drew the meeting's attention to the information documents provided by the BEREC Office. These documents were submitted alongside the 'A' items only for information.
Conclusions	The MC approved the documents listed as 'A' items and took note of the documents for information.

4. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) and of the BEREC Vice-Chair in the capacity of appointing authority

Document(s)	No documents
Introduction by	BAG Chair and BEREC Vice-Chair (RTR)
Information presented	<p>The BEREC Vice-Chair (RTR) presented to the MC recent BAG activities and his activities in the capacity of appointing authority for the BEREC Office staff.</p> <p>He informed the MC that BAG had examined all the MC documents submitted to the plenary meeting.</p> <p>In the capacity of appointing authority for the BEREC Office staff, he outlined the number of decision he had taken throughout the year. He also asked NRAs for support and involvement in BAG activities.</p>
Conclusions	The MC took note of the information

5. Multiannual Programming of the BEREC Office Activities 2018-2020

Document(s)	<p>MC (17) 69 European Commission Opinion on the draft Annual and Multi-Annual Programming of the BEREC Office activities for the period 2018-2020</p> <p>MC (17) 108 Draft MC Decision on the adoption of the Programming Document of the BEREC Office for the period 2018-2020</p> <p>MC (17) 109 Up-dated draft Programming Document of the BEREC Office for the period 2018-2020</p>
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	MC (17) 110 Final budget and establishment plan of the BEREC Office for 2018
Introduction by	BEREC Office Administrative Manager
Information presented	<p>In compliance with the provisions of Article 32 of the BEREC Office Financial Regulation, the BEREC Office prepared a draft annual and multiannual programming document for the period 2018-2020. The draft document comprised also the BEREC Office annual Work Programme for 2018.</p> <p>The document had been prepared on the basis of the Commission Guidelines¹ of 16 December 2014, the new BEREC Strategy 2018-2020², the decision of the BEREC Board of Regulators to implement a project for the establishment of a Net Neutrality Measurement Tool, and the Commission Opinion of 4 August 2017 on the draft programming document of the BEREC Office for the period 2018-2020³.</p> <p>The draft BEREC Office multiannual programme maintains the strategic objectives defined already in the programming document for 2017-2019, as follows:</p> <ul style="list-style-type: none"> – maintaining appropriate capacity, while taking into account the effects of the technology and market developments; – developing expertise to encompass the EU regulatory developments; – assisting BEREC to improve its working methods and quality of its output. <p>Additionally, it was proposed to the MC to add one strategic objective for the period 2018-2020, which could take into account the strategic priorities in the new BEREC Strategy, namely: developing and managing tools and resources on behalf of BEREC.</p> <p>The draft programming document also contains the multiannual budget and staff policy.</p> <p>The BEREC Office Administrative Manager recalled that the annual Work Programme of the BEREC Office is equivalent to a financing decision for the activities it covers and therefore it contains detailed objectives, expected results and a description of the actions to be financed, including an indication of the financial and human resources to be allocated to each action.</p>
Conclusions	The MC approved the Programming Document of the BEREC Office for the period 2018-2020 and the BEREC Office budget for 2018 for publication and implementation.

¹ [C\(2014\) 9641 final, Communication from the Commission on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies](#)

² [BoR \(17\) 173 BEREC Strategy 2018-2020](#)

³ [C\(2017\) 5366 final, Commission Opinion on the draft Annual and Multi-Annual Programming of BEREC Office activities for the period 2018-2020](#)

6. Multiannual Programming of the BEREC Office Activities 2019-2021

Document(s)	<p>MC (17) 111 Draft discussion paper on the BEREC Office Annual and Multiannual Programming Document for the period 2019-2021</p> <p>MC (17) 112 Draft MC Decision on the adoption of the Programming Document of the BEREC Office for the period 2019-2021</p> <p>MC (17) 113 Initial draft Programming Document of the BEREC Office for the period 2019-2021 (without the financial annexes)</p>
Introduction by	BEREC Office Administrative Manager
Information presented	<p>To ensure consistent programming, the BEREC Office, as all other EU Agencies, has to draw up a programming document for at least a 3 year period, containing annual and multi-annual programming, taking into account Commission Guidelines. The timetable for the annual and multi-annual programming is aligned with the budgetary procedure to ensure the efficiency and consistency of all programming documents.</p> <p>The document has to be drafted in line with the Guidelines set by the Commission, which were provided on 16 December 2014.</p> <p>The BEREC Office has to send the programming document to the Commission, the European Parliament (EP) and the Council of the EU not later than 31 January 2018 and due to this deadline, which does not fit with the schedule of plenary meetings, it has to be approved by the Management Committee (MC) by electronic voting procedure.</p> <p>Therefore, the BEREC Office Administrative Manager sought guidance from the MC on the main elements of the document, in terms of the strategic objectives and the resourcing of the BEREC Office for the programming period.</p> <p>He presented to the MC a discussion paper which included background information and questions for discussion addressed to the MC Members in relation to the key elements of the programming document.</p> <p>In this context, the MC was invited to provide its views on the following questions:</p> <ol style="list-style-type: none"> I. Do you agree with maintaining the strategic areas of operation of the BEREC Office for the period 2018-2020 also for the period 2019-2021? Do you consider that they properly reflect the support that BEREC needs in line with its revised strategy? II. Do you agree that it is not yet the right time to programme additional resources to the BEREC Office for 2019-2021 and it is better to keep them on the level as forecasted in 2013 and wait for the outcome of the legislative proposal? Do you agree on possible negative priorities in case of lack of resources?
Conclusions	<p>The MC agreed to keep the strategic areas of operation of the BEREC Office for the period 2018-2020 also for the period 2019-2021. The MC also agreed that this is not the right time to programme additional resources to the BEREC Office for 2019-2021. The BEREC Office</p>

	Administrative Manager was asked to finalise the document with a view to adopting it via the e-voting procedure and subsequently submitting it to the European Commission, the European Parliament and the Council by 31 January 2018.
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7. AOB

Information on the next plenary meetings (7-9 March 2018, Bratislava, Slovak Republic)

Document(s)	No documents
Introduction by	Representative of the host NRA (RU)
Information presented	The representative of the meeting host (RU) informed the MC about the logistics for the next plenary meeting. He informed the BoR that a workshop with ENISA will be held before the plenary meeting.
Conclusions	The MC took note of the information.