

## **37<sup>th</sup> Ordinary Plenary Meeting of the BEREC Office Management Committee (MC)**

Hosted by Czech Telecommunication Office (CTU)

# **Conclusions**

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## Main Results of the 37<sup>th</sup> BEREC Office MC Meeting

The BEREC Office Management Committee held its 37<sup>th</sup> ordinary plenary meeting on 6-7 December 2018 in Prague, Czechia.

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

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

#### For information:

- 2018 BEREC Office Report on operation and budget execution January – September 2018;
- Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period July - September 2018 (Article 27 (4) of the BEREC Office Financial Regulation)

#### For publication:

- Decision of the Management Committee of the Office of the Body of European Regulators for Electronic Communications laying down guidelines on whistleblowing of the BEREC Office;
- Guidelines on Whistleblowing of the Office of the Body of European Regulators for Electronic Communications (BEREC Office)

### 2. For publication as regular items:

- MC Financing decision for the purchase of the study on 'The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach'

### 3. Other topics discussed:

The Management Committee of the BEREC Office also discussed its Annual and Multiannual Programming of the BEREC Office Activities for 2019-2021 and 2020-2022.

### 4. Next meeting

The next MC meeting will take place on 7-8 March 2019 in Budapest (Hungary) and will be hosted by the Hungarian [National Media and Infocommunications Authority](#) (NMHH).

## Introduction and participation

The BEREC Office MC held its 37<sup>th</sup> ordinary plenary meeting on 6 December 2018 in Prague, Czechia. The meeting was hosted by the [Czech Telecommunication Office](#) (CTU)

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.

## List of documents

The list of documents discussed by the meeting is presented in Annex to the Conclusions in compliance with the BEREC Regulation and the MC transparency rules.

## 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 (18) 76 Draft MC Agenda
Introduction by	BEREC Chair (RTR)
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>A representative of the meeting host (CTU) presented information on the logistics of the meeting and the social event.</p>
Conclusions	The MC approved the agenda without any changes.

### 2. Elections of Chair 2020 and Vice-Chairs for 2019

Document(s)	No documents
Introduction by	BEREC Chair (RTR)
Information presented	<p><b><u>BEREC Chair 2020</u></b></p> <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 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 2 applications for the post of BEREC Chair 2020, submitted by:</p> <ul style="list-style-type: none"><li>– <b>Mr Marcin Cichy</b> the President of the Office of Electronic</li></ul>

	<p>Communications (UKE);</p> <ul style="list-style-type: none"> <li>- <b>Mr Dan Sjöblom</b> the Director General of the Swedish Post and Telecom Authority (PTS).</li> </ul> <p>The MC was reminded about the election procedure.</p> <p>The MC was asked to appoint 2 tellers from its members to assist the vote.</p> <p>After the first round of voting for the position of BEREC Chair 2020 based on Article 2.4 b of the RoP Mr Marcin Cichy who received less supporting votes was withdrawn from the second round. In the second round the voting was held on the sole candidacy of Mr Dan Sjöblom. In the second round he received the required majority of votes and was elected as BEREC Chair 2020.</p> <p><b><u>Additional Vice-Chairs 2019</u></b></p> <p>According to the RoP, the MC may decide to elect additional Vice-Chairs for 1 year. Candidacy for each of the positions of the additional Vice-Chairs must be supported by at least 4 Members.</p> <p>The BEREC Chair suggested that the MC should elect 3 additional Vice-Chairs for 2019, due to a high volume of work envisaged for the year.</p> <p>The MC agreed with the proposal and decided to elect 3 Vice-Chairs for 2019. The following candidates applied for each of the positions:</p> <ul style="list-style-type: none"> <li>- Mrs Tanja Muha, Director of the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS);</li> <li>- Mr Konstantinos Masselos, President of the Hellenic Telecommunications &amp; Post Commission (EETT);</li> <li>- Mr Marcin Cichy the President of the Office of Electronic Communications (UKE).</li> </ul> <p>All the candidates received the required majority of votes in the first round of voting on their respective candidacies and were elected as Vice-Chairs for 2019.</p>
<b>Conclusions</b>	<p>The MC agreed to elect 3 additional Vice-Chairs for 2019 to provide support to the BEREC Chair 2019, working alongside the Outgoing (2018) and Incoming (2020) Chairs, who would also serve as Vice-Chairs in 2019.</p> <p>The MC agreed to organise a single vote respectively for the positions of BoR/MC Chair 2020 and BoR/MC Vice-Chairs 2019.</p> <p>The final outcome of the election process:</p> <ul style="list-style-type: none"> <li>- BEREC Chair 2020 - Mr Dan Sjöblom, the Director General of the Swedish Post and Telecom Authority (PTS);</li> <li>- BEREC Vice-Chair 2019 - Mrs Tanja Muha, Director of the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)</li> <li>- BEREC Vice-Chair 2019 - Mr Konstantinos Masselos, President of the Hellenic Telecommunications &amp; Post Commission (EETT);</li> <li>- BEREC Vice-Chair 2019 - Mr Marcin Cichy the President of the Office of Electronic Communications (UKE).</li> </ul>

### 3. List of the ‘A’ items and documents for information

<b>Document(s)</b>	<p><u>For publication and implementation:</u></p> <p>MC (18) 77 Draft Decision No MC/2018/11 of the Management Committee of the Office of the Body of European Regulators for Electronic Communications laying down guidelines on whistleblowing of the BEREC Office</p> <p>MC (18) 78 Draft Guidelines on Whistleblowing of the Office of the Body of European Regulators for Electronic Communications (BEREC Office)</p> <p><u>Documents for information alongside ‘A’ items:</u></p> <p>MC (18) 79 2018 BEREC Office Report on operation and budget execution January – September 2018</p> <p>MC (18) 80 Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period July - September 2018 (Article 27 (4) of the BEREC Office Financial Regulation)</p>
<b>Introduction by</b>	BEREC Chair (RTR)
<b>Information presented</b>	The BEREC Chair presented the list of ‘A’ items, as set out above. The list of ‘A’ items had been drawn up on the basis of the conclusions of the CN. In accordance with the new procedures of the MC meetings, the BEREC Chair 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 and do not require any action from the MC.
<b>Conclusions</b>	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

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BEREC Vice-Chair (ComReg)
<b>Information presented</b>	The BEREC Vice-Chair (ComReg) briefed the MC in relation to the recent BAG activities and the activity of the BEREC Vice-Chair in the capacity of appointing authority for the BEREC Office staff.
<b>Conclusions</b>	The MC took note of the information.

### 5. Financing decision for the study on the Determinants of Investment in Very High Capacity Networks

<b>Document(s)</b>	MC (18) 81 Draft MC Financing decision MC/2018/12 for the purchase of the study on ‘The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach’
<b>Introduction by</b>	BEREC Office Administrative Manager
<b>Information presented</b>	The purpose of the study on “The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach” is to enhance NRAs’ understanding of how the complex interplay of factors can impact (positively or negatively) investment in network infrastructure. This project

	<p>has a particular focus on regulatory measures imposed within the EU and how they can influence the level of investment in very high capacity fixed networks (VHCN).</p> <p>On 13 September 2018 the BoR, via the e-voting procedure, authorised the BEREC Office to launch a procurement process. After the evaluation of the offers, the first step for the BEREC Office is to conclude a Framework Contract with the successful tenderer for this project.</p> <p>When signing a Framework Contract there are no financial implications for the BEREC Office budget. However, a Framework Contract creates the basis for Specific Contracts which entail financial consequences for the BEREC Office budget and are the basis upon which the contractor commences its work.</p> <p>Since the expenditure related to the procurement of the study on “The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach” was not envisaged in the Multiannual Programming of the BEREC Office Activities 2018-2020, a decision of the MC is required to approve this expenditure.</p> <p>In this context, the objective of the financing decision is to provide approval for the first Specific Contract to be signed with the contractor for the study on “The Determinants of Investment in Very High Capacity Networks – A System Dynamics Approach”.</p> <p>The Administrative Manager of BEREC Office informed the MC that, if the Framework Contract is concluded before the end of 2018, the BEREC Office will proceed with the conclusion of the first Specific Contract of the project based on the MC decision.</p>
<b>Conclusions</b>	The MC took note of the information and approved the decision for publication.

## 6. Oral update on Annual and Multiannual Programming of the BEREC Office Activities 2019-2021

<b>Document(s)</b>	No document
<b>Introduction by</b>	BEREC Office Administrative Manager
<b>Information presented</b>	<p>Following meetings on 16 and 19 November 2018, the Council and the European Parliament ended negotiations on the EU budget for 2019 without agreement.</p> <p>The European Commission presented a new draft budget on 30 November 2018 so that the negotiations between the Council and the Parliament could start again. The new budget of the EU has to be agreed upon by the end of the year.</p> <p>As the final EU budget for 2019 is not known yet, it is not possible for the BEREC Office to submit to the MC the final draft Annual and Multiannual Programming of the BEREC Office Activities 2019-2021 and Final Budget and Establishment plan for 2019. These documents will have to be</p>

	<p>adopted via e-voting procedure as soon as the final EU budget is approved by the Budgetary Authority.</p> <p>The Administrative Manager of the BEREC Office informed the MC that, if the BEREC Office budget has not been definitively adopted at the beginning of next year, the system of provisional twelfths will apply. This means that not more than one twelfth of the budget appropriations for the previous year may be spent each month.</p> <p>The BEREC Office Administrative Manager presented the future BEREC Office budget, as tabled by the European Commission, to the MC (2 FTEs and an additional 1,3 million EUR). He also presented some data from the previous year to compare with the proposal for the BEREC Office budget 2019.</p> <p>He suggested voting on the two Programming Documents (for 2019-2021 and 2020-2022) together in order to complete this process by the end of January 2019. He informed the MC that, until the Programming Document 2019-2021 is adopted, the Office will be operating under the regime of provisional twelfths. He also presented a suggestion for the breakdown of the budget between the titles, as well as the future developments in the BEREC Office staff.</p> <p>The Administrative Manager of the BEREC Office also informed the MC about the ongoing consultations with the EC to prepare a decision based on which the Director of the BEREC Office will be entrusted with the powers of appointing authority. He reported that the decision should be send to the MC for adoption as soon as possible.</p>
<b>Conclusions</b>	The MC took note of the information with a view to finalising and adopting the Annual and Multiannual Programming of the BEREC Office Activities for 2019-2021 by the end of January 2019.

## 7. Annual and Multiannual Programming of the BEREC Office Activities 2020-2022

<b>Document(s)</b>	MC (18) 82 Discussion paper on the Annual and Multiannual Programming of the BEREC Office Activities 2020-2022
<b>Introduction by</b>	BEREC Office Administrative Manager
<b>Information presented</b>	<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 no later than 31 January 2018 and, due to this deadline, which does not fit well with the schedule of plenary meetings, it has to be approved by the</p>



	<p>Management Committee (MC) by electronic voting procedure.</p> <p>Therefore, the 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 in question.</p> <p>The draft discussion paper included background information and questions for discussion that were addressed to the MC Members in relation to the key elements of the programming document.</p>
<b>Conclusions</b>	The MC took note of the information.

## 8. AOB

### Information on the next MC ordinary plenary meeting on 6-8 March 2019 in Budapest, Hungary

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Representative of the host NRA (NMHH)
<b>Information presented</b>	The representative of the meeting host, NMHH, provided information on the logistics for the meeting.
<b>Conclusions</b>	The MC took note of the information.