

# **Process for developing BEREC Work Programmes**

## Content

<b>Content</b> .....	<b>1</b>
<b>1. Introduction</b> .....	<b>2</b>
<b>2. Terminology used in the process</b> .....	<b>2</b>
<b>3. The Process</b> .....	<b>2</b>
<b>4. Details of the steps</b> .....	<b>4</b>
4.1. Call for inputs - Early engagement with stakeholders .....	4
4.2. Consolidation and Initial Prioritisation.....	4
4.3. Oral update to BoR and discussion .....	5
4.4. Final steer on shape of WP for the following year (Document "A") .....	6
4.5. Public Consultation on the following year's Draft WP (Document "A").....	7
4.6. Adoption of the "following year" WP and initial call for inputs.....	8
4.7. Adoption of Outline WP and Formal consultation with EP, Council and EC .....	8

## 1. Introduction

Having regard for the requirement for BEREC to adopt the outline of the annual work programme by 31 January of the year preceding that to which the annual work programme relates and the decision for BEREC to plan its work programmes on a multi-annual rather than an annual basis, there is a requirement to outline a process, which describes how the work programmes should be developed in a consistent and recurring manner.

This document provides guidelines on the timing and requirement for each of the steps in the process and the document that will derive from the process. The process will be adopted for 2020 and beyond.

## 2. Terminology used in the process

There are some important terms used throughout the processes, which are explained below:

- “following year” means the calendar year immediately following a particular event e.g. the following year after a consultation would mean the year of the consultation+1
- “subsequent year” means the second calendar year following a particular event e.g. the subsequent year after a consultation would mean the year of the consultation+2

There are also a set of discrete documents, which will be produced during the process, as set out below:

- A. Document “A” is the Work Programme, with accompanying PRDs, which is adopted for the following year in a similar manner to the current process. Document “A” is finalised and adopted by 31 December each year.
- B. Document “B” is an outline future work programme for the subsequent (up to) three years, which is a list of projects (and brief descriptions of each project) that the BoR has provisionally agreed to schedule for each of the subsequent years. Document “B” is continuously maintained and updated.
- C. Document “C” is an outline work programme for the following year, which must be sent to the Council, European Parliament and Commission Document “C” is produced by the 31 January each year and is the extracted first year of Document “B”.

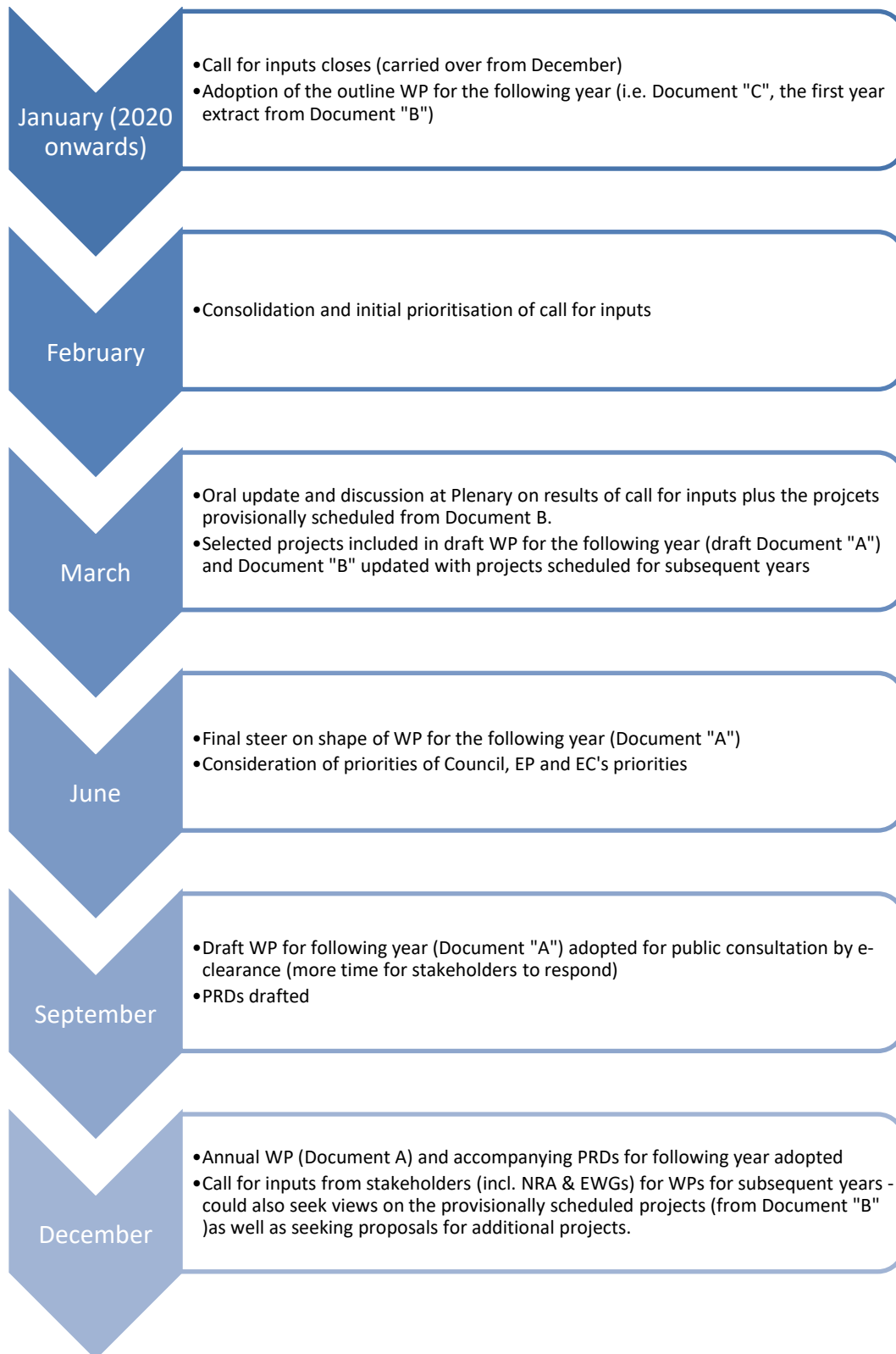
## 3. The Process

The process captures the key principles of:

- Early engagement with stakeholders to inform the decision making process
- A permanent role for the PFT EWG, acting as BEREC’s “institutional memory” and working collaboratively with the “incoming” Chair’s team
- Meeting the statutory requirement to submit an outline WP to the EU institutions
- Providing updates and receiving feedback from the BoR

- Providing stakeholders appropriate time to respond to public consultations
- Moving to multi-annual planning with a three-year horizon

The process for developing BEREC's annual work programme from 2020 onwards is illustrated below:



## 4. Details of the steps

### 4.1. Call for inputs - Early engagement with stakeholders

This stage involves seeking input from both internal (NRAs, EWGs, BEREC Office, EC) and external stakeholders, affording them an opportunity to highlight topics of interest. The submissions received to this call for inputs will, when added to the topics already included in an existing outline WP, inform BEREC's discussions and deliberations as it finalises its WP.

Action	Responsibility
<p>Call for inputs from internal and external stakeholders</p> <ul style="list-style-type: none"> <li>• External stakeholders should respond to a public call for inputs through BEREC's public consultation platform and must, as a minimum, provide the following basic information:               <ul style="list-style-type: none"> <li>○ The title of the proposal</li> <li>○ Which of BEREC's strategic priorities, set out in the Medium Term Strategy, the project is intended to address</li> <li>○ A short description of the project, which will allow BEREC to adequately consider its merits</li> <li>○ The name of the proposer, the organization they represent and their contact details</li> </ul> </li> <li>• Stakeholders should receive a confirmatory email that their submission has been received.</li> </ul>	<p>The "incoming" Chair's team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>
<ul style="list-style-type: none"> <li>• BEREC's internal stakeholders (NRAs, EWGs, BEREC Office, EC) also respond to the initial call for inputs, providing the same level of details as external stakeholders</li> </ul>	<p>The "incoming" Chair's team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>

### 4.2. Consolidation and Initial Prioritisation

Once the call for inputs has been received, the exercise of collating and consolidating the proposals commences. The role of the PFT is to provide BEREC's 'institutional memory' with respect to the development of the Work Programme and, therefore, any proposals emerging from the initial call for inputs from stakeholders should be added to other proposals that were carried over from previous years, not having been included in a previous WP.

Action	Responsibility
<ul style="list-style-type: none"> <li>• Collation and consolidation of initial proposals. The “incoming” Chairs team along with the PFT EWG collate and consolidate proposals from:               <ul style="list-style-type: none"> <li>○ the initial call for inputs, and</li> <li>○ proposals carried over from previous years, which were not included in a WP, but thought merited consideration in the future</li> </ul> </li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>
<ul style="list-style-type: none"> <li>• During the collation and consolidation process, cognisance should be taken of the priorities set out in BEREC’s Medium Term Strategy, which will assist in informing the exercise</li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>
<ul style="list-style-type: none"> <li>• The BEREC Office should cross-check potential topics to be included in the WP against earlier WPs in order to avoid overlaps and to build on the work one so far</li> </ul>	<p>BEREC Office</p>
<ul style="list-style-type: none"> <li>• Acknowledging the call for a more qualitative and less mechanical process for deciding the projects to be included in the WP, the Chair’s team and the PFT EWG should conduct an initial screening exercise after the consolidation and collation process in order to present the BoR with reduced list of potential projects for discussion, categorised according to:               <ul style="list-style-type: none"> <li>○ the year in which the project should commence (having cognisance for the drafting of the WP should move to multi-annual Work Programmes with a 2-3 years timeframe),</li> <li>○ the strategic priority under which the proposed project falls,</li> <li>○ the EWG which is likely to be tasked with undertaking the project, and</li> <li>○ other projects (i.e. the workload) that the EWG has during the period of the proposed project.</li> </ul> </li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG will seek the input from the Mini-Board regarding the initial reduction of the wider list of potential projects to a more concise list on which the full BoR will be asked to provide feedback</p>

### 4.3. Oral update to BoR and discussion

Following the initial screening process, the “incoming” Chair’s team, the PFT EWG and the Mini-Board, will seek input from the BoR and to make full use of the BoR, the BoR should be asked to discuss a limited number of options.

The input and direction from the BoR should allow for the final prioritisation of potential projects to proceed. After the initial steer from the BoR the planning team (PFT EWG and “incoming” Chair’s team) can begin to place selected projects included in draft WP for the following year (draft Document “A”) and update Document “B” with potential projects scheduled for subsequent years.

Action	Responsibility
<ul style="list-style-type: none"> <li>• The BoR can refer to the following criteria when contributing to the prioritisation process:               <ul style="list-style-type: none"> <li>○ the topic would address BEREC strategic priorities set out in its MTS,</li> <li>○ the topic would be an input to achieving the objectives of the EECC Directive or is in line with these objectives,</li> <li>○ the topic would address issues where harmonization of NRAs' practice is needed,</li> <li>○ the topic would add value to the existing and previous work of BEREC,</li> <li>○ there are previous work items that can be used as a building block,</li> <li>○ feasibility of the topic, i.e. in terms of availability or lack of data.</li> <li>○</li> </ul> </li> </ul>	BoR
<ul style="list-style-type: none"> <li>• Input from the BoR is required to decide:               <ul style="list-style-type: none"> <li>○ if some projects should be definitively adopted in a following year WP (Document “A”), and</li> <li>○ other potential projects should be carried over for consideration for subsequent years WPs (Document “B”).</li> </ul> </li> </ul>	BoR

#### 4.4. Final steer on shape of WP for the following year (Document “A”)

Following the initial steer received from the BoR, the Planning Team return to the BoR with a reduced number of options and recommendations. The planning team should also have cognisance for any feedback received from the Council, Parliament and Commission on their priorities.

Following this final steer, the planning team can proceed to finalise a draft of the following year’s WP (Document “A”) and update Document “B”, the outline future work programme for the subsequent (up to) three year.

It is intended that this process will accommodate the fact that there may not be the same number of plenary meetings after 2020. On this basis the key touchpoint with the BoR is the “June” Plenary (assuming that there will be a plenary meeting before the summer break), where a steer on the prioritisation is required. After the steer from the BoR, it is not anticipated that there will be any significant changes to the draft WP that is published for public consultation and so, it is feasible that the final draft WP was adopted by e-clearance. This would allow for the draft WP to be consulted on at an earlier time than the current practice, thereby allowing external stakeholder more time to respond to the consultation and BEREC more time to consider both the responses to the consultation on the Draft WP and to finalise the WP.

#### 4.5. Public Consultation on the following year’s Draft WP (Document “A”)

It is a well-established practice that BEREC publishes its draft WP for public consultation. While this consultation is traditionally launched after adoption of the draft WP at Plenary 3, launching the consultation at an earlier time has a number of advantages:

- Avoiding the current difficulties presented because the closing date for the public consultation launched after Plenary 3 is later than the date for submitting documents to CN4,
- Stakeholders would be afforded more time to respond to the consultation, and
- In the future, it may be that there is no longer two plenary meetings in the second half of the year.

Considering the timing of certain mandatory requirement to adopt an outline WP by the end of January each year (further details are set out below), the timing of the public consultation on would, from 2019 onwards, also provide an opportunity to seek stakeholders input on potential projects for future WPs. In other words, the initial call for inputs for subsequent WPs would also accompany the public consultation to finalise the following years WP – this is set out in more detail in the table below.

Action	Responsibility
<ul style="list-style-type: none"> <li>• Public consultation on the following year WP (in this context the “following year” means the calendar year immediately following the consultation (consultation+1))</li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>
<ul style="list-style-type: none"> <li>• EWG Co-Chairs develop drafts PRD for the projects that fall within their remit</li> </ul>	<p>Co-Chairs liaise with the “incoming” Chair’s team and the PFT EWG regarding the detail and timing of the deliverables</p>



#### 4.6. Adoption of the “following year” WP and initial call for inputs

Article 21 of the BEREC Regulation requires that the Board of Regulators adopt the final annual work programme by 31 December of the year preceding that to which the annual work programme relates. BEREC must therefore evaluate the responses to the public consultation on the “following year’s” WP, and, after consideration by the BoR adopted and publish the final Document “A”. The final WP should be accompanied by a report on the consultation, summarising the key points from the submissions received and how BEREC has address these points.

In conjunction with publishing BEREC’s draft WP for the following year, BEREC will seek early inputs from stakeholders on potential projects to be included in subsequent years WP. This will allow the planning team to gather proposals for inclusion in Document “B”.

Action	Responsibility
<ul style="list-style-type: none"> <li>Report on the public consultation on the following years WP</li> <li>Adoption and publication of the following years WP</li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG with support from BEREC Office</p> <p>BoR</p>
<ul style="list-style-type: none"> <li>Initial call for inputs for projects on any subsequent years WP</li> </ul>	<p>The “incoming” Chair’s team, in conjunction with the PFT EWG</p> <p>Support from BEREC Office</p>

#### 4.7. Adoption of Outline WP and Formal consultation with EP, Council and EC

Article 21 of the BEREC Regulation provides that the Board of Regulators shall adopt the outline of the annual work programme by 31 January of the year preceding that to which the annual work programme relates and consult the European Parliament, the Council and the Commission on their priorities. The basis for developing an outline WP (Document “C”) for each year will be from the first year of Document “B” i.e. the outline future work programme for the subsequent (up to) three years, which includes

- any projects that are carried over from previous years;
- any proposals that were not included in previous years WPs but were deemed worthy carrying forward for future consideration (the PFT EWG will maintain a depository of such projects);
- proposals that emerge from the initial call for inputs from stakeholders (both internal (i.e. NRAs and EWGs) and external).

The outline WP for the following year “Document “C” will be adopted by e-clearance before the end of January each year. The outline programme should seek to address BEREC

strategic priorities, as set out in the Medium Term Strategy that is in operation at that time but may also contain some detailed projects, which have already been adopted as part of a multi-annual programme.

Action	Responsibility
<ul style="list-style-type: none"> <li>Adoption of outline WP for the following year (Document “C”) and consultation with the European Parliament, the Council and the Commission on their priorities.</li> </ul>	<p>Outline WP adopted by e-clearance</p> <p>Comments round handled by the “incoming” Chair’s team, in conjunction with the PFT EWG with support from BEREC Office</p>