

## Decision No MB/2019/06

### of the Management Board of the Agency for Support for BEREC (BEREC Office) authorising the BEREC Office Director to engage in a joint project with the Government of the Republic of Latvia for a Headquarters agreement

#### The Management Board,

Having regard to Protocol (No 7) on the privileges and immunities of the European Union, annexed to the Treaty on the Functioning of the European Union (TFEU),

Having regard to the Seat Agreement between the Office of the Body of European Regulators for Electronic Communications (BEREC Office) and the Government of the Republic of Latvia signed in Riga on 24 February 2011,

Having regard to Regulation (EU) 2018/1971 of 17 December 2018 of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office) amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009<sup>1</sup>, and in particular Article 47 thereof,

Having regard to the Staff Regulations of Officials of the European Union and the conditions of employment of other servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>2</sup>, and in particular Article 1e(2) thereof,

#### Whereas:

- (1) By Decision 2010/349/EU<sup>3</sup>, the Representatives of the Governments of the Member States decided that the BEREC Office would have its seat in Riga in Latvia. The Seat Agreement between the Government of the Republic of Latvia and the BEREC Office was signed on 24 February 2011 and entered into force on 5 August 2011.
- (2) In compliance with Article 47(1) of Regulation (EU) 2018/1971, a new Headquarters Agreement should be concluded no later than 21 December 2020 by the BEREC Office and Latvia, after obtaining the approval of the Management Board.
- (3) In compliance with Article 47(1) of Regulation (EU) 2018/1971, the Headquarters Agreement should lay down the arrangements concerning the accommodation to be provided for the BEREC Office in Latvia and the facilities to be made available by

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<sup>1</sup> OJ L 321, 17.12.2018, p.1.

<sup>2</sup> OJ L 56, 4.3.1968, p. 1.

<sup>3</sup> Decision taken by common accord between the Representatives of the Governments of the Member States of 31 May 2010 on the location of the seat of the Office of the Body of European Regulators for Electronic Communications (BEREC) (2010/349/EU) (OJ L 156, 23.6.2010, p. 12).

Latvia as well as the specific rules applicable in Latvia to the Director, members of the Management Board, the BEREC Office staff and members of their families.

- (4) In compliance with Article 47(2) of Regulation (EU) 2018/1971, Latvia should provide the necessary conditions to ensure the smooth and efficient functioning of the BEREC Office, including multilingual, European-oriented schooling and appropriate transport connections.
- (5) The Headquarters Agreement should fully comply with Protocol 7 of the TFEU.
- (6) In compliance with Article 1e(2) of the Staff Regulations and the Conditions of Employment of Other Servants, the BEREC Office staff should be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.
- (7) In compliance with Article 20(1) and point (a) of Article 20(6) of Regulation (EU) 2018/1971, the Director is in charge of the administrative management of the BEREC Office and is responsible for its day-to-day administration.
- (8) In compliance with Article 20(5) of Regulation (EU) 2018/1971, the Director is the legal representative of the BEREC Office.
- (9) It is therefore necessary to adopt a decision authorizing the Director to engage in a joint project with the Latvian authorities aiming at the conclusion of a new Headquarters Agreement,

**HAS DECIDED AS FOLLOWS:**

**Article 1**

1. The BEREC Office Director is hereby authorised to engage in a joint project with the Government of the Republic of Latvia with the view to conclude a Headquarters Agreement, in compliance with the mandate referred to in the Annex I of this Decision.
2. The Director shall perform this task in close cooperation with, and under the supervision of, the Deputy Chairperson elected as Chairperson of the Management Board for the following year.

**Article 2**

The Director is requested to seek for guidance from the Management Board at decisive milestones of the joint project and shall present the draft Headquarters Agreement to the Management Board for approval.

**Article 3**

This Decision shall take effect on the day of its adoption.

Done at Dublin, on 28/03/2019.

**For the Management Board**

(e-signed)

**Jeremy GODFREY**

**Chairperson**