

Rules of Procedure of the Management Board of the BEREC Office

The Management Board of the Agency for Support for BEREC (hereinafter, '**BEREC Office**') has been established by Regulation (EU) 2018/1971¹ (hereinafter the '**BEREC Regulation**') and its functioning shall be governed by the BEREC Regulation and these Rules of Procedure (hereinafter, the '**Rules of Procedure**'). In case of inconsistency between these Rules of Procedure and the BEREC Regulation, the BEREC Regulation shall prevail.

In accordance with Article 14 of the BEREC Regulation, the Management Board is part of the BEREC Office.

In accordance with Article 16(1)(i) of the BEREC Regulation, the Management Board shall adopt its rules of procedure.

The Management Board shall exercise the relevant tasks assigned by the BEREC Regulation, in accordance with the provisions of these Rules of Procedure.

Article 1 – Composition

Members

1. The Management Board shall be composed of the persons appointed as members of the Board of Regulators and of one high level representative of the Commission. Each member of the Management Board shall have the right to vote.
2. Each appointing National Regulatory Authority (hereinafter NRA) may appoint a person other than the member of the Board of Regulators as member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, or the replacement of either of them.
3. Each member of the Management Board shall have an alternate who represents the member in his or her absence.

The alternates of each member shall be the persons appointed as alternates of the

¹ REGULATION (EU) 2018/1971 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 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 (Text with EEA relevance)

members of the Board of Regulators. The representative of the Commission shall also have an alternate.

Each appointing NRA may appoint a person other than the alternate of the member of the Board of Regulators as the alternate of the member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, the replacement of either of them, or the staff of the NRA.

When neither the member nor the nominated alternate can attend a meeting of the Management Board, a further alternate may attend and stand in for those representatives, provided that he/she is authorised to do so in writing and that the authorisation is communicated to the Chair and to the Director of the BEREC Office (hereinafter “the Director”) in advance of the meeting concerned.

4. The Management Board shall be assisted by a group (Contact Network) composed of senior representatives of all members and participants without voting rights to prepare the decisions to be taken by the Management Board.
5. The members of the Management Board and their alternates shall neither seek nor take instructions from any government, institution, person or body.

Participants without voting rights

6. Heads (or their appointed high-level representatives) of the independent regulatory authorities competent in the field of electronic communications of third countries with whom working arrangements have been established in accordance with Article 35 (2) of the BEREC Regulation, shall have the right to participate in Management Board meetings without the right to vote.

Observers

7. The Management Board may invite any person whose opinion may be of interest to it in the light of his/her expertise, to participate in its meetings as an observer.

Article 2 – Administrative functions of the Management Board

1. The Management Board shall have the administrative functions listed in Article 16 of the BEREC Regulation.
2. Without prejudice to the decision referred to in the first subparagraph Article 16 (2) of the BEREC Regulation, powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (the ‘appointing authority powers’) that are not delegated to the Director shall be exercised by the Deputy Chairperson assuming the role of the incoming Chairperson, on behalf of the Management Board.

Article 3 – Chairperson and Deputy Chairpersons

1. The Chairperson and the Deputy Chairpersons of the Management Board shall be the persons appointed as the Chair and Vice-Chairs of the Board of Regulators. The same term of office shall apply.
2. By derogation from the first paragraph, the Management Board may, by a majority of two-thirds of its members, elect other members of the Management Board as Chairperson or Deputy Chairperson(s) from among its members, representing Member States. Their term of office shall be the same as that of the Chair and Vice-Chairs of the Board of Regulators.
3. The election shall take place in accordance with the mechanism described in Article 2 of the BEREC Board of Regulators Rules of Procedure.
4. The incoming Chairperson or, should he/she not be available, one of the Deputy Chairpersons shall automatically assume the duties of the Chairperson if the latter is not in a position to perform those duties. The Deputy Chairpersons will assist the Chairperson, at her/his request, in the performance of her/his duties.
5. The Chairperson of the Management Board shall report to the European Parliament and to the Council on the carrying out of the tasks of the BEREC Office when invited to do so.

Article 4 – Meetings of the Management Board

1. Where applicable meetings of the Management Board shall be held at the same date and venue as the meetings of the Board of Regulators. The Chairperson shall convene ordinary meetings of the Management Board in consultation with the Director, in writing not less than ten days prior to the proposed meeting date.

The Chairperson may convene extraordinary meetings of the Management Board in consultation with the Director, in writing not less than seven days prior to the proposed meeting date.

Notices of the meetings shall indicate the date, time and place of the proposed meeting.

2. The Director shall take part in the deliberations, except those related to his/her appointment, without the right to vote.
3. The Management Board shall hold at least two ordinary meetings a year. In addition, the Chairperson shall convene extraordinary meetings on his or her own initiative, upon the request of the Commission, or of at least three of its members.
4. Meetings may be held using videoconference. Physical meetings may allow participation of the members of the Management Board and other participants via videoconference.
5. Each member of the Management Board may be represented at the meeting by another

member of the Management Board, provided that written authorisation from the absent member of the Management Board is submitted to the Chairperson. A member of the Management Board may represent a maximum of two other members of the Management Board.

6. The members of the Management Board and their alternates may be assisted at the meetings by advisers or experts.
7. The Director shall provide the secretariat for the Management Board.

Article 5 – Agenda

1. A provisional agenda shall be drawn up by the Chairperson assisted by the Director. It shall contain, in addition to those items the inclusion of which is requested by a member, any item the inclusion of which is requested by the Director or by a participant without voting rights, in agreement with the Chairperson. The provisional agenda shall be made public before each meeting.
2. Any request for including, deleting or substituting an item on the agenda shall state the reasons on which it is based. The Chairperson shall inform the other members, participants without voting rights and the Director of any such request.
3. The agenda shall be adopted at the beginning of each meeting.
4. The agenda of the meetings shall be made public.

Article 6 – Documents

1. The draft proposals and documents shall be prepared in accordance with the conclusions of the Contact Network together with any additional material considered necessary by the Chair or the Director. They should be accompanied by a submission note outlining the key issues and the decision being sought.
2. The provisional agenda and draft proposals, documents, submission notes and other relevant material shall be prepared taking due account of the comments made by the BEREK Office Advisor Group (BAG) as in Article 11 and in accordance with the conclusions of the Contact Network, together with any additional material considered necessary by the Director ('the material'). The material shall be prepared by the Director with the assistance of the BAG.
3. The material shall be distributed by the Director not less than 10 days before ordinary meetings and not less than 3 days before extraordinary meetings, so that members of the Management Board and participants without voting rights have the opportunity to propose amendments prior to the vote. When justified by urgent or exceptional circumstances, the Chairperson, at the request of the Director, may shorten, as necessary, time limits for sending the documentation.

4. Press releases, and exceptionally other documents, such as short statements, may be prepared and agreed during meetings of the Management Board.

Article 7 – Minutes and follow-up

1. The Director shall prepare the draft minutes of the meetings of the Management Board.
2. The minutes of each meeting shall as a general rule indicate in respect of each item:
 - a. Documents submitted to the Contact Network or to the Management Board;
 - b. A summary record of the proceedings;
 - c. A record of the decisions adopted or the conclusions reached by the Contact Network or the Management Board, summarising the main arguments, together with the reservations of a member of the Management Board at its request;
 - d. The list of attendees;
 - e. The list of agreed follow-up actions.
3. The draft minutes shall be distributed electronically by the Director for comments by the members of the Management Board and participants without voting rights no later than 10 working days after that meeting. The minutes of all meetings shall be kept by the Director in a register, which shall be accessible to any member of the Management Board upon request.
4. The Director shall summarise the follow-up actions to be undertaken and circulate them electronically to the Management Board within 3 working days following the end of the meeting.
5. In addition to the minutes of the meeting the Chairperson with the assistance of the Director shall draft the meeting conclusions summarising the main decisions adopted. The draft conclusions should be distributed electronically by the Director for comments no later than 5 working days after that meeting. The final conclusions of the meeting shall be made public within 10 working days after that meeting.

Article 8 – Quorum

The quorum necessary for meetings shall be achieved when at least two-thirds of all voting members of the Management Board are present during the voting or represented by proxy. In order to determine whether the quorum is met, an attendance list shall be drawn up by the Director at the beginning of each meeting.

Article 9 – Voting procedures for meetings

1. The Management Board shall act by a simple majority of its members, unless otherwise provided for in the BEREC Regulation, in accordance with the procedures in this article and Article 10. A two thirds majority is required in the following circumstances:
 - a. Adoption of the BEREC Office's single programming document;
 - b. Adoption of the annual budget of the BEREC Office;
 - c. Election as Chairperson or Deputy Chairperson(s) of members of the Management Board different of the persons appointed as the Chair and Vice-Chairs of the Board of Regulators, by derogation from Article 17, paragraph 1 of the BEREC Regulation;
 - d. Adoption of decisions on appointment, extension of the term of office or removal from office of the Director.

2. Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.

In the absence of a member and the alternate, the right to vote may be delegated to another member. The proxy shall be submitted to the Chairperson at the beginning of the meeting and shall be recorded in the minutes. In addition to his own vote, each voting member of the Management Board may cast a maximum of two votes received by written proxy.

3. The Chairperson may delegate the right to vote in any event. He or she shall take part in the voting unless he or she has delegated the right to vote.
4. Voting shall be by a show of hands or by secret ballot. A request for a secret ballot must be made by at least two voting members of the Management Board present and supported by a majority of members of the Management Board.
5. The Chairperson shall submit a proposal for a decision to the members of the Management Board, who shall, either in person or by their alternate or by proxy, vote by "yes" if they are in favour of it, or "no", or "abstention".
6. If at least the requisite number of members of the Management Board has voted in favour of the proposal the Chairperson shall declare the proposal approved.
7. If the number of members of the Management Board who have either voted against the proposal or who have formally abstained results in the threshold for approval not having been met, the Chairperson shall declare that the proposal has not been approved.

Article 10 – Electronic voting procedure

1. The Chairperson may seek a decision of the Management Board by means of an electronic voting procedure when a meeting is not possible or practicable and should not wait until the next ordinary meeting. At any stage the Chairperson may decide to withdraw the electronic voting procedure and schedule the subject of the voting procedure for discussion at an appropriate level.
2. The Chairperson shall inform the members of the Management Board and Participants without voting rights as soon as possible of the need and justification for an electronic voting procedure. The Chairperson shall, if possible, inform members of the Management Board and Participants without voting rights of the intended use of the electronic voting procedure during ordinary meetings.
3. The electronic voting shall be initiated by the Chairperson in consultation with the Director. Draft decisions together with the relevant documents shall be addressed to members of the Management Board and, for information, to Participants without voting rights, after approval of the Chairperson. The minimum period which must be given for comments to be submitted is 5 working days, except in case of justified extreme urgency where the time-limit may be shortened to a minimum of one working day. All comments on draft Management Board decisions and documents shall be also communicated to the members of the Management Board and Contact Network.
4. If significantly different opinions are expressed in the comments, the Chairperson with the support of the Director, shall attempt to resolve the differences between the respective members of the Management Board. The Chairperson shall prepare a final proposal and submit it to the vote. She/he shall send it to the members of the Management Board and shall lay down a time-limit which must not be less than 5 working days, except in cases of justified extreme urgency where the time-limit is of one working day.
5. For any voting round to be valid, at least the two-thirds majority of the members of the Management Board must have cast their vote or formally abstained.

Article 1(3) should apply *mutatis mutandis*. An authorisation of a further alternate to sign the electronic voting ballot should be communicated to the Chairperson at the latest when such further alternate casts a vote.

6. Article 9(2) should apply *mutatis mutandis*. The proxy shall be submitted to the Chairperson at the latest when the voting member casts its vote on behalf of another voting member of the Management Board.
7. If the number of members of the Management Board who have either voted against the proposal or who have formally abstained prevent the required threshold for approval as in Article 9(1) being met, the Chairperson shall declare the proposal not approved. In this case, the Chairperson, in consultation with the Director, shall inform the members of the Management Board and Participants without voting rights of the number of votes cast for

and against the proposal, as well as the number of formal abstentions, in the first round and shall organise a second and last round of electronic voting pursuant to paragraphs 4 to 7.

8. A full report on the outcome of the procedure will be made available by the Chairperson to members of the Management Board and Participants without voting rights. The report shall indicate in particular:
 - a. The detailed results of the voting (i.e., number of votes cast – specifying the number of negative and positive votes and abstentions); and
 - b. The remarks and reservations of members of the Management Board upon their request.
9. Members of the Management Board can make public use of their part of the voting report.

Article 11 – BEREC Office Advisory Group

1. The Management Board shall be assisted by a preparatory group called BEREC Office Advisory Group ('BAG'). The BAG shall review and comment the decisions and documents to be submitted to the Management Board.
2. The members of the BAG shall not seek nor take instructions from any government, institution, person or body with the exception of the member of the Management Board they represent.
3. An up-to-date list of members of the Management Board and their alternates, together with their declarations of interests, shall be made public by the Director.
4. The Director shall kept an up-to-date internal contact list of members of the Management Board and their alternates as well as BAG members.

Article 12 – Appointment of the Director

1. The Director shall be appointed by the Management Board, following an open and transparent selection procedure, on the basis of merit, management, administrative and budgetary skills and the skills and experience relevant to electronic communications networks and services.
2. The Director shall be appointed in accordance with the rules set out in Annex 4.
3. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Director on the basis of a vote of a two-thirds majority of its members.

Article 13 – Declarations

1. Members of the Management Board, members of the BAG and Participants without voting rights shall each make a written declaration indicating their commitments and the absence

or presence of any direct or indirect interests which might be considered to prejudice their independence.

2. Such declarations shall be made at the time of taking up responsibilities, shall be accurate and complete, and shall be updated where there is a risk of there being any direct or indirect interest which might be considered to prejudice the independence of the person making the declaration.
3. These declarations shall be made in accordance with Annex 1 and Annex 2.
4. The declarations made by the members of the Management Board and participants without voting rights shall be made public. To this effect, the Director shall publish the declarations on the BEREC Office website.
5. Members of the Management Board and other participants in their meetings shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered to be prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion and the voting on such points.

Article 14 – Duty of confidentiality

1. Members and other participants at the meetings of the Management Board shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.
2. Members of the Management Board, other participants at the meetings of the Management Board and members of the BAG shall each sign a declaration of confidentiality made in accordance with Annex 3.
3. For members of the Management Board, members of the BAG and participants without voting rights, such declarations shall be made at the time of taking up responsibilities.
4. For other participants to the meetings of the Management Board, such declarations shall be made at the latest at the start of each meeting.

Article 15 – Revision of the Rules of Procedure

1. The Chairperson may propose, following a request from one of the members of the Management Board or participants without voting rights or on her/his own initiative, amendments to these Rules of Procedure.
2. These amendments shall be adopted by the Management Board, in accordance with Article 9 of these Rules of Procedure.

Article 16 – General provisions

1. These Rules of Procedure shall replace the previous version as adopted by the Management Committee in 2014 (MC (14) 70).
2. These Rules of Procedure shall be published on the BEREC Office website.

Annex 1: Model form for declarations of commitments

Annex 2: Model form for declarations of interests

Annex 3: Model form for declarations of confidentiality

Annex 4: Selection procedure for the Director

ANNUAL DECLARATION OF COMMITMENT FOR MEMBERS OF THE MANAGEMENT BOARD ACC. TO ARTICLE 42 OF THE BEREC REGULATION

I, hereby declare that I shall make all reasonable efforts to fulfil my duties as a member of the Management Board (BEREC).

More particularly, I undertake to exercise the functions entrusted to me by BEREC and not to seek or accept any instructions incompatible with my individual tasks or with the tasks of BEREC from any other party.

I understand that this Declaration will be entered in a register held by the BEREC Office which is accessible to the public, on request, at the seat of the BEREC Office.

Done at _____ on / 20__

Signature: _____

Position: _____

ANNUAL DECLARATION OF INTERESTS

Conflict of Interest: Legal basis

General provisions on conflict of interest are laid down in the Staff Regulation and the Conditions of Employment of other Staff². The Financial Regulation defines what a conflict of interest of a financial nature is³.

Article 42 of the BEREC Regulation provides for the obligation for the Members of the Board of Regulators and of the Management Board, the Director, seconded national experts and other staff not employed by the BEREC Office to make a declaration of commitments and a declaration of interests indicating the absence of any direct or indirect interests, which might be considered prejudicial to their independence. Such declarations shall be made in writing. The declaration of interests made by the members of the Board of Regulators and of the Management Board, the Director shall be made public.

Therefore, as a rule, any person facing a conflict of interest situation is under a duty of informing and, as appropriate, discussing the best way of avoiding that the situation has an impact on the validity of the decisions.

The Board of Regulators and the Management Board have therefore decided to give guidance on how these rules should be interpreted as far as the Members of the Board of Regulators Members of the Management Board, the Director and the staff of the BEREC Office are concerned.

Conflict of Interest: Definition

A conflict of interest exists when a person appointed to a function has a personal or vested interest in the outcome of decisions resulting from that function. Consequently, a person must not be involved in any decision during the course of his/her duties with the knowledge that there is an opportunity to further his/her personal interests.

It must be highlighted that an "interest" declared is not automatically considered a conflict of interest. Therefore, the immediate aim of a conflict-of-interest policy is to protect the integrity of official policy and administrative decisions and of public management generally.

Interests can be direct or indirect depending on their likely or potential impact on the individual's behaviour at a given point in time:

² See in particular Article 11 of the Staff Regulations

³ See Article 34 of Commission Regulation (EC/Euratom) No. 2342/2002 laying down the implementing rules

- Direct interests: Interests of personal benefit to the individual at the time of declaration, likely to influence or given the appearance of influencing his behaviour.
- Indirect interests: Other interests that may have some influence over the individual's behaviour and therefore have to be neutralised.

Some examples of cases that could lead to a conflict of interests are:

a) any matter being considered by, or arising at, a meeting of the Board of Regulators and/or of the Management Board in which a Member, the Director, the staff of the BEREC Office or any household member have a direct or an indirect pecuniary interest;

b) a situation where a Member of the Board of Regulators and/or of the Management Board, the Director or the staff of the BEREC Office are in a position to make or make a decision, or are in a position to act or do act, motivated by other or additional considerations than the best interests of BEREC;

d) a situation where a Member of the Board of Regulators and/or of the Management Board, the Director, the staff of the BEREC Office or any members of their household learn of an opportunity for profit which might be valuable either personally or to any person in which they have a direct or indirect pecuniary interest.

These cases are not intended to be exhaustive.

It is recognized that it is often difficult to objectively assess whether a Conflict of Interest situation exists. If a Member of the Board of Regulators and of the Management Board, the Director or the staff of the BEREC Office feels that a potential Conflict of Interest position may exist he/she is bound to declare it immediately. Each individual is responsible for the declaration of his/her interests and, to the best of his/her knowledge, those of his household members. In order to maintain privacy, the names of the household members do not need to be declared.

Assessment of Conflict of Interest

Based on the information provided by the Member of the Board of Regulators and/or of the Management Board, the Director, the Management Board or the Board of Regulators will jointly evaluate whether a declared interest constitutes a conflict. As a result of such assessment, the matter will be brought to the attention of the Board of Regulators/Management Board.

Annual Declaration of Interests

Title (Ms., Mr., Dr., Prof.).....

First Name:

Surname:

Position: **Member of the Management Board**

hereby declares to have the following direct or indirect interests of relevance to BEREC or the BEREC Office:

1. Work and activities in organisations relevant to the operating area of BEREC.

During the past 3 years, all activities performed for or on behalf of an organization operating in a related field, whether related to the substance of BEREC/BEREC Office mandate or to its operational support, and whether or not these activities have been subject to regular or occasional remuneration in cash or kind, either by the declaring member or to the best of his/her knowledge the members of his/her household, including i) participation in the internal decision-making of a company (e.g. Board membership, executive or non executive directorship), ii) permanent or temporary member of the personnel of a company/institute (Other activities performed within a company (e.g. traineeship) are also subject to declaration.), iii) work contracted out by companies/institute, through consultancy or otherwise. Indicate names of organisation/Position/Period:

2. From the moment of taking the post of the Member of the Board of Regulators and/or of the Management Board, any financial interests in a company relevant to the operating area of BEREC/BEREC Office and/or voting rights in a company, including holding of stocks and shares, equity, bonds, partnership interests⁴ in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding (names of the companies):

⁴ When declaring financial interests e.g. stocks and shares, only the kind, number and company name need be stated.

3. Other links with the field of activity of BEREC/BEREC Office during the preceding 3 years, including the participation in relevant activities supported by EU grants or contracts. All assistance and support received from stakeholders of BEREC/BEREC Office, whether associated with direct or indirect pecuniary or material benefits, including: i) grants for study or research, ii) fellowships or sponsorships endowed by a company operating in the related business and iii) any other relevant activity related to EU grants and contracts. If such assistance or support is still subject to compensation in any form then declaration of any activity independently of granting period:

4. Any membership role or affiliation, or any other links with the organisations relevant to BEREC/BEREC Office.

During the preceding 3 years, interests of non-pecuniary or material benefit to the declaring member, arising from professional activities or affiliation with national or international organisations or bodies with tasks similar to BEREC/BEREC Office. It also includes the participation in public interest groups, professional societies, clubs or organisations which have an agenda or an interest or involvement in BEREC's/BEREC Office's work:

5. Other interests or facts whether or not related to such organisations which you consider should be made known to BEREC/BEREC Office, including matters relating to the members of your household:

To the best of my knowledge, the only direct or indirect interests I, or any members of my household have, in organisations relevant to the operating area of BEREC/BEREC Office related to my position referred to above are those listed above.

I further declare that should any changes occur and should it appear that I have or acquire additional interests that should be made known to BEREC/BEREC Office I shall forthwith declare them and complete a new declaration of interests detailing the changes.

I understand that this Declaration **will be published on BEREC's website** and entered in a register held by the BEREC Office, which is accessible to the public, on request at the seat of the BEREC Office.

Signature:.....

Date:.....

DECLARATION OF CONFIDENTIALITY OF BEREC/BEREC OFFICE

I hereby declare that I shall undertake to exercise the greatest discretion with regard to all facts and information coming to my knowledge in the course of or in connection with the performance of my duties related to the work of the BEREC/BEREC Office. I shall not disclose to any persons any information acquired as a result of such work unless otherwise stipulated in European Union or national law or already publicly available. The above is without prejudice to the sharing of documents with persons assisting me in the discharge of my duties related to the work of the BEREC/BEREC Office. I shall take all necessary measures to ensure that the persons to whom I provide access to information respect the same obligations that I am subject to. I accept without reservation that I continue to be bound by this obligation also after these duties have ceased.

Privacy Statement

Please note that the BEREC Office will ensure on its part that your personal data hereby submitted is processed as required by [Regulation \(EU\) No 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation \(EC\) No 45/2001 and Decision No 1247/2002/EC](#).

1. What personal data do we collect?

- Identification data e.g. name, function

2. For what purpose do we collect personal data and on which legal basis?

We collect personal data to assess the independence of the person concerned when working for BEREC/BEREC Office.

Therefore, processing such data is necessary based on Article 5 (1) (a) of Regulation 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. This Article relates to the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body.

In this respect, Article 38 of the BEREC Regulation provides that *'Members and other participants at the meetings of the Management Board, the Board of Regulators and the working groups, the Director, seconded national experts and other staff not employed by the*

BEREC Office shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.'

3. Who may receive your personal data?

For the purpose detailed above, access to personal data is granted to staff members of the BEREC Office involved in the management of the declarations of interests, commitments and confidentiality.

4. How long are your personal data kept?

Your personal data are kept seven years as of the year following the date of registration of the declaration of interests, commitments and confidentiality.

5. What are your rights?

You have the right to request from the controller access to and rectification or erasure of your personal data or restriction of processing.

You also have the right to object to processing of personal data.

The controller shall provide information on action taken on a request within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

6. Who is the data controller and how to exercise your rights?

The BEREC Office shall exercise the tasks of the data controller for the purpose of these processing operations.

To exercise the mentioned rights, you can contact the controller as follows: berec@berec.europa.eu

If you feel your data protection rights have been breached, you can always lodge a complaint with the BEREC Office's Data Protection Officer (dpo@berec.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu.

Name: [Click here to enter text.](#)

Position/Affiliation: [Click here to enter text.](#)

Place: [Click here to enter text.](#) Date: [Click here to enter a date.](#)

SELECTION PROCEDURE FOR THE DIRECTOR

1. Vacancy notice

The Management Board shall adopt a vacancy notice setting out the eligibility and the selection criteria, as well as the overall procedure for the appointment of the Director.

2. Set up of a selection panel by the Management Board

The Management Board shall set up a selection panel made up of 5 members, 4 EU NRAs' senior representatives - in such a way as to guarantee a wide and balanced representation of the various geographical areas of the European Union -, and 1 representative from the Commission. A second representative from the Commission expert in human resources shall participate in the work of the selection panel to ensure the respect for due process⁵.

The purpose of the selection panel is to propose to the Management Board a short-list of the best suitable candidates for the post of Director.

The selection panel shall elect its chairperson.

The decisions of the selection panel shall be adopted unanimously and shall be motivated. In case no unanimous proposal is possible, both the majority and minority views shall be presented to the Management Board.

The secretariat of the selection panel shall be provided by the Commission.

3. Pre-selection phase

The Commission shall carry out the first scrutiny of the applications on the basis of the eligibility criteria and shall draft a list of admissible applications to be sent to the selection panel.

The selection panel shall:

- a) Confirm the list of admissible applications;
- b) Define the assessment criteria - based on the selection criteria indicated in the vacancy notice;
- c) Ensure that admissible applications are assessed and ranked on the basis of the assessment criteria previously defined. Given the high workload expected the

⁵ This person will co-sign the final report but will not participate in the assessment of candidates.

members of the selection panel may have recourse to the assistance of examiners experts from their respective organisations whenever they consider that necessary for assessing and ranking the applications;

- d) Confirm the list of candidates to be interviewed on the basis of the ranking mentioned above.

4. First interview round by the selection panel

The selection panel shall invite the candidates selected in accordance with point 2(d).

Each interview will comprise a short presentation by the candidate followed by a set of standard questions common to all candidates to be prepared in advance by the selection panel and additional questions put forward by individual members of the selection panel.

5. Short-list for interview by the Management Board

Upon completion of the interviews, the selection panel will provide to the Management Board a short-list of the best suitable candidates for the post of Director along with all relevant support documentation relating to the selection procedure carried out.

6. Second interview round by the Management Board

The Management Board will approve the short-list and invite the candidates to an interview.

The Management Board will define the list of questions that should be common to all candidates.

7. Appointment

Upon completion of the second round of interviews, the Management Board will select the candidate in accordance with the following voting procedure.

Members of the Management Board shall each vote for one candidate. If during that round of voting no candidate obtains a 2/3 majority of the votes of all Members, the candidate with the least support shall be withdrawn from the selection process and a new round shall be organized on the same basis. Where two or more candidates with equal votes have least support all of them shall be eliminated. Rounds will run until there is one remaining candidate who shall be selected.

If the candidate finally selected is unable to take up the appointment by a date specified by the Management Board, the Management Board may select other candidates from the above voting process, in reverse order of elimination.

Candidates will be informed by the Chairperson whether or not they have been selected.

Before appointment, the candidate selected may be subject to a non-binding opinion of the European Parliament. To this end, the candidate shall be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.