

Decision No MB/2020/11

of the Management Board of the Agency for Support for BEREC (BEREC Office) for the Approval of the Headquarters Agreement between the BEREC Office and the Host Member State

The Management Board,

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 1211/2009¹, and in particular Article 47 thereof,

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 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 259/68², (hereinafter 'CEOS') and in particular Article 1e(2) thereof,

Having regard to the Joint Statement and Common Approach on the location of the seats of decentralised agencies³,

Having regard to the Guidelines with standard provisions for Headquarters Agreements of EU decentralised agencies⁴,

Having regard to Report from the Commission to the European Parliament and the Council on the implementation of the Joint Statement and Common Approach on the location of the seats of decentralised agencies (COM/2019/187 final)⁵,

Having regard to the Decision No MB/2019/06 of the BEREC Office Management Board

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, OJ L 321, 17.12.2018, p. 1–35, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1579765557644&uri=CELEX:32018R1971>

² OJ P 045 14.6.1962, p. 1385. Consolidated version: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1579765878666&uri=CELEX:01962R0031-20160101>

³ https://europa.eu/european-union/sites/europaeu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf

⁴ [Guidelines with standard provisions for headquarters agreements of EU decentralised agencies](#)

⁵ <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:52019DC0187>

authorising the BEREC Office Director to engage in a joint project with the Government of the Republic of Latvia for a Headquarters agreement and in particular Annex I thereof⁶,

Whereas,

- (1) By Decision 2010/349/EU3, the Representatives of the Governments of the Member States decided that the BEREC Office would have its seat in Riga in Latvia.
- (2) The host Member State pays an important role in ensuring the long-term smooth functioning of the Agency. So far the cooperation between the BEREC Office and the Government of the Republic of Latvia has been established on the basis of the Seat Agreement signed on 24 February 2011 and in force as of 5 August 2011.
- (3) 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.
- (4) 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 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.
- (5) In compliance with Article 47(2) of Regulation (EU) 2018/1971, the Republic of 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.
- (6) The Headquarters Agreement should fully comply with Protocol 7 of the TFEU.
- (7) 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.
- (8) 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.
- (9) In compliance with Article 20(5) of Regulation (EU) 2018/1971, the Director is the legal representative of the BEREC Office.
- (10) With its Decision No MB/2019/06 the BEREC Office Management Board authorised the BEREC Office Director 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 presented in Annex I of the Decision.

⁶ [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](#)

- (11) The new Headquarters Agreement should build on experiences gained while applying the Seat Agreement of 2011, the Joint Statement, the Common Approach on the location of the seats of decentralised agencies, and the Guidelines with standard provisions for headquarters agreements of EU decentralised agencies and should reduce the administrative burden from its implementation for both the Agency and the authorities of Latvia.
- (12) Based on the conditions listed above and in order to ensure that the BEREC Office and its staff are properly functioning and recognized in the Host Member State, in order to reduce any possibility of discrimination and unequal treatment to the bodies of the EU and its staff irrespectively of the location, the Management Board of the BEREC Office;

HAS DECIDED AS FOLLOWS:

Article 1

1. The final draft Headquarters Agreement as presented in Annex I to this Decision is hereby approved.
2. The Director of the BEREC Office is authorised to sign the Headquarters Agreement on behalf of the BEREC Office.
3. Provided that the signed Headquarters Agreement does not deviate from the approved draft as presented in Annex I, the Director is hereby authorised to inform the Latvian side that all formalities related to its entry into force from the side of the BEREC Office are completed.

Article 2

This decision shall enter into force on the day of its adoption.

Done at Riga, on 11 December 2020

For the Management Board



Dan Sjöblom

Chairperson for 2020

