

HEADQUARTERS AGREEMENT
between
the Agency for Support for the Body of
European Regulators
for Electronic Communications
and
the Government of the Republic of Latvia

The Agency for Support for the Body of European Regulators for Electronic Communications (BEREC), namely the Agency for Support for BEREC, hereinafter referred to as ‘the Agency’, and the Government of the Republic of Latvia, hereinafter referred to as ‘the Host Member State’, jointly referred to as ‘the Parties’:

HAVING REGARD to Regulation (EU) 2018/1971 of the European Parliament and 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 (‘Regulation (EU) 1971’), and in particular Articles 2(5) and 47 thereof,

HAVING REGARD to the Host Member State’s candidature for the seat of the Office of 14 April 2010, made under Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the BEREC and the Office;

HAVING REGARD to Decision 2010/349/EU taken by common accord between the Representatives of the Governments of the Member States of 31 May 2010 that the location of the seat of the Office shall be in Riga, Latvia;

HAVING REGARD to the Seat Agreement between the Office and the Government of the Republic of Latvia signed on 24 February 2011 and entered into force on 5 August 2011;

HAVING REGARD to Article 2 (5) of Regulation (EU) 2018/1971, which states that the seat of the Agency shall be in Riga;

HAVING REGARD to the Joint Statement with a Common Approach of the European Parliament, the Council of the EU and the European Commission on the decentralised agencies of 2012 and the related guidelines with standard provisions for headquarters agreements of EU decentralised agencies by the European Commission;

WHEREAS:

1) Under Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing BEREC and the Office, the Host Member State made on 14 April 2010 a candidature for the seat of the Office, and it was agreed by common accord between the Representatives of the Governments of the Member States of 31 May 2010 that the location of the seat of the Office shall be in Riga, the Republic of Latvia.

2) A Seat Agreement between the Office and the Government of the Republic of Latvia was signed on 24 February 2011 and entered into force on 5 August 2011.

3) BEREC and the Office have made a positive contribution towards the consistent implementation of the regulatory framework for electronic communications. In light of market and technological developments, which often entail an increased cross-border dimension, and of the experience gained so far in seeking to ensure the consistent implementation in the field of electronic communications, the EU legislator decided to build on the work of BEREC and the Office.

4) Regulation (EU) 2018/1971 therefore confers new tasks on BEREC and the BEREC Office and other Union legal acts may confer additional tasks.

5) The Office, which was established as a Community body with legal personality by Regulation (EC) No 1211/2009, is succeeded by the BEREC Office established by Regulation (EU) 2018/1971, as regards all ownership, agreements, including the Seat Agreement, legal obligations, employment contracts, financial commitments and liabilities. This transition did not affect the rights and obligations of the staff of the Office.

6) The Government of the Host Member State is dedicated to the ambition of hosting the Agency and is ready to contribute in order to provide best possible conditions to ensure its proper functioning.

7) The Government of the Host Member State contributed to the establishment of the Office during the period of 2010-2013 and has been providing institutional support since then. The Parties should further cooperate to ensure the continuity in operation and the smooth functioning of the Agency. For that purpose, the Parties should sign a Service Level Agreement to establish working arrangements, including on activities and costs in relation to premises, liaison officers, associated services, etc.

8) The Host Member State is planning to provide additional benefits for the staff of the Agency and their family members.

9) The Host Member State is aiming at increasing provision of a multilingual and multicultural Europe-oriented education of high quality to educate children of different mother tongues and nationalities thus facilitating labour mobility in the European Union, ensuring an appropriate operating environment to the European Union agencies located in the Republic of Latvia and for the benefit of the international community in the Republic of Latvia.

10) It is therefore necessary to conclude a new Headquarters Agreement between the Parties, which agree that it should maintain the same level of conditions that the Office enjoyed under the Seat Agreement signed on 24 February 2011 and entered into force on 5 August 2011 and should be complemented with additional elements, in accordance with the Joint Statement and with the commitments of the Parties.

11) Parties should cooperate in activities, initiatives or events in the area of activities of the Agency or within its mandate and can be organized jointly or

individually, as well as in promoting the Union values, increasing the Agency's visibility and recognition in the field of its activity and as a Union body in the Republic of Latvia.

12) Article 30 of the Regulation (EU) 2018/1971 provides that the Staff Regulations of officials of the European Union, the Conditions of employment of other servants of the European Union and the rules adopted jointly by the institutions of the European Union for the purposes of the application of those Staff Regulations and conditions of Employment shall apply to the statutory staff of the Agency.

13) Article 34 of the Regulation (EU) 2018/1971 provides that the Protocol No. 7 on the Privileges and Immunities of the European Union, hereinafter referred to as 'the Protocol', shall apply to the Agency and to its statutory staff.

14) Further administrative provisions must be agreed for the implementation of the Protocol.

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

1. All references in the Protocol to the European Union shall be understood as references to the Agency.

2. All references in the Protocol to officials and other servants of the European Union shall be understood as references to officials and other servants of the Agency.

3. The staff of the Agency consists of:

a) Statutory staff subject to the Staff Regulations of Officials of the European Union or to the Conditions of employment of other servants of the European Union;

b) Seconded national experts.

4. Statutory staff shall mean the personnel of the Agency subject to the Staff Regulations of Officials of the European Union or to the Conditions of employment of other servants of the European Union officials, temporary agents and contract agents.

5. Seconded national experts shall mean all experts falling within the scope of the provisions of the Decision of the Management Board of the Agency for Support for BEREC (BEREC Office) on the secondment to the BEREC Office of national experts and national experts in professional training ('the SNE Rules').

6. External experts shall mean persons who act under a service contract concluded by the Agency or who are invited to provide advisory services to BEREC or the Agency.

7. Household shall have the same meaning as described under Articles 1 and 2 of Annex VII of the Staff Regulations of Officials of the European Union.

8. Official use shall mean any use by which the functioning of the Agency is secured or which is necessary to carry out a policy of the European Union.

9. Premises means buildings, part of buildings and adjacent areas, made available to, maintained, occupied or used by the Agency in the Republic of Latvia in connection with its functions and purposes.

Article 2

Legal status

1. According to Article 2 of Regulation (EU) 2018/1971, the Agency is a body of the European Union. It enjoys the most extensive legal capacity accorded to legal persons under the laws of the Host Member State. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings. The Agency is represented by its Director.

2. The Agency shall take its seat in Riga, the Republic of Latvia.

Article 3

Contribution by the Government of the Host Member State

1. The Government of the Host Member State shall provide full institutional support for the work of the Agency, including by the establishment of a Liaison Office as specified in Article 19.

2. The Agency shall be authorised to participate in joint procurement procedures with contracting authorities of the Host Member State. The specific terms and conditions of such procurements will be agreed upon in the Service level agreement or separately every time.

Article 4

Immunity, Inviolability and Communications

1. The premises and buildings of the Agency shall be inviolable. They shall be exempt from search, requisition, confiscation, expropriation or any form of seizure.

2. The property and assets of the Agency shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice of the European Union.

3. The archives of the Agency as well as all documents and data belonging to the Agency or held by it shall be inviolable.

4. For its official communications and the transmission of all its documents, the Agency shall enjoy the treatment accorded by the Host Member State to diplomatic missions. No official communication addressed to the Agency or any member of its staff, or any communication emanating from the Agency, in whatever form or by whatever means of transmission, may be subject of any restriction of any kind, nor may its confidential nature be prejudiced. This protection extends in particular to

publications, internet content, magnetic and optical tapes and disks, pictures, films or any other visual or sound recording.

Article 5

Exemption from taxes

1. The Agency is exempt from any national, regional or municipal direct taxes and all administrative fees with regard to the premises it owns or rents, its assets, revenues and other property.

2. The Agency is exempt from the payment of any national, regional or municipal indirect taxes and sales taxes on the supply of goods and services (including those on the consumption of gas, electricity and any type of fuel) for official use by the Agency.

3. The exemption from value added tax (VAT) and excise duty shall be granted indirectly by reimbursement in accordance with a procedure established in legal acts by the Republic of Latvia. The exemption from VAT and excise duty shall be applied directly by the supplier of goods and services only if the Agency provides a VAT and/or excise duty exemption certificate issued as it is set out in the legal acts of the Republic of Latvia.

4. The exemption from excise duty and VAT for excisable goods for the official use by the Agency shall be applied for purchases in excise tax warehouses (for excise goods) and customs warehouses within the territory of the Republic of Latvia, if the transaction is accompanied by the appropriate certificate referred in paragraph 3 of this Article.

5. The Agency shall inform the Ministry of Finance of the Republic of Latvia not later than 30 March regarding the application of exemptions from VAT and excise duty using the certificate referred in paragraph 3 of this Article for in the previous year, indicating the total amount of annual turnover (transactions) of excise goods and the total amount of annual turnover of other transactions.

Article 6

Customs duties, imports and exports

1. The Agency shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use.

2. Articles so imported shall not be disposed of, whether or not in return for payment, in the Host Member State or the internal market without prior approval of the Government of the Host Member State.

3. The Agency shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

Diplomatic bags

Documents and articles for official use of the Agency may be imported, exported or transferred in the form of luggage in line with the established procedures for diplomatic luggage of diplomatic representations of other countries in the Host Member State.

Article 8

Vehicles of the Agency

1. The Agency is exempt from any taxes, duties and any import restrictions on vehicles and other technical equipment intended for the official use of the Agency and on spare parts for these.

2. Vehicles intended for the official use of the Agency shall be registered under a special series similar to the registration of vehicles used by the diplomatic missions accredited to the Host Member State.

3. The Agency may freely dispose of these vehicles three years after they were purchased without any prohibition or restriction and without any customs or other duty and taxes.

Article 9

Entry and stay

1. The authorities of the Host Member State shall take appropriate measures to facilitate the entry into, stay in and exit from its territory of the following persons, irrespective of their nationality: members of the Management Board and other bodies of the Agency, the Director, statutory staff, seconded national experts, external experts, as well as the members of the family forming part of the household of the Director, the statutory staff and the seconded national experts.

2. Visas, when needed by the persons referred to in paragraph 1 and any other necessary authorisations shall be issued to such persons free of charge and as promptly as possible. The Agency shall notify the competent authority of the Host Member State about visa applications prior to lodging them at the respective Host Member State consulate.

3. The Director, statutory staff and seconded national experts, as well as the members of their family forming part of their household shall be exempt from any immigration restrictions or formalities for the registration of aliens.

Article 10

Seat of the Agency

1. The Government of the Host Member State shall support the Agency in its endeavours to find appropriate permanent office premises in Riga.

2. As long as the Agency has not found appropriate permanent office premises in Riga and moved to them, the Host Member State shall keep available to the Agency its current premises, including assigned parking spaces, located at Zīgfrīda Annas Meierovica boulevard No. 14, Riga, Latvia. The Agency must inform the Government of the Host Member State about its intention to move to new premises no later than one year before the moving.

3. Should serious problems arise during the lease of the new premises, the Host Member State shall do its best to support the Agency by providing expertise and assistance before or during litigation, including before a judicial court. In addition, in order to avoid any disruption of the functioning of the Agency, the Host Member State shall provide temporary premises for the Agency, if requested by the Agency.

4. The Agency may fly the flags of the Union, the flags of the Host Member State and Host City and its own flag on its premises.

5. The Agency shall be exclusively entitled to display its emblem on the premises of the Agency and on its means of transport.

6. The relevant authorities of the Host Member State and the bodies which are under their control shall do everything within their remit to support the Agency, at its request, in case of difficulties in acquiring the necessary services including electricity, water, sewerage, gas, post, telephone, data transmission lines, telegraph, local transport, drainage, refuse collection and fire protection. This list shall not be regarded as exhaustive. In case of any interruption or threatened interruption of any such services, the Liaison Office defined in Article 19 will assist the Agency to apply mitigation measures. In case of escalation, the Host Member State authorities shall consider the needs of the Agency as being of equal importance as those of essential departments of the Government and shall take steps accordingly to ensure that the work of the Agency is not prejudiced.

7. The Agency may install and use telecommunications in their installations. The Host Member State authorities shall take the appropriate administrative measures in order to facilitate the installation and use by the Agency of the said telecommunications systems, in accordance with national law and regulations, and ensure that the necessary authorisations for the installation and use of fixed or mobile aerials for satellite telecommunications and other equipment are issued in due time.

8. The Agency shall enjoy, in respect of its official communications, the same treatment as granted to diplomatic missions in respect of its official communications and the transmission of all its documents not less favourable than that accorded by the Government to any other government including its diplomatic missions or to other governmental organisations in the matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications.

9. The Agency shall have the right to use codes and to dispatch and receive official correspondence and other official materials by courier in sealed bags which shall have the same privilege and immunities as diplomatic couriers and bags.

Article 11

Security of the Agency

1. The Agency shall be responsible for the security and the maintenance of order at its Premises. The Agency shall also be responsible for compliance with the European Union law subject to the Protocol and this Agreement.

2. In order to fulfil its responsibilities as regards security and the maintenance of order within the Premises, the Agency shall take any measures it considers appropriate and, in particular, adopt the necessary internal rules. The Agency may, in particular, refuse access to its buildings or other premises or expel any persons considered undesirable.

3. The Agency may appoint security guards and bodyguards to protect its premises, staff and visitors. The bearing of firearms by security guards or bodyguards falls within the application of the laws of Host Member State and requires the prior authorisation by the Host member State Police.

4. No official of the Host Member State authorities shall enter the premises of the Agency without prior approval of the Director of the Agency or his/her authorized representative. Such approval shall be presumed in case of fire or other disasters, which could constitute a danger for public health and safety.

5. Upon request by the Director, The Government of the Host Member State shall take all effective and adequate measures to maintain and restore order and security in the Premises and their immediate vicinity and shall provide to the Agency the appropriate protection whilst guaranteeing free access to persons authorised by the Agency.

6. The relevant authorities of the Host Member State and the Agency shall keep each other informed of all matters that affect the security of the Agency, its staff, visitors and its buildings and other premises. They shall, in particular, nominate and communicate to each other the names and functions of the persons responsible to establish and maintain such cooperation.

Article 12

Officials and other agents of the Agency

1. In accordance with the provisions of Articles 11 to 15 of the Protocol, it has been agreed in particular that the statutory staff of the Agency:

i) Enjoy immunity from jurisdiction as regards acts carried out by them in their official capacity, including their spoken and written statements. This immunity shall continue after cessation of their functions;

ii) Are exempt from national taxes on salaries, wages and emoluments paid by the Agency;

iii) Are exempt from any compulsory contribution to the national social security system, without prejudice to the provisions laid down in the Conditions of Employment of Other Servants of the European Union. Consequently, they shall not be covered by the national social security regulations, unless they voluntarily join the national social security system. The same provision applies to the members of the family forming part of the household of the statutory staff, unless they are employed in the Host Member State by an employer other than the Agency or receive social security benefits from the Host Member State;

iv) Enjoy the facilities usually granted to officials of international organisations as regards exchange regulations;

v) Provided that the statutory staff of the Agency are not nationals or permanent residents of the Republic of Latvia at the time of taking up the duties, have the right to import from their last country of residence or from the country of which they are nationals, free of duty and without prohibitions or restrictions, in respect of initial establishment, within two years of taking up their appointment with the Agency furniture and personal effects, including motor vehicles, which shall be registered under a special series in accordance with the usual practice for staff with immunity in the Republic of Latvia;

vi) Have the right to export, during a period of three years as from the date of cessation of functions at the Agency, without prohibitions or restrictions, furniture and personal effects, including vehicles they use and which are in their possession. The three years referred to in this paragraph shall be a maximum limit and are only to be used exceptionally.

2. In addition to the privileges and immunities specified in paragraph 1, the Director and the members of his/her family forming part of his household, provided they are not Host Member State nationals or have held permanent residence status before being employed by the Agency, shall be accorded, in the Host Member State, the privileges and immunities, exemptions and facilities accorded to the heads of diplomatic missions and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961. This applies also to persons fulfilling the functions of the Director on a temporary basis for a period of at least two months.

3. As long as the statutory staff are employed in the Agency, the statutory staff of the Agency who are not nationals or permanent residents of the Republic of Latvia at the time of taking up the duties, are exempt from paying VAT included in the price of goods and services intended for personal needs, provided those goods and services are listed in Annex A and the price including VAT of a single receipt or invoice is not less than 50 euro.

4. The statutory staff, who are not nationals or permanent residents of the Republic of Latvia, at the time of taking up the duties at the BEREC Office shall be refunded the VAT for one vehicle purchased in the Republic of Latvia and refund shall be provided once in a period of three years.

5. If the statutory staff sells or otherwise alienates the vehicle for the benefit of another person or institution in the Republic of Latvia before the three years period

specified in point 4 has elapsed, the statutory staff shall refund to the State budget 1/36th of the refunded sum of VAT for each month which is left until reaching the term of three years.

6. The exemption from VAT shall be granted by reimbursement in accordance with a procedure which is established in the Republic of Latvia. Reimbursement upon exportation is not precluded under this Article.

7. Statutory staff of the Agency, and their family members forming part of the household shall have access to all the public services provided by the Host Member State, including medical services, schooling services, child care services and rental rights without discrimination in relation to nationals of the Host Member State.

Article 13

Seconded national experts

1. Any emoluments, allowances and other payments that are paid by the Agency to seconded national experts shall be exempt from national taxes.

2. For as long as they remain covered by the social security system in the country from which they are seconded to the Agency, the seconded national experts shall be exempt from all compulsory contributions to the social security organisations of the Host Member State. Consequently, during that time they shall not be covered by the social security regulations of the Host Member State, unless they voluntarily join the Host Member State Social Security System.

3. The provisions of paragraph 2 of this Article shall apply, *mutatis mutandis*, to the members of the family forming part of the household of the seconded experts, unless they are employed in the Host Member State by an employer other than the Agency or receive social security benefits from the Host Member State.

4. The seconded national experts, who are not nationals or permanent residents of the Republic of Latvia at the time of taking up the duties, within one year from taking up the duties, are exempt from paying VAT included in the price of goods and services intended for personal needs, provided those goods and services are listed in Annex A and the price including VAT of a single receipt or invoice is not less than 50 euro.

5. The seconded national experts, who are not nationals or permanent residents of the Republic of Latvia, at the time of taking up the duties at the BEREC Office shall be refunded the VAT for one vehicle purchased in the Republic of Latvia and refund shall be provided once in a period of three years.

6. If the seconded national experts sell or otherwise alienate the vehicle for the benefit of another person or institution in the Republic of Latvia before the three years period specified in point 5 has elapsed, the seconded national experts shall refund to the State budget 1/36th of the refunded sum of VAT for each month which is left until reaching the term of three years.

7. The exemption from VAT shall be granted by reimbursement in a procedure which is established in the Republic of Latvia. Reimbursement upon exportation is not precluded under this Article.

Article 14

Employment

1. Members of the family forming part of the household of the statutory staff and the seconded national experts of the Agency shall enjoy access to the labour market without requiring a work permit, while in the Republic of Latvia and for the duration of the employment of the given statutory staff or seconded national expert with the Agency in the Host Member State.

2. Persons mentioned in paragraph 1 who obtain gainful employment in the Republic of Latvia shall enjoy no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment.

Article 15

Management Board

Remuneration, honoraria and allowances paid by the Agency to the persons acting in their capacity according to Article 15 and 35(2) of the Regulation (EU) 2018/1971 shall be exempt from national taxes and social security contributions.

Article 16

Notification of appointments, identity cards

1. The Agency shall inform the Ministry of Foreign Affairs of the Host Member State when the Director, a member of the statutory staff or a seconded national expert takes up or relinquishes his/her duties. Each year the Agency shall send a list of the names of the Director, statutory staff, seconded national experts, as well as the address of the Director, to the Ministry of Foreign Affairs of the Host Member State.

2. The Ministry of Foreign Affairs of the Host Member State shall issue special identification cards to the Agency's staff serving as means of personal identification, as a residence permit and as a proof of the privileges and immunities bestowed upon the individual person in accordance with the Protocol. Upon the termination of duties, the Agency shall return the identification card to the Ministry of Foreign Affairs.

3. Paragraphs 1 and 2 above shall apply to the members of the family forming part of the household of the Agency's Staff accredited by the Ministry of Foreign Affairs of the Host Member State.

Article 17

Social Security

1. The Agency shall be exempt from all compulsory contributions to social security schemes in the Host Member State in respect of the Director, the statutory staff, the seconded national experts, as well as the members of the Management Board.

2. The Director and the statutory staff shall have the social security coverage according to the Regulations and Rules applicable to officials and other servants of the European Union.

3. The Government of the Host Member State recognizes the medical insurance provided by the Joint Sickness Insurance Scheme (JSIS) for officials of the European Union.

Article 18

Waiver of immunities

1. The privileges and immunities granted by the Protocol are conferred solely in the interest of the Agency and the Union, and not for the personal benefit of the individuals themselves. They shall be provided solely to ensure, in all circumstances, the unimpeded functioning of the Agency and the complete independence of the persons to whom they are accorded, in the interests of the Agency and of the Union.

2. The Agency shall cooperate at all times with the appropriate Latvian authorities to facilitate the proper administration of justice and to prevent any abuse of the privileges, exemptions, immunities and facilities provided for in this Agreement.

3. The Director of the Agency shall waive the immunity accorded to a member of the statutory staff of the Agency in all cases where such immunity would impede the course of justice and wherever the Director considers that the waiver of such immunity is not contrary to the interests of the Agency or the Union.

4. The Management Board of the Agency shall waive the immunity accorded to the Director of the Agency in all cases where such immunity would impede the course of justice and wherever it considers that the waiver of such immunity is not contrary to the interests of the Agency or the Union.

5. The Management Board of the Agency shall waive the immunity of any member of the Management Board of the Agency in all cases where such immunity would impede the course of justice and wherever it considers that the waiver of the immunity is not contrary to the interests of the Agency or the Union.

Article 19

Liaison Office

1. The Government of the Host Member State shall establish the Liaison Office within a period of one year from the entry into force of this agreement, and in compliance with conditions agreed between the parties in a Service level agreement. The Service level agreement shall apply during the duration of this Agreement, unless otherwise agreed in writing by the Parties.

2. The Liaison Office shall assist and advise the Agency and its Staff, including members of their family forming part of their household, on issues generally related to settling in and staying in the Host Member State. It shall provide support on general administrative matters such as, but not limited to, submitting tax declarations, complying with the social security obligations, and registering motor vehicle. On the request of the Agency, the Liaison Office can, inter alia, facilitate access to the job market, to the day-care facilities, to the schools and universities, to banking and insurance. It also can assist in searches for premises and facilities, housing and real estate brokerage, and telecommunications.

Article 20

Communication and visibility

1. The Agency aims at being involved in the activities, initiatives or measures put in place by the Government and/or its local authorities for contributing to the interest and benefit of Latvian community and society. Besides other, those might include public engagements and events in the area of activities of the Agency or within its mandate and can be organized jointly or individually.

2. The Agency aims at promoting the Union values, increasing its visibility and recognition in the field of its activity and as the Union body in the host Member State to particular target audiences. The Agency will do it on its own initiative and with support by the Government. In particular, by regular exchange of information, publishing of information by the Government about the Agency on the relevant communications channels and streamlined involvement by the Government in different relevant communications and public relations activities.

3. The Parties will further specify activities under paragraphs (1) and (2) of this article, with a multi-annual outlook, to be reviewed annually via exchange of letters.

Article 21

European Schooling

1. The Government of the Host Member State undertakes to find jointly with the Agency the best possible solution for schooling for the children of the staff of the Agency, which shall be suited to their individual needs and offer the possibility of recognised diplomas in all EU Member States.

2. The Government of the Host Member State aims at ensuring in 2022/2023 the accreditation of one school as European School in Latvia, accessible by priority for the children of the staff of the Agency and the members of the family forming part of the household. The accredited European School shall provide the nursery classes 1 and 2, primary and secondary school education. Sections and classes shall be created in line with the number of pupils.

3. Following the entry into force of this agreement and until the conditions in paragraph (2) of this Article are fulfilled, the Government of the Host Member State undertakes to facilitate access to education system and contribute to the schooling costs of the children of the staff of the Agency within the limits of the budget available.

4. The Government of the Host Member State undertakes to facilitate access to early childhood education and care for the children of the staff of the Agency until they reach the age at which they can be enrolled in the nursery class at the Accredited European School.

5. Specific arrangements to implement this article will be included in the Service Level Agreement.

Article 22

Data Protection

The data protection legislation of the Host State shall not be applicable to personal data held by the Agency, in particular for the purpose of its operations, internal administration, security or any general information needs of its Staff, provided that as regards the processing of personal data rules established at the Agency comply with Regulation (EU) 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.

Article 23

Resolutions of disputes

1. Any dispute with regard to the interpretation or application of this agreement shall be examined by an ad hoc group consisting of six members, three of whom shall be appointed by each of the two contracting parties at the request of the party initiating the dispute resolution. The appointment of members shall take place no later than 20 calendar days following the request. The ad hoc group shall hear the dispute no later than 20 calendar days after its appointment and deliver its opinion in writing no later than 20 calendar days after the hearing.

2. Disputes not resolved in this way shall be referred to the Court of Justice of the European Union by the Agency or by the Host State after having given the other party two month notice in advance of its intention of referring the matter to the Court.

Article 24

Interpretation of the Agreement

1. This Agreement is signed in four copies, two in Latvian and two in English, one version of each language version for each party.

2. Should in a dispute concerning its interpretation appear that the two language versions may be interpreted in a different manner the interpretation of the English language version shall prevail.

Article 25

Entering into force and implementation

1. This agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which the Parties inform each other that their internal legal procedures have been fulfilled. Within a period of two years from its

entry into force the Host Member State shall adopt all necessary legislations to implement its obligations.

2. This agreement shall remain in force until the completion of the winding up of the Agency, unless agreed otherwise by the parties.

3. This agreement may be amended by mutual consent of the parties. Such amendments shall enter into force in accordance with paragraph 1 of the present Article.

4. Either Party may terminate the present agreement by means of a written notice to the other party. Termination shall take effect six months following the date of the notification.

5. Upon the entry into force of this Agreement, the Seat Agreement between the Office of the Body of European Regulators for Electronic Communications and the Government of the Republic of Latvia, signed on 24 February 2011 and the Memorandum of Understanding between the Office of the Body of European Regulators for Electronic Communications and the Government of the Republic of Latvia on the Establishment of the headquarters of this European entity, signed on 30 September 2011, shall be terminated.

Signatures of authorised representatives

**For the Agency for Support
for BEREC**

(signed)
László Ignéczi
Director of the BEREC Office

Place: Riga, date: 21.12.2020

**For the Government
of the Republic of Latvia**

(signed)
Tālis Linkaits
Minister of Transport
of the Republic of Latvia

Place: Riga, date: 21.12.2020

Annex A

Goods and services intended for personal needs of the staff of the Agency for which the Value Added Tax is refunded by the Host Member State.

1. Goods:

- 1.1. land vehicles, equipment, spare parts, lubricants and fuel stipulated in the laws and regulations of the Republic of Latvia regarding road traffic and vehicle registration;
- 1.2. interior objects of premises;
- 1.3. office equipment, components and accessories thereof, including spare parts;
- 1.4. household appliances:
 - 1.4.1. electric appliances;
 - 1.4.2. audio equipment and video equipment;
 - 1.4.3. photographic equipment and accessories thereof;
 - 1.4.4. mobile phones and accessories thereof;
- 1.5. security systems for the protection of persons and property.

2. Services:

- 2.1. repair and maintenance of land vehicles;
 - 2.1.1. transport services for carriage of the goods referred to in Paragraph 1 of this Annex;
- 2.2. services for interior designing, including making and mounting of interior objects;
- 2.3. repair and maintenance of office equipment and household appliances;
- 2.4. services for ensuring the protection of persons and property;
- 2.5. electronic communications services;
- 2.6. radio and television broadcasting services.