

DECISION

by the Board of Regulators of the Body of European Regulators for Electronic Communications on the Establishment of a Public Register of the BEREC Documents

The Board of Regulators of the Body of European Regulators for Electronic Communications (BEREC),

Having regards to Articles 5(3), 18 and 22 of Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing BEREC and the Office¹,

Having regards to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents²,

Having regards to the Decision by the Board of Regulators of BEREC concerning the transparency and access to documents at the BEREC of 28 May 2010³ and in particular Articles 7 and 8 thereof;

Whereas:

- (1). BEREC should carry out its activities with a high level of transparency and should ensure that the public and any interested parties are given objective, reliable and easily accessible information in relation to the results of its work;
- (2). BEREC is willing to enhance as far as possible the dissemination of its expertise and to establish confidence, including by the transparency of its procedures and methods of work, and its diligence in performing its tasks;
- (3). Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in the Charter of Fundamental Rights of the European Union (EU) and enables the citizens to participate in the decision-making process of the EU;
- (4). The increased transparency of BEREC activity could contribute to avoiding the duplication of work to be undertaken by other public or private legal entities in the EU and therefore, BEREC in its activity should strive to make its deliverables directly accessible to the public to the greatest possible extent;
- (5). In principle, all BEREC documents should be accessible to the public. However, certain public and private interests should be protected by way of derogation. Furthermore, BEREC should be entitled to protect its internal consultations and deliberations where necessary to safeguard its ability to carry out its tasks effectively. Therefore, in increasing the transparency of its work BEREC should take account of the principles in EU legislation concerning the protection of personal data and sensitive information.

¹ Official Journal L 337 , 18/12/2009 P. 0001 - 0010

² Official Journal L 145 , 31/05/2001 P. 0043 - 0048

³ BoR (10) 26

Has adopted the following Decision on establishment of a Public Register of BEREC documents:

Article 1

Establishment of a Public Register of BEREC documents

In order to enhance the public access to BEREC documents and in conformity with BEREC's commitment to transparency, the Office shall establish a Public Register of the BEREC documents (hereinafter referred to as 'the Register').

Article 2

Definitions

For the purpose of the current Decision the definitions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall apply.

Article 3

Principles Governing the Register

- 1). The establishment and operation of the Register shall respect the general principles of EU law, including the principles of proportionality and non-discrimination.
- 2). The Register shall be kept in electronic form and shall be accessible to the public via the public BEREC Internet page.
- 3). As a general principle all documents drawn up or formally received by BEREC shall be entered in the Register.
- 4). Sensitive documents as defined in Article 9(1) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall be subject to special treatment in accordance with that Article.
- 5). The Register shall comply with the EU legislation regarding the protection of personal data and shall respect the privacy and the integrity of the individual.

Article 4

Structure of the Register

- 1). The Register shall be structured chronologically and shall cover all categories of the documents issued by the Board of Regulators.

- 2). The register shall include the following:
- a) A welcome page, which shall explain the scope of the Register and the eligible activities included in it. It shall contain information how to request access to documents via post, fax or e-mail, and shall contain the relevant contact data for requesting access to documents and information about the conditions for receiving the requested document, including the prices for paper copies;
 - b) A subject matter page, structured under the following rubrics:
 - Brochures;
 - Press Releases;
 - Opinions;
 - Reports;
 - Regulatory Best Practices:
 - Common Approaches/Positions;
 - Guidelines;
 - Methodologies;
 - Advices;
 - Recommendations;
 - Decisions;
 - Consultation Procedures;
 - Annual Work Programmes;
 - Annual Reports;
 - Board of Regulators Meetings:
 - Agendas;
 - Meeting Conclusions;
 - Contact Network meetings:
 - Agendas;
 - Meeting Conclusions;
 - Rules of Procedure;
 - Declarations of Interests and Commitment;
 - Others;
 - c) A search page;
 - d) A help page to provide assistance to the public in finding specific documents;
 - e) A contacts page;
 - f) A web tool for requesting access to documents on-line;
 - g) A hyperlink to a document listed in the Register, which is directly accessible to the public.

- 3). The register shall contain the title of the document (in the languages in which it is available), its reference number, a brief description of the contents, an indication of the author (Board of Regulators, Contact Network, third party, etc.), the date of its creation or adoption and the date of entry into the Register.

Article 5

Implementation

- 1). The Administrative Manager shall be responsible for the establishment of the Register and for all key operational aspects of the system, and shall undertake all measures necessary to implement the current Decision.
- 2). All new documents, as defined by Article 3(a) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, drawn up or formally received by BEREC after the entry into operation of the Register shall be entered in it.
- 3). The switchover from the existing registers to the Register to be set up in compliance with the current Decision with a view to inclusion in it of previous BEREC documents shall take place over a transition period of twelve months from the day of entry into operation of the Register.

Article 6

Entry into Force

The current Decision shall enter into force on the day of its adoption.

Done at Barcelona, on 29 September 2011.

For the Board of Regulators:

**Chris FONTEIJN
BEREC Chair for 2011**