

Decision by the Management Committee of the Body of European Regulators for Electronic Communications (BEREC) concerning the accession of the BEREC Office to the inter-institutional agreement of 25 May 1999 between the European Parliament, the Council and the Commission concerning internal investigations by the European Anti-Fraud Office (OLAF)

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

Having regard to the Council and European Parliament Regulation (EC) n° 1211/2009 of 25 November 2009 establishing BEREC and the Office¹ and in particular Article 16 thereof.

Whereas:

(1) Regulation (EC) No 1073/1999 of the European Parliament and of the Council² and Council Regulation (Euratom) No 1074/1999³ concerning investigations conducted by the European Anti-Fraud Office (OLAF) provide that OLAF should initiate and conduct administrative investigations within the institutions, agencies, bodies, and offices and agencies established by or on the basis of the Treaty on the Functioning of the European Union;

(2) An Inter-institutional Agreement of 25 May 1999 concerning internal investigations by OLAF was concluded between the European Parliament, the Council and the Commission⁴ (hereinafter "the Inter-institutional agreement") with the aim to agree on common rules for ensuring the smooth operation of investigations carried out by OLAF;

(3) The Decision MC (10) 46 of the Management Committee of the BEREC Office of 30 September 2010 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activities detrimental to the Communities' interests⁵, adopted on the basis of a model attached to the Inter-institutional agreement provides for measures needed to facilitate internal investigations conducted by OLAF;

(4) In accordance with Article 16 of the Council and European Parliament Regulation (EC) n° 1211/2009 and the Inter-institutional Agreement, the BEREC Office should accede to the Inter-institutional Agreement by forwarding a declaration addressed jointly to the Presidents of the signatory Institutions,

¹ OJ L 337, 18.12.2009, p.1.

² OJ L 136, 31.5.1999, p. 1.

³ OJ L 136, 31.5.1999, p. 8.

⁴ OJ L 136, 31.5.1999, p. 15.

⁵ Number of final Decision or website reference

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the BEREC Office to the Inter-institutional Agreement is hereby approved and the Chair of the Management Committee of the BEREC Office is invited to forward a declaration to that effect to the Presidents of the European Parliament, the Council of the European Union and the European Commission.

Article 2

The Chair of the Management Committee of the BEREC Office is invited to communicate to the Director General of the European Anti-Fraud Office the Decision MC (10) 46 of the Management Committee of 30 September 2010 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests.

Article 3

This Decision shall enter into force on the date of its signature.

Done at Amsterdam, 30 September 2010

For the Management Committee,

John Doherty
2010 Chair