

OPINION
**of the Management Committee of the Office of the Body of
European Regulators for Electronic Communications (BEREC
Office) on the European Court of Auditor's report on the annual
accounts for financial year 2013**

THE MANAGEMENT COMMITTEE,

Having regard to Regulation (EC) № 1211/2009 of 25 November 2009 of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office;

Having regard to the Preliminary Observations of the European Court of Auditors (ECA) with a view to a report on the annual accounts of the BEREC Office for the financial year 2013 sent to the Office on 10th April 2014,

Having regard to the replies of 30th May 2014 provided by the BEREC Office Authorising Officer to the Preliminary Observations of ECA,

Having regard to the BEREC Office Annual Accounts for the financial year 2013¹ and the opinion of the Management Committee on those Accounts²,

Having regard to the Report on the annual accounts of the Office of the Body of European Regulators for Electronic Communications for the financial year 2013 approved by ECA on the 1st July 2014 and sent to the BEREC Office on the 11th July 2014 and due to be published in the Official Journal in November 2014.

Whereas:

Article 13 (9) of the Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of the European Regulators for Electronic Communication (BEREC) and the Office requires the Management Committee to reply to the ECA's observations by 15 October and also to send this reply to the European Parliament and the Commission.

HAS EXPRESSED ITS OPINION, AS FOLLOWS:

1. The Management Committee thanks the European Court of Auditors for the audit conducted for the financial year 2013 in the BEREC Office in February 2014 and for the effort made to advance, in 2014, the preparation of all the Reports for BEREC Office.

¹ MC (14) 57

² MC (14) 65

2. The Management Committee takes note of the ECA opinions that:
 - a. The Office's Annual Accounts present fairly, in all material respects, its financial position as at 31 December 2013 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation and the accounting rules adopted by the Commission's accounting officer;
 - b. The transactions underlying the annual accounts for the year ended 31 December 2013 are legal and regular in all material respects.
3. The Management Committee also takes account of ECA's comments on:
 - a. Comments on Budgetary Management (paragraph 11)
 - b. Comments on delay on payments (paragraph 12)
 - c. Follow-up on previous year's comments (Annex I)
4. The Management Committee supports the efforts that BEREC Office continues to make to improve its budget administration, as specified in the reply to the Court's preliminary observations sent on 30th May 2014, particularly:
 - a. Paragraph 11: The BEREC Office takes note of the budgetary management comment and welcomes the acknowledgment of a better planning and more timely implementation. Nonetheless, the BEREC Office has set as target to further improve execution of budget 2014 in comparison to 2012 and 2013.

The high level of cancellation of carry-overs will continue to be addressed by thorough analysis of carried over amounts at the end of the year. This measure should show a positive effect on the overall level of carry overs, which the Office will continue to reduce by advancing the period of execution of contracts.
 - b. Paragraph 12: The BEREC Office acknowledges the high relevance of the matter brought forward by the Court's observation and is actively looking for measures to reduce the payment delays to the set target delay of 30 days.

The Office will explore three ways in which improvements are possible: further reduction in collection time of documents, ensuring necessary human resources to the financial circuit and pursuing technical improvements accessible via the financial systems.
5. The Management Committee is aware of ongoing measures taken by the BEREC Office, giving its past experience, in order to improve execution of the 2014 budget, in particular the plans to:
 - a. Maintain continuous focus on the reimbursements made to experts;
 - b. Monitor the payments of executed contracts in order to avoid unnecessary delays;

- c. Advance the period of execution of contracts in order to avoid carryovers;
 - d. Undergo recruitment procedures for the Administration and Finance Unit;
 - e. Allocate more human resources to ensure a quick process of reimbursement requests;
 - f. Respect the 14 days of delay allowed to experts for submitting documents;
6. The Management Committee thankfully notes the Court's acknowledgement of the progress that the Office showed during financial year 2013. The Management Committee observes that out of previous comments, all are marked completed with two exceptions: the ones on the budgetary management (retaken in 2013 and addressed above) and the ones on implementation of Internal Control Standards (for which update will be possible subsequent to the Internal Audit Service's follow-up audit in November 2014).

Done in Rome, on 26 September 2014.

For the Management Committee

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Göran MARBY
BEREC Chair 2014