

DECISION No MC/2014/14

of the Management Committee (MC) of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on proposal No 2 to the MC for transfer from Title 2 to Title 3 in the BEREC Office Budget and on the adoption of financing decisions for sector specific studies and organisation of BEREC and BEREC Office events

The Management Committee of the BEREC Office,

HAVING REGARD to Regulation (EC) No 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 Office¹;

HAVING REGARD to Decision No MC/2014/1 of the Management Committee of the BEREC Office on the financial regulation applicable to the BEREC Office in conformity with the framework Financial Regulation for the bodies referred to in Article 208 of Council Regulation (EU, Euratom) No 966/2012 on the Financial Regulation applicable to the general budget of the European Union, and in particular Articles 27 (2) and 68 (3) thereof;

HAVING REGARD to the BEREC Office Work Programme for 2014 (document MC (13) 61) and to Decision MC/2014/9 for the adoption of a Financing Decision for organising and financing BEREC and BEREC Office events in 2014;

WHEREAS:

The BEREC Office should provide administrative and professional support services to BEREC;

The BEREC Office has launched a consumer research to support BEREC Work Program 2014 on net neutrality but would need to undertake by the end of 2014 an additional desk study in order to fully assess the impact of net neutrality on consumers;

In order to support the early preparation of the BEREC Work Programme 2016 the BEREC Office would like to launch a specific sector study to provide BEREC with input in relation to the positioning of Europe in comparison with the rest of the world, the main trends in the sector and the future of regulation;

The Plenary meetings of the Board of Regulators should be convened by the BEREC Chair and should occur at least four times a year in ordinary sessions and in that respect the BEREC Chair has requested the BEREC Office to organise the last BEREC plenary meeting for 2014 in Brussels in order to provide BEREC with the opportunity for a better interaction with the European Institutions, and in particular with the newly established European Commission and European Parliament;

The total additional need in Title 3 "Operational Expenditure" is estimated at the level of EUR 218 511. The increase will bring the total budget from EUR 1 503 974 to EUR 1 722 485;

This amount of EUR 218 511 will be dispersed on 2 different budget lines: B3-001 "Support to the BEREC Expert Groups" with EUR 181 600 and B3-101 "Other support activities to BEREC" with EUR 36 911;

The total need in Title 2 "Buildings, equipment and miscellaneous operating expenditure" is lower than forecasted due to re-consideration of needs for HR Tool, changes in realisation of projects

¹ OJ L 337, 18.12.2009, p. 1

planned for efficiency gain, updated information on telecommunication charges in accordance with real needs, amounts available under contracts and information on realisation by the European Commission of TESTA NG project (which the BEREC Office was planning to join by the end of 2014). The decrease with EUR 218 511 will bring the total budget from EUR 507 800 to EUR 289 289;

This amount of EUR 218 511 will be transferred from 4 different budget lines: A-2100 "Computer equipment" with EUR 80 090, A-2101 "Software" with EUR 49 600, A-2102 "Other external data processing services" with EUR 31 800 and A-2410 "Telecommunication charges" with EUR 57 021;

HAS ADOPTED THIS DECISION:

Article 1

To agree with all transfers as proposed by the Administrative Manager in the Letter MC (14) 116 presented to the attention of the Management Committee on 4 November 2014 with an Annex (I) containing explanations on the requested transfers and an overview.

Article 2

1. The Financing Decisions, as presented in the annexes shall be adopted.
2. Annex A shall completely replace Annex II to the BEREC Office Work Programme 2014 (document MC (13) 61).
3. Annex B shall completely replace Annex IV to the BEREC Office Work Programme 2014 (document MC (13) 61), as already amended by Decision MC/2014/9.
4. A new Annex V as presented in Annex C to the current decision shall be introduced to the BEREC Office Work Programme 2014 (document MC (13) 61).

Article 3

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

Done at Stockholm, on 24 November 2014.

For the Management Committee

(s)

Göran Marby
BEREC Chair 2014

ANNEX II: Financing decision to launch the procurement procedure for consumer research on Net Neutrality

Title	BEREC consumer research to support BEREC Work Program 2014 on Net Neutrality
Short description and Objectives	<p><u>OBJECTIVE</u></p> <p>The objective of the tender is to support BEREC in completing its on-going Network Neutrality work. The possibility of outsourcing consumer research was foreseen in item 5(c) of BEREC’s 2013 Work Programme, a study on consumers’ incentives and market forces driving Net Neutrality developments.</p> <p>Based on the preliminary work by the network Neutrality EWG on scoping the desirability and value of commissioning such research has been confirmed and the actual launch of the study has been included in the BEREC 2014 Work Programme.</p> <p>The previous investigations of net neutrality have focused on the supply side, The objective of the requested study is to analyse how important net neutrality is to consumers (demand side).</p> <p>Furthermore, a study needs to be commissioned in order to evaluate the various traffic management and strategic responses of ISPs to technical, legal and market constraints as well as how consumer expectations and market dynamics are reflected in practice in retail offers.</p> <p><u>DESCRIPTION</u></p> <p>The tender of the consumer research should address the planned methodological approach of the NN EWG to be undertaken by the chosen contractor:</p> <ol style="list-style-type: none"> 1. Draw up a list of test countries / meaningful geographic 2. segmentation; 3. Understand what matters to consumers when they choose 4. their Internet access service; 5. Measure the value of internet in the test countries and compare results. <p>The net-neutrality study would analyse a range of data to answer two general questions:</p> <ul style="list-style-type: none"> • Demand side – how are consumers using the Internet? • Supply-side - how does the ecosystem respond to these characteristics of consumer demand? <p>BEREC shall look for an analysis of how the supply-side is responding to the demand side, and on the incentives that lead to the design of offers.</p>
Reference to the Annual Work Programme	Item 1.1. “Setting up of the BEREC Expert Working Groups and providing support”; Sub-Item 1.1.3 “Managing public procurement procedures for studies, research and the holding of workshops at the request of the BEREC Expert Working Groups”
Budget Line / Commitment	BERO-B2014-B03001-C1-BEREC

Contract value for the budgetary year	MAXIMUM =	€ 425.000,000
Indicative number and type of contracts envisaged Duration of tasks (including possible renewal)	Two single service contracts	
Procurement Procedure/ method of implementation	Open or restricted procedure with publication of a contract notice in the Official Journal for the customer research and using the existing Framework Contract (Contract Number DI/07171) for the desk study.	
Indicative timeframe for launching the procedure	Q4 2013 for items for the customer research, Q4 2014 for the desk study	

ANNEX IV: Financing Decision for organising and financing the 2014 BEREC and BEREC Office events

Title	Organisation of the BEREC meetings and events (including plenary and Contact Network meetings, meetings of the EWGs, events/workshops with the participation of stakeholders, meetings with third parties, etc.) in 2014
Short description and Objectives	<p><u>OBJECTIVE:</u> Provision of professional event organiser services to support BEREC Office in the organisation of the BEREC meetings and events.</p> <p><u>DESCRIPTION:</u></p> <ul style="list-style-type: none"> • Event management; • Venue selection and reservation; • Selection and pre-booking of accommodation; • Catering services; • Organisation of social/cultural programme; • Hiring technical equipment; • Printing, copying and scanning services; • Photographic, video and/or audio recording service; • Transport/transfer services; • Translation and/or interpretation service; • Collection, compilation and distribution of documents; • Provision of service staff necessary for the event organisation; • Other event organisation services not listed above.
Reference to the Annual Work Programme	<p>Point 1.1. Setting up of the BEREC Expert Working Groups</p> <p>Item 1.1.3. Managing public procurement procedures and organising workshops on request of the BEREC EWGs for promoting exchange of best practices and expertise.</p> <p>Point 1.2. Activities of the BEREC Office under Articles 7 and 7a of the Framework Directive;</p> <p>Point 2.1. Assisting the BEREC Chair and Vice-chairs, Plenaries and Contact Network meetings.</p>
Contract value for the budgetary year	<p>EUR 35 000 - 1st CN meeting in Riga and other meetings in Latvia</p> <p>EUR 205 000 – workshops, meetings and other events outside of Latvia</p>
Budget Line / Commitment	<p>B3-001 “Support to the BEREC Expert Working Groups” – <i>estimated EUR 3 000</i></p> <p>B3-002 “Activities under Articles 7 and 7a Framework Directive” – <i>estimated EUR 2 000</i></p> <p>B3-003 “Collection, exchange and transmission of information” – <i>estimated EUR 17 000</i></p> <p>B3-101 “Other support activities to BEREC” – <i>estimated EUR 218 000</i></p>
Type of contract	Specific contracts or orders based on the existing Framework Service Contracts No BEREC/13/020 and BEREC/13/026 of 2013.
Type of procurement (Service/ supply/ works)	Service contract
Indicative timeframe for signing the contract	Q1 2014 for Specific contract 1 st CN meeting 2014 in Riga. Q1-Q4 2014: Specific contracts or orders for other workshops and meetings.

Annex V: Financing Decision on Telecom Sector Study

Title	BEREC Sector Study to support the preparation of the Work Programme of BEREC for 2016	
Short description and Objectives	<p>In developing its work programme BEREC needs to take into account various elements in the development of its actions and its strategic priorities for the incoming years such as technological and economic factors.</p> <p>For this reason it has been considered useful to launch a study of the European telecommunication sector and investigate the future challenges that are foreseen for the incoming years.</p> <p>This study should cover at least the following three areas:</p> <ol style="list-style-type: none"> 1. Positioning of Europe in comparison with the rest of the world: Initially, the study should provide an analysis on the ability of the existing market players in Europe to compete effectively in this technological and economical arena. 2. Trends in the sector: A situational analysis needs to be conducted that will enable the BEREC to be cognizant of factors that might have an impact on the European telecom sector. In this analysis various elements need to be examined but particular emphasis should be given on Technological and economic factors that affect the telecom sector. 3. The Future of regulation: Based on all the above, possible trends in regulation for addressing the above challenges need to be identified and assessed. 	
Reference to the BEREC Work Programme 2014	Section 2.2.3 “Providing support and coordination for the preparation of the BEREC Annual Reports and the BEREC Work Program”	
Budget Line / Commitment	BERO-B2014-B03001-C1-BEREC	
Contract value for the budgetary year	MAXIMUM =	€300,000.000
Indicative number and type of contracts envisaged Duration of tasks (including possible renewal)	Single service contract, duration is 3-4 months, no renewal foreseen.	
Procurement Procedure/ method of implementation	Using the existing Framework Contract (Contract Number DI/07171)	
Indicative timeframe for launching the procedure	Q4 2014	