

## **38<sup>th</sup> Ordinary Plenary Meeting of the BEREC Office Management Board (MB)**

Hosted by the National Media and Infocommunications Authority (NMHH)

# **Conclusions**

**Chair: Jeremy Godfrey**

Commissioner  
[Commission for Communications Regulation \(ComReg\)](#)

# Contents

- Contents..... 1
- Main Results of the 38<sup>th</sup> BEREC Office MB Meeting..... 1
- Introduction and participation ..... 3
- List of documents ..... 3
- Items discussed ..... 3
- 1. Opening of the meeting and adoption of the agenda ..... 3
- 2. Oral up-date on the next steps with the Director’s Mandate ..... 3
- 3. List of the ‘A’ items and documents for information..... 4
- 4. Rules of Procedure of the Management Board of the BEREC Office..... 4
- 5. Mandate for the negotiation of the new BEREC Office Headquarters Agreement – oral update..... 4
- 6. 2018 Internal Audit Service (IAS) Report..... 5
- 7. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) since the beginning of 2019..... 6
- 8. 2018 activities of the BAG and of the Vice-Chair in the capacity of appointing authority for the BEREC Office staff ..... 6
- 9. AOB ..... 6

Annex I - List of documents

## Main Results of the 38<sup>th</sup> BEREC Office MB Meeting

The BEREC Office Management Board held its 38<sup>th</sup> ordinary plenary meeting on 6-8 March 2019 in Budapest, Hungary.

During the meeting the MB discussed and agreed on the following:

## **1. Documents submitted to the MB for publication and information alongside ‘A’ items:**

### For information:

- 2018 BEREC Office quarterly Report on operation and budget execution;
- Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period October-December 2018;
- BEREC Office Report on budgetary and financial management 2018.

### For publication:

- MB Decision to repeal the rules for reimbursement of candidates;
- MB Decision to adopt implementing rules on middle management staff.

## **2. Documents submitted for information and/or consideration:**

- Report on the activities of the BAG and of the BEREC Vice-Chair as Appointing Authority for 2018.

## **3. Other topics discussed:**

The Management Board of the BEREC Office also discussed the Final Report from the IAS audit on planning, budgeting, monitoring of activities and reporting in the BEREC Office and the BEREC Office Action Plan, the mandate for the negotiation of the new BEREC Office Headquarters Agreement and the next steps regarding the appointment of the BEREC Office Director.

## **4. Next meeting**

The next ordinary plenary meeting of the BoR will take place on **12-14 June 2019 in Ghent (Belgium)** and will be hosted by the [Belgian Institute for Postal services and Telecommunications \(BIPT\)](#).

## Introduction and participation

The BEREC Office MB held its 38<sup>th</sup> ordinary plenary meeting on 8 March 2019 in Budapest, Hungary. The meeting was hosted by the National Media and Infocommunications Authority (NMHH).

The meeting was attended by the heads and/or high-level representatives of the National Regulatory Authorities (NRAs) with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services established in each Member State of the European Union (EU), and by the European Commission.

## List of documents

The list of documents discussed by the meeting is presented in Annex to the Conclusions in compliance with the BEREC Regulation and the MB transparency rules.

## Items discussed

A short overview of the information presented under each agenda item, a summary record of the proceedings and a record of the conclusions reached by the MB is presented below.

### 1. Opening of the meeting and adoption of the agenda

<b>Document(s)</b>	MB (19) 20 Draft MB Agenda
<b>Introduction by</b>	MB Chairperson (ComReg)
<b>Information presented</b>	The MB Chairperson opened the meeting and presented the agenda for approval by the MB meeting. The MB members were invited to suggest any additional issues to be raised or presented under “Any other business” (AOB).
<b>Conclusions</b>	The MB approved the agenda without any changes.

### 2. Oral up-date on the next steps with the Director’s Mandate

<b>Document(s)</b>	No documents
<b>Introduction by</b>	MB Chairperson (ComReg)
<b>Information presented</b>	<p>According to Article 49 (3) of Regulation 2018/1971, the Management Board may decide to renew the term of office of the Director referred to in paragraph 2 of this Article (Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009) for a further term. In doing so the Management Board shall take into account the evaluation of the Director’s (Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009) performance and the BEREC Office’s tasks and challenges and may decide to extend his term of office once, for no more than five years.</p> <p>The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Director on the basis of a vote of a two-thirds majority of its members.</p> <p>A Director whose term of office has been extended shall not participate in another selection procedure for the same post after the end of the cumulative period.</p> <p>Where the term of office is not extended, the Director shall, upon a decision</p>

	of the Management Board, remain in office beyond the expiry of the initial term of office until the appointment of a successor.
<b>Conclusions</b>	The MB discussed the matter and a formal decision will be taken in due course.

### 3. List of the 'A' items and documents for information

<b>Document(s)</b>	<p><u>For publication and implementation:</u>  MB (19) 14 Draft MB Decision to repeal the rules for reimbursement of candidates;  MB (19) 15 Draft MB Decision to adopt implementing rules on middle management staff.</p> <p><u>For information alongside 'A' items:</u>  MB (19) 16 Draft 2018 BEREC Office quarterly Report on operation and budget execution;  MB (19) 17 Transfers by the BEREC Office Administrative Manager in the BEREC Office Budget in the period October-December 2018;  MB (19) 18 Draft BEREC Office Report on budgetary and financial management 2018.</p>
<b>Introduction by</b>	MB Chairperson (ComReg)
<b>Information presented</b>	The MB Chairperson presented the list of 'A' items, as set out above. The list of 'A' items had been drawn up on the basis of the conclusions of the CN. The MB Chairperson also drew the meeting's attention to the information documents provided by the BEREC Office. These documents were submitted alongside the 'A' items only for information and did not require any action from the MB.
<b>Conclusions</b>	The MB approved the documents listed as 'A' items and took note of the documents for information.

### 4. Rules of Procedure of the Management Board of the BEREC Office

<b>Document(s)</b>	No document
<b>Introduction by</b>	MB Chairperson (ComReg)
<b>Information presented</b>	The WG Co-Chairs briefly informed the MB on the progress of work on the draft Rules of Procedure of the Management Board of the BEREC Office. The MB Chairperson informed the MB that the RoP will be adopted via e-voting procedure after the Plenary meetings, similarly to the BoR RoP.
<b>Conclusions</b>	The MB took note of the information and decided that the MB RoP will be approved via e-voting procedure.

### 5. Mandate for the negotiation of the new BEREC Office Headquarters Agreement – oral update

<b>Document(s)</b>	No document
<b>Introduction by</b>	Director of the BEREC Office
<b>Information</b>	According to Article 47 of the new BEREC Regulation, the arrangements

<b>presented</b>	<p>concerning the accommodation to be provided for the BEREC Office in the host Member State and the facilities to be made available by that Member State, as well as the specific rules applicable in the host Member State to the Director, members of the Management Board, the BEREC Office staff and members of their families, shall be laid down in a Headquarters Agreement between the BEREC Office and the host Member State, concluded after obtaining the approval of the Management Board and no later than 21 December 2020.</p> <p>The Director of the BEREC Office presented to the MB the objectives of the negotiation of the Headquarters Agreement between the BEREC Office and the host Member State, the actors involved in the process and their roles and responsibilities. He also outlined the areas to be covered in the negotiation mandate, focusing on the premises and status of the agency and its staff.</p>
<b>Conclusions</b>	The MB took note of the information and asked the BEREC Office to prepare the mandate for negotiation of the Headquarters Agreement.

## 6. 2018 Internal Audit Service (IAS) Report

<b>Document(s)</b>	Final Report from the IAS audit on planning, budgeting, monitoring of activities and reporting in the BEREC Office and the BEREC Office Action Plan
<b>Introduction by</b>	Director of the BEREC Office
<b>Information presented</b>	<p>In accordance with Article 14 of the old BEREC Regulation<sup>1</sup>, the Commission IAS is responsible for auditing the BEREC Office.</p> <p>The audit on Planning, Budgeting, Monitoring of Activities and Reporting was included in the IAS 2018 audit plan. The overall objective of the audit was to assess the adequacy of the design and the efficiency and effectiveness of the management and control systems set up by the BEREC Office for the planning, budgeting, monitoring of its activities and reporting. Furthermore, the audit assessed the Agency's compliance with the applicable regulations, procedures and guidance for the audited processes.</p> <p>The scope comprised a review of the 2016 and 2017 Annual Work Programmes (AWP), as well as the process leading to the establishment of the Multiannual Programming of the activities of the BEREC Office for 2018 – 2020.</p> <p>Following the audit, the IAS made several recommendations for improvement in the audited areas. In order to address these recommendations, the BEREC Office prepared an action plan containing target dates and the persons responsible.</p>
<b>Conclusions</b>	The MB took note of the information.

<sup>1</sup> Regulation (EC) No 1211/2009 establishing Body of European Regulators for Electronic Communications (BEREC) and the Office

**7. Oral up-date on the recent activities of the BEREC Office Advisory Group (BAG) since the beginning of 2019**

<b>Document(s)</b>	No documents
<b>Introduction by</b>	BAG Chair (PTS)
<b>Information presented</b>	The BAG Chair 2019 briefed the MB in relation to the recent BAG activities. She reported that BAG met on 13 January 2019 to discuss all the documents submitted to the MB. She reported that BAG reviewed the BEREC Office Single Programming Documents for 2019-2021 and 2020-2022, as well as the BEREC Office budget 2019.
<b>Conclusions</b>	The MB took note of the information.

**8. 2018 activities of the BAG and of the Vice-Chair in the capacity of appointing authority for the BEREC Office staff**

<b>Document(s)</b>	MB (19) 20 Report on the activities of the BAG and of the BEREC Vice-Chair as Appointing Authority for 2018
<b>Introduction by</b>	MB Chairperson (ComReg)
<b>Information presented</b>	A Representative of the MB Chairperson (ComReg) and the BAG Chair 2018 briefed the MB in relation to the BAG activities in 2018 and on the activity of the BEREC Vice-Chair in the capacity of appointing authority for the BEREC Office staff in 2018. A report summarising the activities of the BAG and of the BEREC Vice-Chair acting as the appointing authority in 2018 was submitted to the MB for information only.
<b>Conclusions</b>	The MB took note of the information.

**9. AOB**

**Information on the 39<sup>th</sup> MB ordinary meeting (12-14 June 2019, Ghent, Belgium)**

<b>Document(s)</b>	No documents
<b>Introduction by</b>	Representative of the host NRA (BIPT)
<b>Background information</b>	The representative of the meeting host, BIPT, provided information on the logistics for the meeting.
<b>Conclusions</b>	The MB took note of the information.