

BEREC Office

Work Programme 2015

26 September 2014

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2015 Work Programme of the Office of the Body of European Regulators for Electronic Communications (BEREC Office)

1 EXECUTIVE SUMMARY

1.1 Introduction

The BEREC Office was established as a European Union Body with legal personality to provide professional and administrative support services to the Body of European Regulators for Electronic Communications (BEREC).

BEREC contributes to the development and better functioning of the internal market for electronic communications networks and services. It does so by aiming to ensure a consistent application of the EU regulatory framework and by aiming to promote an effective internal market in the telecoms sector, in order to bring even greater benefits to consumers and businesses alike.

The Work Programme of the BEREC Office for 2015 aims to develop and maintain the capabilities for the BEREC Office to fulfil its supportive role. The Work Programme also functions as a financial decision in relation to the operational activities of the Office.

1.2 Structure of the Work Programme

1.2.1 Operational activities

The core operational activity of the BEREC Office is to support the execution of the BEREC Work Programme. In 2015 BEREC will continue to aim to deal with both-current and future regulatory challenges, stemming both from the market and EU legislative developments, as well as from the important policy objectives, set out in the Digital Agenda for Europe.

Three main activity groups were identified for the BEREC Office in this domain:

- a) Set-up Expert Working Groups (EWGs) and provide them with support
- b) Activities under Art.7 and 7a of the Framework Directive
- c) Collection, exchange and transmission of information

Moreover, this Work Programme identifies other support activities, which are considered to be of a “horizontal” character, such as:

- a) Assistance to the BEREC Chair and Vice-Chairs, the Board of Regulators, the BEREC Office Management Committee and Contact Network, and the BEREC international activities;
- b) Communication activities, internal and external transparency, accountability and other horizontal support.

In 2015 particular efforts will be assigned to the implementation of the collaboration tool among the stakeholders (intranet), to the renewal of the public communication platform (website), and to the events in Riga related to the Latvian Presidency of the Council of the EU during the first half of 2015.

1.2.2 Administration and Management

2015 is supposed to be the first year when the BEREC Office will operate at full staff capacity. The challenge will be to ensure the appropriate balance of human, financial and physical resource allocation between the operational and the administrative activities. The administrative activities are structured in the following activity groups:

- a) Budget, Finance and Accounting
- b) IT infrastructure
- c) Human Resources
- d) Premises and Equipment
- e) Legal activities and Procurement
- f) General management and Control.

2 POLICY AND LEGAL CONTEXT

According to the Regulation (EC) No 1211/2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Office, the task of the Office is to provide professional and administrative support services to BEREC.

BEREC assists the Commission and the National Regulatory Authorities (NRAs) in implementing the EU regulatory framework for electronic communications, gives advice on request and on its own initiative to the European institutions, and complements, at the European level, the regulatory tasks performed at national level by the NRAs.

The NRAs and the Commission shall take the utmost account of any opinion, recommendation, guidelines, advice or regulatory best practice adopted by BEREC.

In particular BEREC shall:

- a) develop and disseminate regulatory best practices, such as common approaches, methodologies or guidelines on the implementation of the EU regulatory framework;
- b) on request, provide assistance to NRAs on regulatory issues;
- c) deliver opinions on the draft decisions, recommendations and guidelines of the Commission as specified in the regulatory framework;
- d) issue reports and provide advice, upon a reasoned request of the Commission or on its own initiative, and deliver opinions to the European Parliament and the Council, upon a reasoned request or on its own initiative, on any matter within its competence;
- e) on request, assist the European Parliament, the Council, the Commission and the NRAs in relations, discussions and exchanges of views with third parties; and assist the Commission and NRAs in the dissemination of regulatory best practices to third parties.

The main policy making developments in 2015 in the area of electronic communications will be the proposal for regulation on telecoms single market ("Connected Continent" Regulations), the next review of the regulatory framework for electronic communications and the review of the scope of universal service. Another priority will be the implementation of the revised Recommendation on relevant markets.

Contributing to a consistent implementation of the EU regulatory framework remains a core activity of BEREC. In 2015 particular emphasis will be given to issues around bundled services and the implementation of the Recommendation on non-discrimination

and costing methodologies.

The annual Work Programme of the Office is based on the financial and human resources provided in the annual budget. The draft budget is under discussion by the Budgeting Authority at the time of the adoption of the Work Programme.

Financial resources foreseen in the draft budget are as follows:

1.	Revenue from fees and charges	EUR	0
2.	EU contribution	EUR	4,017,244
3.	Third countries contribution	EUR	105,994
4.	Other contributions	EUR	0
5.	Administrative operations (interests)	EUR	1,600
TOTAL:		EUR	4,124,838

Item 3 (Third countries contribution) is subject to the signature of the Agreement with EFTA states. The Work Programme therefore counts only items paid by way of the EU contribution.

Item 2	EU contribution	EUR	4,017,244
Item 5	Administrative operations (interests)	EUR	1,600
TOTAL		EUR	4,018,844

Human resources foreseen in the draft budget are as follows:

	2014	2015
Establishment plan posts	16	15
External personnel	12	12
TOTAL	28	27

The total headcount of 27 represents a decrease by 1 post, as the Inter-institutional Agreement stipulates a 5% reduction in the number of posts in the establishment plans of all institutions, bodies and agencies over a five-year period. Guidelines provided by the Commission have clarified that reduction of staff in each EU Institution, body and agency by 5 % during the period 2013 to 2017 (by 2018) should be implemented through the non-replacement of some departing staff (retiring or with expired contracts). This cut will not involve dismissing staff or forcing them to retire. The contract for the post subject to headcount decrease, according to the draft budget of

the Office, will expire at the beginning of 2016. Therefore, the Work Programme includes 28 FTE (Full Time Equivalent) staff as human resources with a target 27 FTE by the end of 2015.

3 OPERATIONAL ACTIVITIES

Introduction

The aim of the operational activities of the BEREC Office is to support the implementation of the BEREC Work Programme, as well as to provide horizontal and other support to BEREC in an efficient, proactive and timely manner.

The BEREC Office will intensify its engagement in the ambitious BEREC Work Programme for 2015. It will devote every effort to provide high quality support to all strategic priorities of the Programme and contribute to high quality outcomes in an effective way.

Particular attention will be given by the Office to accomplish optimum outcome by all internal and external activities which are foreseen for 2015 and encompass a large variety of demanding and important deliverables such as studies, public consultations, workshops and a stakeholder forum.

3.1 Support the implementation of the BEREC Work Programme

Overview

The core operational activity of the BEREC Office is to support the implementation of the BEREC Work Programme, in line with the BEREC Strategy that currently identifies three strategic priorities:

1. Promoting Competition and Investment
2. Promoting the Internal Market
3. Empowering and Protecting End-Users

Moreover, BEREC is determined to ensure that the outputs of its works are delivered in an effective and timely manner and are of the highest possible quality.

The BEREC Office will provide support to the work of BEREC in the following three activity groups:

- Set up Expert Working Groups and provide support
- Activities under Article 7 and 7a of the Framework directive
- Collection, exchange and transmission of information

3.1.1 Set up Expert Working Groups and provide support

3.1.1.1 *Objective*

The BEREC Office will set up Expert Working Groups and provide them with the appropriate administrative, professional and logistical support. It will manage public consultations and procurement procedures for workshops and research studies. The BEREC Office will also be responsible for collecting information from NRAs and elaborating periodical BEREC benchmark reports.

3.1.1.2 *Actions*

- a) Set up EWGs and manage changes
- b) Provide administrative support to EWGs with the organisation of meetings and the information flow amongst members
- c) Provide professional support to EWGs in the preparation of BEREC documents.
- d) Provide logistical support to EWGs, such as circulation of documents, travel reimbursements, building capacity for catering etc.
- e) Manage procurement procedures for internal workshops and studies
- f) Collect market data from NRAs when requested by BEREC
- g) Elaborate periodical BEREC benchmark reports, including in regards to OTTs, where appropriate.

3.1.1.3 *Outcomes and indicators*

- a) Smooth functioning of EWGs, reimbursement of related travel expenses – capacity for supporting up to 100 EWG meetings and 3 workshops in 2015 (see paragraph 3.1.3 for this activity)
- b) Data collection and dissemination, upon EWGs requests
- c) Studies and research reports upon EWGs' requests – Net Neutrality study to be finalised; possibility to commission a further major study and/or three smaller studies
- d) Structured information on collected market data
- e) Contribution to the elaboration of the following reports (in due time):
 - Annual report on regulatory accounting
 - International Roaming Benchmark Reports

- Regular SMS/MTR/FTR benchmark reports

3.1.1.4 *Resources*

- a) 560 kEUR
- b) 8,5 FTE (Full Time Equivalent post)

3.1.1.5 *Risk assessment*

The planned outcomes and resources will remain in balance, assuming that the structure of the Expert Working Groups and their work streams remain stable. The allocated human resources will be available if the Office remains fully staffed and activities under Article 7 and 7a of the Framework Directive do not require extra resources (see paragraph 3.1.2).

There are two possible sources of risk:

a) Shift in focus within the activity

Shifting focus between organising meetings, organising workshops and providing studies or reports could lead to reallocation of human and financial resources. Benchmarking reports are important to show how the specific regulations are implemented across EU and to present the current state of play in telecom sector. The BEREC Office role in this domain will be increasing and elaborating benchmark reports remains high in priority. Priorities of sub-activities in supporting EWGs shall be as follows:

1. Administrative support to the EWGs;
2. Professional support to the EWGs;
3. Reimbursement of travel and other expenses;
4. Catering during meetings.

b) Fewer resources available for the activity

Activities under Article 7 and 7a of the Framework Directive shall have priority, although the workload is rather unpredictable either due to the volume or due to the concentration of cases. This would lead to decreased human resources for supporting (other) EWGs. The following service levels could be applied to the work streams upon agreement with the Chairs of the EWGs and the BEREC Chair:

1. Minimal support
 - Invitation to the meetings
 - Reimbursement of travel expenses

2. Limited support (Minimal support plus...)
 - Management of public consultations
 - Organisation of workshops (under activity described in paragraph 3.1.3)
3. Full support (Limited support plus...)
 - Attendance at meetings
 - Draft minutes of meetings
 - Drafting BEREC documents

3.1.2 Activities under Article 7 and 7a of the Framework Directive

3.1.2.1 *Objective*

The BEREC Office will contribute to the development of a single market in electronic communications and ensure cooperation amongst NRAs, and between NRAs and the Commission. In this context, the BEREC Office will be responsible for collecting and keeping track of the NRAs notifications, establishing and coordinating EWGs regarding the preparation of BEREC's opinions within the deadline set by the directive. This activity is a priority in the Work Programme of the BEREC Office.

3.1.2.2 *Actions*

- a) Keep track of and collect NRAs' notifications
- b) Maintenance and update of the database
- c) Coordinate the BEREC activities in accordance with the Art. 7/7a procedures

3.1.2.3 *Outcomes and indicators*

- a) Database for all cases under Articles 7/7a of the Framework Directive
- b) Proper functioning of the ad-hoc working groups, reimbursement of related travel expenses – capacity to handle every case in a timely manner
- c) High quality and consistent final draft of BEREC opinions

3.1.2.4 *Resources*

- a) 47 kEUR
- b) 1 FTE (Full Time Equivalent post)

3.1.2.5 *Risk assessment*

The workload is planned according to the experiences gained over the past years, although the number of cases under Article 7 and 7a of the Framework Directive is unpredictable. Additional resources shall be allocated to this activity, provided that more

cases arise or run in parallel (see paragraph 3.1.1)

3.1.3 Collection, exchange and transmission of information

3.1.3.1 *Objective*

By promoting a consistent regulatory approach, the BEREC Office facilitates the exchange of information related to the BEREC role and tasks. Furthermore, the Office will promote the exchange of best practices and the dissemination of expertise amongst NRAs.

3.1.3.2 *Actions*

- a) Provide administrative support to EWGs in the organisation of public workshops, including the management of procurement procedures
- b) Provide logistical support to EWGs with the reimbursement of experts travel expenses
- c) Set up a 'fact-finding' capacity to reply to ad-hoc questions upon request of BEREC

3.1.3.3 *Outcomes and indicators*

- a) High quality support in the organisation of EWGs' public workshops and events
- b) Ad-hoc reports and replies to questions

3.1.3.4 *Resources*

- a) 98 kEUR
- b) 1,25 FTE (Full Time Equivalent post)

3.1.3.5 *Risk assessment*

The activity mainly includes recurring elements and carries a low risk, although the resource allocation shall follow the priorities described in paragraph 3.1.1. The new activity of setting up a 'fact-finding' capacity needs special attention.

3.2 Horizontal or Other Support

Overview

Horizontal and other support activities refer to the work performed by the BEREC Office in support to the Board of Regulators, the BEREC Office Management Committee, the Contact Network and other activities, such as relations with the EU institutions and stakeholders, BEREC international activities and activities related to increasing transparency and the efficiency of BEREC's work, including communication activities.

3.2.1 Assist BEREC Chair and Vice-Chairs, Plenary meetings of the Board and the BEREC Office Management Committee, the meetings of the Contact Network and BEREC international activities

3.2.1.1 *Objective*

The BEREC Office will provide efficient support to the BEREC Chair and Vice-Chairs in fulfilling their responsibilities under the BEREC Regulation as well as to the Plenary, the Contact Network meetings and other strategic stakeholder meetings or workshops initiated by the Board of Regulators and the Management Committee.

3.2.1.2 *Actions*

- a) Provide assistance and executive support to the BEREC Chair and the Vice Chairs;
- b) Provide administrative and executive support to BEREC international activities;
- c) Provide administrative and professional support to Plenary and Contact Network meetings;
- d) Provide methodological and technical support to the meeting hosts, including the registration of meeting participants, booking of event venues when needed and any other logistical support required;
- e) Prepare draft meeting agendas (included annotated agendas), draft action points, draft minutes of the meetings and draft meeting conclusions. Register meeting documents and circulate them to the meeting participants;
- f) Reimbursement of travel expenses of invited participants in the events;
- g) Summarise the outcome of electronic voting procedures;
- h) Prepare all necessary documents for the elections of the Chair and Vice-Chairs.

3.2.1.3 *Outcomes and indicators*

- a) High quality support in organising 4 regular plenary meetings, 4 Contact Network meetings, 4 debriefing events and 2 high level stakeholder events;
- b) High quality assistance to the election procedure of the Chair 2016 and the Vice Chairs 2015, all electronic voting procedures, 7 international events and 25 events attended by the Chair or the Vice Chairs;
- c) Provision of timely organisational advice to the meeting hosts;
- d) Preparation of draft meeting agendas at least 20 days before the meetings;
- e) Circulation of meeting documents on the day of their receipt (or as agreed with the Chair). In case of receipt of the document after Office hours, it will be sent on

the following working day at the latest;

- f) Preparation of draft action points;
- g) Preparation of draft minutes no later than 3 working days after the meeting;
- h) Reimbursement of travelling and other expenses to the meeting participants on average for less than 25 days after the receipt of the applications;
- i) Preparation of regular overviews of the outcome of electronic voting procedures (for each Contact Network and plenary meetings);
- j) Preparation of all necessary documents for the elections of the Chair and Vice-Chairs prior to the vote.

3.2.1.4 *Resources*

- a) 380 kEUR
- b) 2,75 FTE (Full Time Equivalent post)

3.2.1.5 *Risk assessment*

The activity mainly includes recurring elements and carries a low risk.

3.2.2 Ensure transparency, accountability and other horizontal support

3.2.2.1 *Objective*

The BEREC Office will ensure maximum transparency and accountability of BEREC's work towards the public and other interested parties in compliance with the legislation in force, will develop and maintain effective collaboration amongst BEREC members and will provide consistent support in preparation of BEREC annual plans and reports.

3.2.2.2 *Actions*

- a) Ensure public transparency and accountability requirements: maintenance of the public register of documents, maintenance and development of the public website and implementation of BEREC communication plan, including some specific activities related to the Latvian Presidency of the Council of the EU.
- b) Maintenance and further development of the public website. Further to the conclusion of the Report on the assessment of the information sharing project, the design and the functionalities of the information sharing portal will also be planned, as a new section to the public website.
- c) Provide support for the internal and external communication of BEREC activities.
- d) Manage an internal platform for collaboration and knowledge management between BEREC members.

- e) Support and coordinate the preparation of the BEREC Annual Activity Report for 2014 & BEREC Work Programme for 2016.

3.2.2.3 *Outcomes and indicators*

- a) BEREC and BEREC Office public documents to be easily accessible for the public.
- b) The public website is further developed and maintained.
- c) Legacy documents from BEREC's predecessor, the European Regulator Group (ERG), will be made available to the public.
- d) BEREC and BEREC Office documents to be of a consistently high level of quality and published in accordance with the BEREC Style Guide.
- e) The public internet website to be further developed and maintained.
- f) BEREC collaboration and knowledge management tool to be implemented.
- g) An internal study on the future of the sector as a contribution to the preparation of the Work Programme of BEREC for 2016.
- h) A framework concerning the provision of training services to the BEREC community on regulatory issues in view of consistent implementation and application of the EU regulatory framework.

3.2.2.4 *Resources*

- a) 137 kEUR
- b) 3 FTE (Full Time Equivalent post)

3.2.2.5 *Risk assessment*

There are three main challenges within this activity.

The BEREC collaboration tool is to be implemented and launched during the year. Migration of the documents from the legacy system might need some more temporary resources.

An internal study is foreseen on the future of the sector as a contribution to the preparation of the Work Programme of BEREC for 2016. The size of the study and the volume of the requested resources will depend on the detailed specification; a budget transfer might be needed.

To assist NRAs with the consistent implementation and application of the EU regulatory framework, the BEREC Office will examine the possibility of establishing a framework concerning the provision of training services on regulatory issues. A new framework

contract (or a specific contract in case of using an existing framework contract) could be envisaged; a budget transfer might be needed.

3.3 Summary of Operational Activities

Operational activities 2015	Budget kEUR	FTEs
TOTAL	1,222	16.50
Support the Implementation of BEREC Work Programme	705	10.75
Set-up Expert Working Groups and provide support	560	8.50
Activities under Article 7 and 7a of the Framework Directive	47	1.00
Collection, exchange and transmission of information	98	1.25
Horizontal or Other Support	517	5.75
Assist BEREC Chair and Vice-Chairs, Plenaries and Contact Network meetings for the Board and Management Committee	380	2.75
Ensure internal and external transparency, accountability and other horizontal support	137	3.00

4 ADMINISTRATION AND MANAGEMENT

4.1 Overview

The Administration and Management activities consist of all the necessary actions in order to ensure that the management and the operation of the Office is in line with the financial regulation, staff regulation and related implementing rules applicable to all EU institutions.

4.2 Activities

4.2.1 Budget, Finance and Accounting

4.2.1.1 *Objective*

The BEREC Office will efficiently manage its financial resources and respect the principles of sound financial management.

4.2.1.2 *Actions - Budget & Finance*

- a) Prepare and provide the draft budget, the financial statement, the amended budget and other budgetary reports and legal requirements;
- b) Implement the budget with timely payments and perform a regular monitoring exercises on the budget;
- c) Implement and perform the principles of Activity-Based Budgeting;
- d) Provide adequate financial support, manage financial documents and perform accurate internal controls.

4.2.1.3 *Actions - Accounting*

- a) Prepare the Annual Accounts;
- b) Ensure the timely execution of payments through a quality control of the commitments and payments appropriations;
- c) Validate the accounting tools and systems used in the Office;
- d) Ensure efficient cash flow management and other accounting tasks;
- e) Take over the new task of engaging an external audit company for the financial audit of BEREC Office: ensure procurement procedure, ensure proper coordination role of audit of BEREC Office, as well as preform all audit related to sound financial management.

4.2.2 IT infrastructure

4.2.2.1 Objective

The BEREC Office will enable efficient and secure communication with all stakeholders and partners.

4.2.2.2 Actions

- a) Maintenance and development of the hardware and software to ensure a smooth functioning of the Office;
- b) Maintenance of the public website and the internal platform in compliance with transparency and communication responsibilities;

4.2.3 Human Resources

4.2.3.1 Objective

The BEREC Office will manage the human resources of the Office with quality and efficiency.

4.2.3.2 Actions

- a) Ensure that all HR methodologies and policies are in place, such as payrolls and determination of individual rights, absence, leave and missions management, training, performance evaluation, career development, document management and provide adequate financial support;
- b) Manage the recruitment of staff and the replacements for turn-overs, the end of the secondment of national experts etc.;
- c) Prepare the Training Plan and ensure its implementation throughout the year
- d) Prepare the Multi-Annual Staff Policy Plan;
- e) Establish a framework for a traineeship programme.

4.2.4 Premises and Equipment

4.2.4.1 Objective

The BEREC Office will ensure that BEREC Office premises and equipment are fully operational.

4.2.4.2 Actions

- a) Provide the adequate facilities to ensure proper functioning of the activities;
- b) Manage efficiently and timely any premises/equipment issues;
- c) Ensure the security and maintenance of the premises.

4.2.5 Legal activities and Procurement

4.2.5.1 *Objective*

The BEREC Office will ensure compliance with the applicable regulation and provide legal assistance to BEREC and to the Board of Regulators.

4.2.5.2 *Actions*

- a) Provide legal advice for the drafting of the contracts, contract management and the selection of the correct public procurement procedures;
- b) Prepare public tenders to order research studies from third parties and/or to conclude agreements with relevant knowledge organisations;
- c) Manage Data Protection in handling the inventory and the register of processing operations of personal data;
- d) Provide legal assistance to BEREC and the Office in order to ensure appropriate public access to documents.

4.2.6 General management and Control

4.2.6.1 *Objective*

The BEREC Office will ensure there is an effective management and internal control system.

4.2.6.2 *Actions*

- a) Efficiently manage the relations with the Authorities of the Republic of Latvia.
- b) Maintain the organisational values and culture within the Office.
- c) Ensure that the Administrative Manager submits an annual administrative report to the Management Committee on the performance of his duties;
- d) Assist the Management Committee in preparation of the BEREC Office Activity Report for 2014 and the draft BEREC Office Work Programme for 2016;
- e) Consolidate and implement the risk management plans together with the auditing bodies;
- f) Ensure efficient internal control and effective implementation of the recommendations of the Internal Audit Service and the Court of Auditors;
- g) Manage and improve internal communications;
- h) Continue to look for efficiency gains through the use of existing framework contracts of the relevant Commission services and through the possibility of pooling resources with other Union bodies.

4.2.7 Summary of Administration and Management Activities

Administrative and Management activities 2015	Budget kEUR	FTEs
TOTAL	767	11.50
Budget, Finance and Accounting	2	3.75
IT infrastructure	237	0.75
Human Resources	0	2.25
Premises and Equipment	157	0.75
Legal activities and Procurement	75	1.50
General management and Control	296	2.50

APPENDIX: OPERATIONAL ACTIVITIES 2015 – ACTIVITY BASED BUDGETING

Activities 2015	Direct expenditures kEUR	FTEs	HR related expenditures kEUR	Allocated overhead kEUR	Total expenditures kEUR
TOTAL		28.00			4,019
TOTAL operational expenditures	1,222	16.50	1,098	1,699	4,019
Support the Implementation of BEREC Work Programme	705	10.75	657	1,094	2,456
Set-up Expert Working Groups and provide support	560	8.50	487	831	1,878
Activities under Article 7 and 7a of the Framework Directive	47	1.00	78	94	219
Collection, exchange and transmission of information	98	1.25	92	169	359
Horizontal or Other Support	517	5.75	441	605	1,563
Assist BEREC Chair and Vice-Chairs, Plenaries and Contact Network meetings for the Board and Management Committee	380	2.75	241	295	916
Ensure internal and external transparency, accountability and other horizontal support	137	3.00	200	310	647
TOTAL administrative and management expenditures (overhead)	767	11.50	932	n.a.	1,699
Budget, Finance and Accounting	2	3.75	269	n.a.	271
IT infrastructure	237	0.75	47	n.a.	284
Human Resources	0	2.25	221	n.a.	221
Premises and Equipment	157	0.75	42	n.a.	199
Legal activities and Procurement	75	1.50	95	n.a.	170
General management and Control	296	2.50	258	n.a.	554