

# **Annual and Multiannual Programming of the BEREC Office Activities 2018-2020**

8 December 2017

## Table of Contents

Foreword .....	4
List of Acronyms .....	5
Mission Statement .....	7
Section I – General Context.....	8
Section II - Multi-annual programming 2018-2020 .....	9
1 Multi-annual objectives.....	9
2 Multi-annual programme .....	10
2.1 Maintaining appropriate capacity while taking into account the effects of the technology and market developments .....	10
2.2 Developing expertise to encompass the EU regulatory developments .....	10
2.3 Assisting BEREC to improve its working methods and quality of its output .....	11
2.4 Developing and managing tools and resources on behalf of BEREC .....	11
3 Human and financial resource outlook for the years 2018-2020.....	11
3.1 Overview of the past and current situation .....	11
3.2 Resource programming for the years 2018-2020 .....	13
3.2.1 Financial resources.....	13
3.2.2 Human resources .....	16
3.2.3 Conclusion on evolution of resources .....	17
Section III - Work Programme 2018 .....	17
1 Executive summary.....	17
2 Activities .....	19
Operational Activities .....	19
2.1 Support to BEREC EWGs.....	19
2.1.1 Setting-up EWGs and providing support.....	19
2.1.2 BEREC Office activities under market analysis and notifications.....	21
2.2 Support to BEREC and NRAs.....	22
2.2.1 Support to the BEREC Chair and Vice-Chairs and organisation of CN and BoR and MC Plenary meetings and BEREC stakeholder and international events .....	22

2.2.2	Public transparency, accountability and integrity and support to BEREC and NRAs .....	25
Horizontal activities .....		28
2.3	Coordination activities .....	28
2.3.1	General coordination and communication activities .....	28
2.3.2	Legal activities and advice .....	29
2.4	Finance and non-operational procurement.....	30
2.4.1	Overview.....	30
2.4.2	Objectives, indicators, expected outcomes and outputs.....	30
2.4.3	Resources .....	31
Administrative support activities .....		31
2.5	Human Resources .....	31
2.5.1	Overview.....	31
2.5.2	Objectives, indicators, expected outcomes and outputs.....	32
2.5.3	Resources .....	33
2.6	ICT, security, logistics and document management .....	33
2.6.1	Overview.....	33
2.6.2	Objectives, indicators, expected outcomes and outputs.....	34
2.6.3	Resources .....	34
Annex I:	Resource allocation per activity 2018 .....	35
Annex II:	Financial Resources 2018-2020 .....	36
Annex III:	Human Resources 2018-2020, part 1 .....	48
Annex IV:	Human Resources 2018-2020, part 2.....	52
Annex V:	Buildings.....	57
Annex VI:	Privileges and immunities .....	59
Annex VII:	Evaluations.....	62
Annex VIII:	Risks for 2018 .....	64
Annex IX:	Procurement plan for 2018 .....	65
Annex X:	Organisation chart for 2017 .....	1

## Foreword

The BEREC Office is the smallest Agency of the European Union (EU)<sup>1</sup>, which has the unique mandate to provide support to another body established by the EU law without legal personality, namely the Body of European Regulators for Electronic Communications (BEREC). This institutional set up requires alignment of the objectives and the work programme (WP) of the Agency with the priorities and goals defined by the BEREC Strategy and the BEREC WP.

In September 2016, the Commission tabled proposals for amending the BEREC Regulation and the regulatory framework for electronic communications, which, among others, have also the objective to align the organisational structure of the BEREC Office with the principles of the Common Approach on decentralised Agencies established in 2012 by the European Parliament (EP), the Council of the European Union (EU) and the Commission, which may lead to changes in the tasks and/or the organisational structure of the BEREC Office.

The BEREC Office Management Committee, in the first annual and multiannual programming document for the period 2017-2019 identified the following three strategic objectives for the work of the BEREC Office:

- maintaining appropriate capacity while taking into account the effects of the technology and market developments;
- developing expertise to encompass the EU regulatory developments;
- assisting BEREC to improve its working methods and the quality of its output;

The BEREC Board of Regulators recently adopted the BEREC Strategy for 2018-2020. Based on that, and also based on the so called 'Telecoms Single Market (TSM) Regulation' that conferred additional tasks to BEREC, a fourth strategic priority has been identified for the work of the BEREC Office, as follows:

- developing and managing tools and resources on behalf of BEREC.

These objectives have been defined with a view to ensuring maximum flexibility in the activity of the BEREC Office in support to BEREC and taking into account the fact that the BEREC WP is usually adopted 11 months after the approval of the draft BEREC Office programming document. Despite its limited mandate and the increasing demands of, and on, BEREC, the BEREC Office should be able to ensure compliance with the EU rules for decentralised agencies (financial and staff/implementing rules, internal control framework, procurement, reporting, etc.).

The current document, which comprises the BEREC Office multi-annual work programme for the period of 2018-2020 and the annual work programme for 2018, has been widely based on the principles of the programming document for the period 2017-2019.

To achieve these objectives, the BEREC Office will rely on its staff who are the key asset of the Agency. The limited size of the Agency requires the use of a multitasking approach, which makes the assignment of staff more challenging than in other bodies of the EU. Therefore, the management will work towards increasing the Agency attractiveness and improving the working conditions through different measures with the aim to retain all highly qualified staff.

**László Ignéczi**

Administrative Manager

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<sup>1</sup> The BEREC Office is located in Riga, Latvia, and has 14 establishment plan posts as of 1 January 2017, 9 contract agents and 4 seconded national experts.

## List of Acronyms

Acronym	Meaning
ABAC	Accrual Based Accounting
ABB	Activity based budgeting
ABC	Activity based costing
AD	Administrator
AM	Administrative Manager
AST	Assistant
AST/SC	Secretaries and clerks
BEREC	Body of European Regulators for Electronic Communications
BEREC Office	Office of the Body of European Regulators for Electronic Communications
BEREC Regulation	Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the BEREC and the Office <sup>2</sup>
BoR	Board of Regulators
CA	Contract Agent
CEOS	Conditions of Employment of Other Servants
CERT	Computer emergency response team
CN	Contact Network
DPO	Data Protection Officer
EDPS	European Data Protection Supervisor
EEA	European Economic Area
EFTA	European Free Trade Association
ENISA	European Network and Information Security Agency
EP	European Parliament
EU	European Union
EWG	Expert Working Group

<sup>2</sup> OJ L 337, 18.12.2009, p. 1–10

Acronym	Meaning
FG	Functional group
FTE	Full-time equivalent post
FTR	Fixed terminations rates
HAN	HERMES <sup>3</sup> -ARES <sup>4</sup> -NomCom <sup>5</sup>
HR	Human Resources
IT	Information technologies
KPI	Key performance indicator
MC	BEREC Office Management Committee
MS	Member State
MTR	Mobile terminations rates
NRA	National Regulatory Authority
OLAF	European Anti-Fraud Office
PMO	Office for administration and payment of individual entitlements
RoP	Rules of Procedure
SLA	Service Level Agreement
SC	Staff Committee
SMS TR	Short message service terminations rates
SNE	Seconded National Expert
TA	Temporary Agent
TSM Regulation	Telecoms Single Market Regulation (Regulation (EU) 2015/2120 of the European Parliament (EP) and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union) <sup>6</sup>

<sup>3</sup> The Commission unique repository for all official documents.

<sup>4</sup> Advanced Records System.

<sup>5</sup> Nomenclature Commune.

<sup>6</sup> OJ L 310, 26.11.2015, pp. 1–18

## Mission Statement

The BEREC Office was established as a body of the EU with legal personality to provide professional and administrative support services to BEREC, which is a body of the EU without a legal personality.

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

Therefore, the BEREC Office mission is to provide superior professional support to BEREC by assisting it in an efficient, proactive and timely manner in the achievement of its objectives, and thus contributing to the development of the electronic communications market for the benefit of Europe and its citizens.

Professionalism and excellence are the principles that guide the BEREC Office staff towards achieving the BEREC Office objectives, which are understood as follows:

- **Professionalism:** being oriented to results, we believe that, by performing consistently to high standards, we deliver maximum value to our stakeholders. Professionalism also means transparency and integrity in all our actions, and working always with the highest level of ethics for the interests of the organisation and the stakeholders;
- **Excellence:** the BEREC Office staff members take pride in their work and strive for quality in everything, being committed to continual self-improvement and learning;
- **Accountability:** the BEREC Office staff members take responsibility for their actions and their outcomes both as individuals and as a team. The BEREC Office honours its commitments and obligations.
- **Teamwork and diversity** are the guiding principles in our collaboration with our colleagues and stakeholders.

**Teamwork:** teamwork is a corner-stone of the BEREC Office. By sharing knowledge and expertise, the BEREC Office staff cooperate to achieve the organisational goals. We foster collaboration while maintaining individual accountability.

**Diversity:** the BEREC Office respects diversity among its staff, BEREC members and Observers and across the EU. The staff understands that each individual is unique and, in so doing, the staff recognise and value the different skills and strengths of the BEREC Office team. Diversity fosters creativity and growth and, therefore, the BEREC Office promotes an open and respectful working environment.

## Section I – General Context

The key role of the BEREC Office, located in Riga, Latvia, is to provide professional and administrative support to BEREC, enabling BEREC to conduct its tasks.

Since their establishment in 2010 and becoming fully functional in 2011<sup>7</sup>, BEREC and the BEREC Office have made a positive contribution to the consistent implementation of the regulatory framework. They have also provided valuable expertise to the NRAs and EU institutions, which has led to a gradual increase in the expectations towards BEREC and the BEREC Office.

The general mandate of the BEREC Office is set out in the BEREC Regulation. The tasks of BEREC, in which it requires support from the BEREC Office, are described in the BEREC Regulation with references to the directives forming the EU regulatory framework for electronic communications and regulations in the domain of electronic communications. In the first years of its operation, BEREC has had increasing demands for support from the BEREC Office. The amended Roaming Regulation of 2012 and the TSM Regulation also assigned further tasks to the BEREC. These developments represent an increasing workload for the BEREC Office even without amending its founding Regulation.

In September 2016, the Commission tabled proposals for the review of the BEREC Regulation<sup>8</sup> and the regulatory framework for electronic communications, which covers four of the directives forming the regulatory framework for electronic communications<sup>9</sup> (Framework, Authorisation, Access and Universal Service Directive) with a view to establishing a European Electronic Communications Code. The aforementioned proposals of the Commission are highly interlinked and have to be read in conjunction with each other. In particular, these proposals envisage additional tasks for BEREC that would help to ensure that the regulatory framework is implemented consistently, as well as the introduction of a new governance model.

As the legislative process is still on-going, none of the proposals of the Commission have been taken into consideration in the preparation of the current document. However, depending on the outcome of the legislative procedure, the current document may need some adjustments to reflect the decisions of the co-legislator.

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<sup>7</sup> The BEREC Office gained its financial independence in September 2011.

<sup>8</sup> COM(2016)591 - Proposal for a Regulation of the EP and of the Council establishing the Body of European Regulators of Electronic Communications (BEREC)

<sup>9</sup> COM(2016)590 - Proposal for a Directive of the EP and of the Council establishing the European Electronic Communications Code (Recast)

## Section II - Multi-annual programming 2018-2020

### 1 Multi-annual objectives

As the main task of the BEREC Office is to assist BEREC, it is required to possess the necessary capacity to support all BEREC activities. This includes the financial means for supporting BEREC's operations and activities but it is even more important to maintain an efficient human capital with the necessary expertise, to effectively and efficiently support the increasing demands of, and on, BEREC.

Irrespective of the outcome of the review of the regulatory framework for electronic communications, the main focus of the BEREC Office, in the coming years, should be on maintaining this valuable human capacity in view of supporting the demanding tasks that BEREC will face in the future. This requires the staff of the BEREC Office to be able to understand and cope with the job type and the workload that the challenges deriving from technology, market and regulatory domains will bring. On top of this, the BEREC Office shall support BEREC towards further improved working methods and higher quality on its output. The BEREC Office must be ready to assist BEREC to meet its future challenges for the benefit of the European telecom market and the welfare of European citizens.

Objectives	KPIs	Measure	Target
Maintain appropriate capacity	Fully staffed indicator	Number of temporary agents (TAs), contract agents (CAs), seconded national experts (SNEs) and interim staff / max. number of a fully staffed BEREC Office	100%
Develop expertise	Develop the skills required to offer the necessary support to BEREC and its members	Number of trainings indicated on the training plans attended/overall number of trainings indicated in the training plans	Minimum 80%
Improve quality of work	Quality of support to BEREC and its EWGs	Measure quarterly the level of satisfaction of the BEREC Chair and the BEREC EWGs Co-Chairs on a 5 grade scale on the basis of multiple questions	Minimum 85% of responses are in the top 2 scores

Objectives	KPIs	Measure	Target
Develop and manage tools	Availability rate of supporting tools	Percentage of time of proper operation of BEREC website, email server, BERECnet, Information sharing portal, public consultation platform, net neutrality measurement tool, etc.	Minimum 95%

## 2 Multi-annual programme

### 2.1 Maintaining appropriate capacity while taking into account the effects of the technology and market developments

The technology and market developments impact the sector regulation and the activities of BEREC. The BEREC Office needs to recognise the incoming challenges and take them into account during the execution of its WP. As BEREC is going to count more and more on the support of the BEREC Office for delivering its WP, the BEREC Office should ensure and secure all necessary resources, which would enable the Agency to provide support to BEREC to implement its future WPs.

In this context, the BEREC Office needs to attract and maintain high quality multidisciplinary staff while, at the same time, further improve its working methods and the quality of their output. This will ensure that the BEREC Office will continue to contribute effectively and efficiently to the strategic vision and to the priorities of BEREC improving its work planning and making optimum use of its resources.

### 2.2 Developing expertise to encompass the EU regulatory developments

In the next three years, we are going to witness a significant degree of regulatory developments at EU level. In particular, the on-going review of the regulatory framework for electronic communications will be the top priority for BEREC and the BEREC Office. Further to this, BEREC has started implementing the tasks assigned by the TSM Regulation in the fields of mobile roaming and net neutrality.

The BEREC Office can contribute significantly to these goals by assisting BEREC in the execution of its WP and the consistent application of the regulatory framework, thus contributing to the further development of the European single market. The BEREC Office can continue to contribute towards harmonisation and accountability via support to the Article 7/7a procedures, supporting BEREC in monitoring the application of common positions and best practices, improving consistency through benchmarking and reporting activities and providing transparency to the BEREC activities via the IT platforms and the applications it manages and operates.

To thrive in this challenging ecosystem and to achieve these goals, the BEREC Office needs

the adequate financial means, staff and the operational enablers that will allow the accomplishment of these goals.

### **2.3 Assisting BEREC to improve its working methods and quality of its output**

In its strategy (2018-2020<sup>10</sup>) BEREC has given particular attention to the optimisation of its output and operational efficiency as a significant contributor towards its strategic vision and priorities. The BEREC Office can contribute significantly to this goal by safeguarding the application of BEREC rules and working procedures at all stages of BEREC working activities.

This engagement can find application in a significant number of BEREC working tasks fostering optimum outputs and working methods. For instance, the BEREC Office can guarantee a high level of accuracy and consistency in BEREC documents, the application of well-established methodologies in the projects run by BEREC and the effective and efficient use of resources. It can also pursue transparency and accountability that will improve the visibility of BEREC and enhance external relationships and recognition of BEREC among institutions, stakeholders and the citizens of Europe.

### **2.4 Developing and managing tools and resources on behalf of BEREC**

The last years BEREC has encompassed more and more the use of software and hardware tools as enablers both for its working activities as well as for its relationship with the stakeholders and the citizens/consumers. The BEREC Medium Term Strategy 2018-2020 and WP 2018 focuses even more in the use of such tools for accomplishing BEREC strategic goals and priorities. These tools introduce a new interaction with the BEREC stakeholders and introduce a new type of service on behalf of BEREC requiring constant (24/7) operation and maintenance. BEREC relies on the BEREC Office for procuring, financing, managing the operation and maintaining these tools. Therefore, the BEREC Office must develop the capacity and the expertise to provide reliable and constant support on this new field of services. On the top, these new tools will generate a plethora of valuable data that are essential to many activities both internal to BEREC and its members (i.e. NRAs) as well as externally to a number of stakeholders. New areas of expertise will be required by the BEREC Office for managing, processing, using and opening these data to public. The Agency will need to meet the challenge and develop a zeal for supporting BEREC in this new area of operation.

## **3 Human and financial resource outlook for the years 2018-2020**

### **3.1 Overview of the past and current situation**

The BEREC Office is intensifying its activity in several areas. After its first years of operation, BEREC has increased its demand for support from the BEREC Office, and the BEREC Office has managed to respond positively to those requests mainly by increasing its efficiency.

However, the amended Roaming Regulation (in 2012) and the TSM Regulation assigned further tasks to BEREC. The new responsibilities of BEREC in the field of net neutrality have attracted the attention of the civil society. Namely based on the outcome of the 2016 public consultation on the draft BEREC Guidelines (during which the BEREC Office received around

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<sup>10</sup> BoR (17) 173, BEREC Strategy 2018-2020, 05.10.2017, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/annual\\_work\\_programmes/7304-2017-berec-work-programme-status-update](http://berec.europa.eu/eng/document_register/subject_matter/berec/annual_work_programmes/7304-2017-berec-work-programme-status-update)

500 000 contributions), the BEREC Office has sufficient justification to conclude that this topic will continue to be a central subject in the activity of BEREC and the BEREC Office, in the next years and will require additional resources (both human and financial).

The recently launched review of the regulatory framework for electronic communications has already generated additional requests for contributions from BEREC that may further intensify in 2018 with the expected finalisation of the legislative process.

These developments have led to an additional increase in the workload for the BEREC Office even without amending the BEREC Regulation, especially for the Programme Management Unit, which is involved directly in the provision of support to the BEREC EWGs, which are the main driver in preparing BEREC's deliverables.

On the administrative side, the amendments to the Staff Regulations, which entered into force on 1 January 2014, have introduced new principles to the adoption of staff implementing rules, which has led to revision of most implementing rules, a process that is still on going.

Although the BEREC Office is the smallest agency of the EU, the administrative requirements applied to the BEREC Office are identical to those applied to larger EU bodies, and relate not only to the implementation of the Staff Regulations but also to all relevant implementing rules. There has been a relatively significant turnover of expert staff, which has led to a short-term decrease in efficiency until the newly recruited staff are trained. However, such instances have been addressed in the most efficient way possible once they have arisen.

Against this background, in 2015, the BEREC Office cut one establishment plan post, which constituted 6.25 % of the total number of establishment plan posts and, therefore, the BEREC Office completed the objective to render 5 % of its staff as agreed in the Inter-institutional Agreement of 2 December 2013 between the EP, the Council and the EC<sup>11</sup>.

According to the Commission Communication *Programming of human and financial resources for decentralised agencies 2014-2020*<sup>12</sup> and the General Budget of the EU for 2017, in 2017 the BEREC Office contributed with one post to the redeployment pool of Agencies<sup>13</sup>. As a consequence, the establishment plan post of the Budget Assistant, vacant as of September 2016, has not been filled in and the post has been removed from the establishment plan as of January 2017.

Due to its supportive function of BEREC, the BEREC Office has to be prepared to use the most appropriate and efficient approach to address the increase in its workload and so, to be able to fully support BEREC, as required by its founding Regulation.

To reduce the administrative burden for the Programme Management Unit and to enable its staff to provide more professional support to BEREC, the Administration and Finance Unit has taken over big percentage of the financial transactions previously handled by the operational

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<sup>11</sup> See p. 27, 2013/C 373/01, Interinstitutional Agreement of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management, *OJ C 373*, 20.12.2013, p. 1–11, <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013Q1220%2801%29>

<sup>12</sup> COM/2013/0519 final, Communication from the Commission to the EP and the Council Programming of human and financial resources for decentralised agencies 2014-2020; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2013:0519:FIN>

<sup>13</sup> This constitutes a 1.25 % levy for over the years 2014-2018, with 0.25 % per year more than the horizontal proposal of the Commission.

Units. Additionally the expert reimbursement for participation in EWGs has widely been outsourced to an external contractor, which has freed up some capacity for increasing the professional support to BEREC.

On the administrative side, the BEREC Office has already started exploring the opportunities to externalise some daily and routine tasks. In April 2016, the BEREC Office already signed a Service Level Agreement (SLA) with the Commission services for externalising the accounting officer function and treasure management. Furthermore, various ways to externalise ancillary tasks have been initiated, for example in the fields of IT, HR and logistics services. Further possibilities of externalisation will be explored in other administrative areas.

Any efficiency gains are invested in providing further support to BEREC in relation to its new tasks assigned by the co-legislator and in the development of new projects in the interest of the BEREC Office, such as: provision of international schooling for the children of the staff in the absence of an accredited European School in Latvia, implementation of a traineeship programme, elaboration of internal rules for the implementations of the new staff implementing rules, deployment of measures of a social nature, including specific measures to reconcile working life with family life.

The analysis of the budget execution of the BEREC Office Budget Title 1 'Staff', for the last several financial years, demonstrates that, in case of need, the establishment of additional CA posts for addressing heavy workload could be done within the limits of the appropriations authorised for staff expenditure.

As a result of all these changes, the BEREC Office is currently reshuffling its HR and is redistributing some tasks internally or partly outsourcing them to external providers. For example, in 2016 the BEREC Office signed two multiple framework contracts in cascade for the provision of ICT services to BEREC and the BEREC Office by external providers, whose work is monitored and coordinated by the IT Support Officer. The IT Support Officer acts also as the Local Informatics Security Officer, a task which has not been assigned to any staff member in the past due to the lack of appropriate job profile. To accommodate these changes in the job profile of the IT Support Officer, the Management Committee (MC) up-graded this CA post from FG III to FG IV as of January 2017.

The BEREC Office expects to achieve a challenging balance in the distribution of the workload among its HR. However, being the smallest agency of the EU, it is already a challenge to maintain a sustainable operation and to ensure an appropriate balance in the work organisation.

## **3.2 Resource programming for the years 2018-2020**

### **3.2.1 Financial resources**

- Justification for the provisional revenue:

The sources of revenue for 2018 are:

- a) A contribution from the EU of EUR 4 331 000 which consists of:
  - EUR 4 124 336: main subsidy from the EU voted by the budgetary authority;
  - EUR 206 664: budget outturn (surplus) 2016.

- b) Possible EEA-EFTA contribution which is subject to the signature of an agreement with EFTA countries (marked as 'p.m.' – *pro memoria*).
- c) Voluntary financial contribution from Member States or from NRAs: according to Article 5(2) of the BEREC Regulation is voluntary and subject to approval by the Board of Regulators (BoR), marked as 'p.m.' – *pro memoria* - should the BoR decide to approve such contributions, a new budgetary procedure will be launched.
- d) Revenue from administrative operations: the amounts are not certain and are shown in the budget as 'p.m.' revenue items and are not considered in expenditure.

The BEREC Office does not receive any revenue from fees and charges and does not render any services against payment.

The total revenue in 2018 is therefore EUR 4 331 000.

The sources of revenue and conditions for 2019 - 2020 remain the same as for 2018.

- Justification for the provisional expenditure:

#### Title 1

The amounts requested in Title 1 are based on realistic assumptions as to the number of staff actually recruited on 16 November 2017 (including the planned number of trainees in 2018). The BEREC Office expects to operate with a full staff compliment in 2018 and, therefore, the associated costs have also been calculated on the basis of these assumptions. The budget has been adjusted to take into account the reduction of 1 AST post as of 1 January 2017, in line with the General Budget of the EU for 2017.

The estimated budgetary impact of salary adjustments has also been taken into account to the best possible extent, so the chapter for salaries and allowances is increased accordingly for 2018, 2019 and 2020.

Following a technologically neutral approach to the participation in events<sup>14</sup>, the budget for missions is reduced for 2018 and then slowly increased for 2019-2020 in order to promote the use of audio-video conference by the staff.

The BEREC Office expects to work in fully staffed situation and consequently the planned budget for interim staff as a temporary replacement under expenditure for external services in Title 1, Chapter 16, does not foresee such action and the appropriations are redirected to other sources within the chapter such as the establishment of a social welfare measures for the staff, provision of legal services, as envisaged in the Staff Regulations, provision of HR services by the Commission Services (PMO, DG HR), HR technical services and others.

Under the same chapter, the BEREC Office will ensure the financing of multilingual tuition by international schools available in Latvia for the children of staff, the payment of grants and other associated expenditure for trainees, the provision of Internal Control Coordinator assistance (under a SLA with ENISA) and translation of vacancy notices in all official languages of the EU. Flexibility in this item for 2018-2020 will be needed to address the uncertainty of the possible number of children.

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<sup>14</sup> Physical participation in events and participation by video-conference, where possible, is considered as equivalent

## Title 2

The expenditure under Title 2 has been planned taking into account the inflation rates, the gradual increase of meetings taking place and the BEREC Office and the increase of number of people working at the BEREC Office premises in addition to the staff, such as trainees and structural service providers.

A gradual increase in the information and communication technology spending is required for paying external data processing services provided to the BEREC Office by the Commission Services, such as: hosting of ABAC, HAN, Sysper<sup>15</sup>, IT security services (provided by the EU-CERT), access to DG DIGIT procurement procedures, etc. due to regular up-dating of their cost based on the Commission charge-back policy.

Taking into account the actual costs on publications, expenditure under movable property and associated costs is decreased.

In addition to legal expenses, office supplies and bank charges the chapter 'Current administrative expenditure' includes expenditure related to the BEREC Office budget publications in the Official Journal, as well as translations and/or other language requests related to the BEREC Office documents. It also takes into account the costs of outsourcing the services of the Accounting Officer that is reflected in a substantial increase of expenditure.

## Title 3

The appropriations under Title 3 will be used for financing the support to BEREC EWGs, financing the market analysis activities of BEREC and the BEREC Office and providing further support to BEREC and the NRAs.

The appropriations planned for support to EWGs reflects the actual spending observed in 2017 and the estimated needs of the EWGs in 2018 also by taking into account the additional needs arising from the implementation of the TSM Regulation. Under Title 3 the BEREC Office has planned the maintenance and extension of the contract for the audio-video and conference facility and continuing the full support to EWGs already provided by the Programme Management Unit, including reimbursement of experts' participation in EWG meetings, workshops or other events organised by the EWGs. The BEREC Office will proceed with the extension of the on-line public consultation platform and the introduction of a new measurement platform for the monitoring of network neutrality parameters, to be gradually expanded to market monitoring and knowledge centre.

The expenditure under 'Support to BEREC and NRAs' is slightly increased. This chapter will be used also for support to the BEREC and Vice-Chairs, Plenary and CN meetings, stakeholder and international events, as well as addressing public transparency and accountability obligations. This chapter will be used also for covering potential costs for update and maintenance of the BERECnet collaboration tool, BEREC website, Information sharing portal and other IT support to BEREC, as well as the need to reply to the request to provide electronic communications regulatory training to NRA's staff in order to be able to contribute to the BEREC activities and the launch of the new net neutrality measurement tool. For this reason, the BEREC Office has not planned any studies in 2018 and the possibility to commission a study will be examined in 2019 based on the actual needs and the prioritisation

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<sup>15</sup> The EC human resources management system.

of the tasks to be assigned by BEREC.

Details are provided in tables in Annex II, including on budget outturn and cancellation of appropriations.

### **3.2.2 Human resources**

There is the risk of reduced efficiency and quality of results, loss of know-how, due to high turnover in staff. The low correction coefficient for Latvia leads to a net salary decrease for the BEREC Office staff, which add an additional item to the risk factors<sup>16</sup>. Therefore, the staff turnover shall be tackled with concrete actions. To this purpose, it was considered essential to maximize the potential of the staff in place, intermediate levels in the organisation were introduced, with the aim to attributing to staff in the appropriate grade some tasks of coordination and team leading. In the Administration and Finance Unit, the introduction of intermediate levels also enhanced the workflow and in the long term will ensure a better verification of the files, with an expected positive outcome in the quality of the work. Some examples would be represented by the Legal, Procurement and Finance Team, and by the Resources Team (HR, IT, security and logistics) where the administrative burden is higher and the need for a more structured approach has been identified. Situations where coordination might be needed in the Programme Management Unit are also identified and teams for Market Analysis Support, BEREC WP Implementation Support and BEREC Office Market Monitoring and Knowledge Centre will be created in 2018.

In order to increase the BEREC Office attractiveness in the 2017-2019 Single Programming Document it has already been stated that the management would work towards the establishment of long term commitments vis-a-vis temporary and contract staff with the option of indefinite term, without prejudice to the individual decisions taken on a case by case basis. However, to address heavy workload or to ensure temporary replacement of TAs, the BEREC Office may hire CAs with contracts of limited duration.

For administrative or technical tasks, the BEREC Office will continue to use the services of interim replacements to cope with heavy workload periods or to ensure occasional replacement including for post, which are temporarily vacant. The current contract for interim staff will expire in 2018 and therefore a new procurement has been foreseen to establish a new framework contract (if possible in cascade).

As part of the measures for increasing the attractiveness of the Agency, the BEREC Office corporate identity should be enhanced through a series of short and mid-term measures. In the next years, the relations with the local authorities will have to be revamped at the highest level and, if necessary, also at an operational level, in order to have a better implementation of the Seat Agreement, to ameliorate the means of support to BEREC and improve the quality of life of staff.

As an additional measure to attract and retain highly qualified staff, the BEREC Office has planned the launch of social welfare measures in 2018 such as access to kindergarten or enablers to balancing work related and personal activities, which may be implemented on the

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<sup>16</sup> In December 2017 the correction coefficient for Latvia has been set up to 74.9%.

basis of the FTE availability<sup>17</sup>.

The conversion of posts to higher grades or FGs, where justified by the tasks and the expertise needed, could be considered.

Details are provided in Table 2 of annex III.

### **3.2.3 Conclusion on evolution of resources**

The evolution of the financial resources is in line with the Commission Communication on programming resources for decentralised agencies for the period of 2014-2020<sup>18</sup>.

The evolution of HR includes the 5% staff reduction target set in the Inter-institutional Agreement on cooperation in budgetary matters and on sound financial management. The BEREC Office achieved this reduction target in 2015 and in 2016 operated with 15<sup>19</sup> establishment plan posts. The BEREC Office has been requested to contribute with one post to the redeployment pool of Agencies, which will lead to a further reduction of one post in 2017 and, as of January 2017, the BEREC Office operates with 14 establishment plan posts.

However, the BEREC Office, stabilising its operation after the challenges of the start-up phase, needs to meet the increasing demand of BEREC for support. Recent changes in EU legislation have led to the assignment of new tasks to BEREC that also represents additional workload to the BEREC Office. The electronic communications remain considered as a key policy area which is addressed in the Digital Single Market Strategy initiative. On the other hand, the legislative proposal of the European Commission for the review of the electronic communications regulatory framework has been tabled in 2016. In this context, the BEREC Office will use any flexibility in the legislation in force to optimise its resources, including opportunities of outsourcing routine and administrative tasks and will invest any efficiency gains in the development of new projects and programmes in the interest of the Agency.

## **Section III - Work Programme 2018**

### **1 Executive summary**

The activities in the BEREC Office Work Programme for 2018 are split into the following main groups as follows:

- operational activities;
- horizontal activities;
- administrative support activities.

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<sup>17</sup> When deciding on allowances and measures of social nature, it should be kept in mind that an Appointing Authority may not exceed its competences in a way that would result in an unauthorised expansion of the personal and/or material scope of the provisions of the Staff Regulations laying down different benefits for the staff (e.g. a rental allowance outside of the framework provided by Article 14 of Annex VII)

<sup>18</sup> COM(2013) 519, 10.7.2013.

<sup>19</sup> The post of the Budget Assistant (AST 4) became vacant in September 2016 and was not filled in. To contribute to the redeployment pool of agencies, the post was cut as of January 2017.

The operational activities include all actions undertaken by the BEREC Office in support of BEREC's work, which are grouped as follows:

- Setting-up EWGs and supporting their activities, in order to fulfil the BEREC Medium Term Strategy 2018-2020 and the BEREC Work Programme 2018, including by elaboration of some of the deliverables, procuring and managing services, utilizing equipment, software and hardware tools and studies, managing the information workflows and data, reimbursement of traveling expenses of event participants, etc.;
- Supporting BEREC activities under Article 7 and 7a of the Framework Directive, including by collecting and keeping track of all notifications, establishing and coordinating Article 7/7a EWGs, ensuring high-level quality and consistency of the BEREC opinions and others;
- Assisting the BEREC Chair and Vice-Chairs in fulfilling their assignments and organising CN meetings, BoR and MC plenary meetings, public debriefings and international events, utilizing procuring studies, tools and equipment, software and hardware tools upon request;
- Ensuring that there is maximum internal and external transparency and accountability of BEREC activities, including through implementation of the BEREC External Communications Strategy and annual communications plans, the work of NRAs communications experts network, organisation of public debriefings and managing relations with BEREC Stakeholders, new BEREC website development, maintenance of the document registry, the internal platform for collaboration (BERECnet), the Information Sharing Portal, the on-line public consultation platform and the new net neutrality measurement platform. Provision of other horizontal support, such as the extensive use of video conference system and the Open Data Depository; training for NRAs' staff to make them able to support the BEREC activities; coordination of the preparation of the BEREC annual activity reports; communication with other EU (e.g. ENISA), international bodies (e.g. FCC, TRAI, etc.) and others.

The horizontal activities include:

- General coordination activities, which include inter-institutional contributions provided by the BEREC Office;
- Legal advice, which includes the activities of the legal officer (not directly linked to the Agency mandate), the activities of the data protection officer, and relation with the Court of Justice and with the Ombudsman;
- Communication and information activities, not directly implementing the mandate of the Agency, such as open-door days, back-to-school initiative and others;
- Finance and non-operational procurement activities, which include: accounting, finance, procurement and contract management (with exception of operational); payroll, reimbursement of mission costs not related to operational activities; and internal audits with a focus on finance.

The administrative support activities include:

- HR management (except payroll and mission reimbursement);
- Security, information and communication activities and logistics, which include activities primarily supporting informatics infrastructure and services (e.g. workstation support, hardware support, ICT management, ICT service support with a role at Agency level, but not directly implementing the mandate of the Agency); provision of security services, postal services, building and facility management (including premises and equipment), office supplies, document management and archive activities (except operational).

The annual activity work programme contains detailed objectives, expected results and description of the actions to be financed, including an indication of the amount of financial and HR allocated to each action. All activities listed above are developed on the basis of the availability of the following financial and HR:

Amount of EU contribution	Establishment plan posts	External personnel
EUR 4 331 000	14	13

The split of financial and HR between the different activities is presented in Annex I.

## 2 Activities

### Operational Activities

#### 2.1 Support to BEREC EWGs

##### 2.1.1 Setting-up EWGs and providing support

###### 2.1.1.1 Overview

According to the BEREC Regulation, the BEREC Office sets up BEREC EWGs, upon request of the BoR, and provides them with appropriate administrative, professional and logistics support. The BEREC Office also manages public consultations, video conferences sessions, virtual workshop and meetings; procurement procedures for workshops, IT platforms – tools and research studies, thus contributing to the achievement of BEREC's goals. The BEREC Office is also responsible for collecting information from NRAs and collating periodical BEREC benchmark reports.

To support BEREC's annual work programme, the BEREC Office sets up BEREC EWGs, upon request of the BoR, at the beginning of each calendar year. This forms the framework of how national experts contribute to delivery of the BEREC work programme. The BEREC Office also manages changes relating to EWGs, if required, during the calendar year. To enable the smooth working of EWGs, the BEREC Office collects the resource commitments from the NRAs, sets up and manages the email lists and email exploders related to the EWGs.

The BEREC Office provides administrative support to EWGs organising meetings, physical and virtual workshops, private and public consultations and surveys, and maintaining the information flow among members. Furthermore, it also provides logistics support to EWGs, such as circulation of documents and reimbursement of the experts' travel expenses to the NRAs. Depending on the actual deliverable, the BEREC Office provides professional support

to EWGs in preparation of BEREC documents.

In providing assistance to the EWGs the BEREC Office manages procurement procedures for equipment, workshops and studies, which are required by the EWGs to deliver their work in a timely manner and within high quality standards. The BEREC Office implements and manages software and hardware solutions to support the EWGs activities, collects data from its measurement tools and market data from the NRAs when requested by BEREC and drafts periodical BEREC benchmark reports required by BEREC.

The BEREC Office utilizes software and hardware tools to support the EWGs activities and collects data from its measurement tools as BEREC has an important role in promoting a consistent regulatory approach. To support BEREC in this regard, under Article 6 of the BEREC Regulation, the BEREC Office has been assigned the responsibility of collecting information from the NRAs and sector stakeholders, to exchange and transmit data in relation to the BEREC role and tasks as specified in BEREC Regulation Articles 2(a) and 3.

#### **2.1.1.2 Objectives, indicators, expected outcomes and outputs**

The following list contains the main objectives and indicators which measure the support given to the BEREC EWGs:

- Proper functioning of EWGs with basic support, such as invitations to meetings, document circulation and reimbursement of related travel expenses) with capacity for supporting up to 100 physical and multiple virtual EWG meetings in 2018;
- Full support to all EWGs, including support in the organisation of physical or virtual EWG public workshops and events, organisation of public and internal consultations, preparation and consolidation of summary reports from public or internal consultations, contributions, questionnaires and consolidation of contributions to those drafting EWG documents, as well as preparation of summary reports;
- Data collection and dissemination upon request from EWGs or the BEREC Chair;
- Delivery of studies and research reports or any other material, upon request from the EWGs or from BEREC, including by launching and managing the necessary procurement procedures (where applicable) and/or contracts;
- Structured and timely provision of information and/or analysis on collected market data;
- Logistics management of inter-institutional meetings within the scope of the EWGs' activities;
- Contribution to the drafting of the following reports (in due time):
  - a. Regulatory accounting in practice;
  - b. International roaming benchmark reports;
  - c. Termination rates at European level;
  - d. Report on transparency and comparability of international roaming tariffs;
- Maintenance and further expansion of the capacity of the audio-video conference facility and on-line public consultation platform, as needed, in order to ensure wider and cost and time effective participation in the BEREC EWG events;

- Identification and measurement of quantitative and qualitative indices to assess the support provided to the EWGs by the BEREC Office. This is achieved by conducting regular satisfaction surveys to the Co-chairs of the EWGs and developing KPIs to measure the performance of the tasks assigned to the BEREC Office by the Internal Guidelines on the Operation of BEREC EWGs. These indices are measured on regular intervals and reported to the EWGs and the BEREC members as in a view of providing guidance on how to improve the services of the BEREC Office.

### **2.1.1.3 Resources**

- a) 585 k EUR
- b) 11.19 FTEs

## **2.1.2 BEREC Office activities under market analysis and notifications**

### **2.1.2.1 Overview**

Under the revised 2009 EU regulatory framework, NRAs are required to analyse a set of markets for electronic communications which may need ex-ante regulation.

According to Articles 7 and 7a of the Framework Directive, the findings of market analysis have to be notified to the Commission. The aim of this Article 7 procedure, is to contribute to the development of a single market in electronic communications by ensuring co-operation among NRAs, and between NRAs and the Commission.

Once a NRA notifies the Commission of its proposed measure, the case is assessed by the Commission within one month. At the end of this period, and provided that the notified measure does not raise serious doubts as to its compatibility with the EU law, the Commission may decide to comment.

When the Commission expresses serious doubts and opens a so-called Phase II Case, its investigation period is extended for two more months in the Article 7 cases, or for three more months in the Article 7a investigations. If this situation occurs, BEREC has to issue an opinion on whether these serious doubts are justified. For this purpose BEREC has set up a procedure to establish an EWG for drafting an opinion.

In this context, the BEREC Office is responsible for collecting and keeping track of the NRAs notifications, as well as for establishing and coordinating Article 7/7a EWGs in order to prepare BEREC's opinions within the deadline set by the Framework Directive.

Thus the BEREC Office contributes to the development of a single market in electronic communications and cooperation amongst NRAs, and between NRAs and the Commission. Therefore this activity is a priority in each annual Work Programme of the BEREC Office.

### **2.1.2.2 Objectives, indicators, expected outcomes and outputs**

Specific objectives and actions related to these tasks are:

- Keep track of and collect NRAs' notifications;

- Maintenance and update of the database;
- Coordination of the BEREC activities in accordance with the Article 7/7a procedures.

Expected outcomes and indicators are:

- Database for all notifications and Phase II cases opened under Articles 7/7a of the Framework Directive; to be integrated into the BERECnet;
- High quality and consistent final draft of BEREC opinions;
- Proper functioning of the ad-hoc working groups, organisation of their meetings, reimbursement of related travel expenses, etc. and capacity to handle every case in a timely manner.

### **2.1.2.3 Resources**

- a) 15 k EUR
- b) 1.13 FTEs

## **2.2 Support to BEREC and NRAs**

### **2.2.1 Support to the BEREC Chair and Vice-Chairs and organisation of CN and BoR and MC Plenary meetings and international events**

#### **2.2.1.1 Overview**

According to the BEREC Regulation, BEREC should assist the NRAs and the Commission in the execution of their responsibilities through the pooling of expertise without duplicating work already undertaken. BEREC should develop cooperation among NRAs, and between NRAs and the Commission, so as to ensure the consistent application in all MS of the EU regulatory framework for electronic communications networks and services, thus contributing to the development of the internal market. BEREC should also serve as a body for reflection, debate and advice for the EP, the Council and the Commission in the electronic communications field.

These objectives, among others, are achieved through the adoption of a number of BEREC deliverables, which are approved either during the plenary meetings or by electronic voting procedures. Additionally, in order to enhance the cooperation between NRAs, Commission, EP, the Council and interested parties (stakeholders), BEREC organises different events and participates in events organised by third parties during which the Chair or the Vice-Chair presents BEREC views and shares BEREC expertise.

Therefore, the BEREC Office provides professional and administrative support to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their assignments. In particular the BEREC Office is in charge of the preparation of the BoR and MC Plenary meetings, the CN meetings, the BEREC meetings with the EU institutions, high-level BEREC workshops and events attended by the Chair and Vice-Chairs on behalf of BEREC, and BEREC international activities.

In providing assistance to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their assignments, the BEREC Office maintains the information flow among BEREC Members, Observers and relevant stakeholders, it also provides logistics support to the

meetings, such as registration of meeting participants or circulation of meetings documents in timely manner and within high quality standards as well as reimbursement of the experts' travel expenses to the NRAs.

The BEREC Office also provides professional and administrative support to the Chair for the organisation of BEREC and MC electronic voting procedures when the organisation of a meeting for adoption of the decision needed is not possible or practicable and the adoption of the decision cannot be postponed until the next plenary meeting.

The BEREC Office registers all new nominations of BoR, MC and CN Members or Observers and keeps the contact lists of these bodies regularly updated. The BEREC Office collects and uploads on the BEREC Public Register the annual declarations of commitment and interests of the BoR and MC Members and its Alternates.

### **2.2.1.2 Objectives, indicators, expected outcomes and outputs**

The objective of this activity is to provide efficient support to the BoR, the MC, the BEREC Chair and Vice-Chairs and the CN in fulfilling their responsibilities through the successful organisation of the high-level BEREC and BEREC Office events, such as CN, BoR and MC, meetings, high-level workshops, BEREC international activities, meetings with the EU institutions and other similar events.

#### **a) Support for organisation of meetings**

Output:

The BEREC Office will provide support to BEREC and meeting hosts for CN and plenary meetings in the organisation of the following meetings or BEREC events:

- 4 CN meetings;
- 4 ordinary BoR and MC plenary meetings;
- Up to 2 BEREC high-level workshops (public or internal) organised back-to-back with the plenary meetings;
- Up to 2 BEREC meetings with the EU institution (excluding meetings only with the BEREC Chair and Vice-Chairs, which are included in the Chair's events);
- Approx. 45 meetings of the BEREC Chair and Vice-Chairs and events attended by the Chair and Vice-Chairs or other representatives on behalf of BEREC, such as: conferences, events organised by other EU bodies and/or EU institutions, bilateral meetings with interested parties, etc.;
- Up to 7 BEREC international events, including events foreseen in the Memoranda of Understanding signed by BEREC.

The afore-mentioned figures are indicative and may change depending on the actual needs. However, taking into account the limited human and financial resources at the BEREC Office in 2018, the increase in the number of one type of events should be offset by decrease in other type(s) of events.

## Indicators:

- Provision of standard set of support upon request to all plenary and CN meeting hosts within the deadline agreed with the meeting host;
- Publication of all public documents and information on the outcome of the CN and Plenary meetings within the deadlines determined in the meeting action points;
- Publication of the speeches and presentations of the BEREC Chair and Vice-Chairs done on behalf of BEREC at public events, on the BEREC website;
- Satisfaction of the BEREC Chair with the support provided by the BEREC Office in the organisation of the meetings listed above, assessed on the basis of quarterly surveys;
- Reimbursement of the expenses of the meeting participants invited to the events listed above in compliance with the applicable BEREC Office rules and within the deadlines envisaged in the BEREC Office Financial Regulation.

**b) Support to electronic voting procedures**

## Output:

- High-quality support to the organisation of up to 20 electronic voting procedures;
- Preparation of regular overviews of the outcome of electronic voting procedures as well as information on electronic voting procedures planned in the period to the next plenary meeting (for each CN and plenary meetings).

## Indicator:

- Satisfaction of the Chair with the support provided by the BEREC Office to the organisation of electronic voting procedures, assessed on the basis of quarterly surveys.

**c) Maintaining updated lists of the BoR, MC and the CN**

## Output:

- Regularly updated internal BoR, MC and CN contact lists and public BoR and MC Members and Observers lists;

## Indicator:

- All notifications of new BoR, MC and CN members and observers are registered within 3 working days from their receipt;
- BoR, MC and CN contact lists are up-dated within 3 working days from the receipt of the notification.

**2.2.1.3 Resources**

- a) 443 k EUR
- b) 4.35 FTEs

## **2.2.2 Public transparency, accountability and integrity and support to BEREC and NRAs**

### **2.2.2.1 Overview**

As the BEREC external communication is based on the principles of transparency, accessibility, coherence and timeliness, the objective of this activity is to ensure the transparency of the BEREC and BEREC Office activities according to the BEREC External communication strategy and its annual communication plans via active promotion of its work and achievements and dissemination of information through the appropriate communication channels to its target audiences, as well as to raise awareness of the latest and increase engagement of stakeholders in BEREC and BEREC Office activities.

### **2.2.2.2 Objectives, indicators, expected outcomes and outputs**

#### **a) To increase the transparency and accountability of BEREC and BEREC Office activities through raising awareness of its target audiences by using appropriate technical solutions**

Outputs:

- Organisation of events open for public such as public debriefings, public hearings, press events, high-level stakeholder events including BEREC Stakeholder Forum, etc. with live-streaming on the BEREC website and engagement with stakeholders via social media during the live streaming of the events;
- A new BEREC website is developed in line with the latest technical solutions and necessary requirements; it is reader-friendly, easy accessible and with regularly updated content;
- Maintain the capability to support at minimum 6 public consultations per year via BEREC on-line public and internal consultation;
- Information on BEREC and BEREC Office activities is published on the BEREC website and disseminated via social media (Twitter, LinkedIn and YouTube);
- Active interaction with media representatives upon request and according to the projects foreseen in an annual communications plan;
- Publication of BEREC Annual Reports and BEREC WP;
- Update of the BEREC and BEREC Office visual identity and the guidelines;
- Preparation of well-designed and attractive branding materials and event communications visual solutions, according to the BEREC and BEREC Office visual identity guidelines;
- Development of audio-visual solutions (videos, infographics, photos, etc.) for BEREC and BEREC Office publications and information sharing;
- Providing support to the development of BEREC communications projects by the communications network of NRAs;

- Disseminate information on BEREC activities through the communications network of NRAs.

Indicators:

- Increase of number of registered participants to the events open for public;
- Increase of number of live-streaming connections during the events open for public;
- Increase of number the recorded videos are watched after their publication on the BEREC website and on the YouTube channel;
- Increase of number of questions received via email and Twitter during the live-streaming of events open for public;
- Increase of number of the followers of the BEREC official accounts in social media – Twitter and LinkedIn and subscribers of the BEREC YouTube channel;
- Increase of number of news items published on the BEREC website;
- Increase of the visitors' traffic to BEREC website and a number of subscribers
- Increase of number of mentions about the BEREC and the BEREC Office activities in media;
- A response is provided to all the relevant information requests received, in active, qualitative and timely manner;
- BEREC Annual Reports and BEREC WP is prepared in a designed layout in electronic format and delivered to stakeholders in electronic or paper format;
- The event communications visual solutions are used and branding materials are distributed at the BEREC and BEREC Office public events;
- Audio-visual and graphic solutions are developed in accordance with an annual communications plan;
- Develop and operate an open data depository which serves as the single point of access to a growing range of data produced by the BEREC;
- Launch, procure, develop, operate and manage procurement procedure for the maintain on-line public consultation platform;
- Procure, develop, operate and maintain network neutrality measurement tool system.

**b) Maintain and update the hardware and operating system of the web server to ensure smooth functioning of the BEREC website;**

Outputs:

- The hardware and operating system are kept up-to-date;
- High availability of the BEREC website;
- The internal and external users are provided with the technical support needed;
- Adjust the security setting in order to meet latest technological trends and threats.

Indicators:

- The hardware and operating system are aligned with the necessary hardware and software configurations;
- On average at least 95% availability of the BEREC website for the whole year;
- 85% of the requests are addressed within 2 working days;
- Identified vulnerabilities are resolved in line with an internal action plan.

**c) Raising awareness on BEREC and BEREC Office mission and its impact on daily life of each EU citizen.**

Outputs:

- Preparation of well-designed and attractive bearers of the BEREC and the BEREC Office visual identity, such as leaflets, brochures, banners and others;
- Publication of the newsletter on the BEREC policy documents and events;
- Videos explaining BEREC and BEREC Office work and inputs are created and disseminated via BEREC website and BEREC YouTube channel.

Indicators:

- Bearers of BEREC visual identity to be available to EU citizens at EU information centres and BEREC public events and visible to general public.

**d) Other support to BEREC and NRAs**

Outcomes:

- A well-functioning internal platform to be kept for collaboration and knowledge-sharing between BEREC members and observers (BERECnet), including ensuring continuous IT support to BEREC;
- Maintain and develop the necessary hardware and software to ensure smooth functioning of the BEREC Office portals, platforms, video-conference systems, e-mail exploders and functional e-mail lists;
- Organise of training to support BEREC Member and Observer NRAs by advancing the knowledge about the regulatory framework and other topics related to BEREC activities aiming to train their members to assist in the BEREC activities;
- Support and coordinate the preparation of the BEREC Annual Activity Reports for 2017 and BEREC WP for 2019;
- Delivery of study or research reports or any other material, upon request from the BoR.

Indicators:

- Deadlines are met in the specific projects.

**2.2.2.3 Resources**

- a) 346 k EUR
- b) 5.27 FTEs

## Horizontal activities

### 2.3 Coordination activities

#### 2.3.1 General coordination and communication activities

##### 2.3.1.1 Overview

The BEREC Office will ensure that there is an effective management and internal control system implemented. Findings and recommendations of the Internal Audit Service will be addressed in an action plan that will also contain indicators and expected outcomes. Observations of the European Court of Auditors and the discharge authority will be followed up with a view to address the comments in the shortest possible time.

The BEREC Office will continue its efforts to raise awareness of its work among the citizens by the organisation of small-scale communication activities.

##### 2.3.1.2 Objectives, indicators, expected outcomes and outputs

The objective of the general management and control is to ensure that the operation of the BEREC Office is in line with the applicable rules and the available resources are used in the most effective and efficient way.

Specific objectives, expected outcomes and indicators:

- Assist the MC in preparing the BEREC Office Consolidated Annual Activity Report for 2017 and the BEREC Office programming document for 2019-2021;  
Outcome: delivery of draft documents;  
Indicator: deadlines set in the Financial Regulation are kept;
- Provide regular report to the MC on the operation of the budget execution of the BEREC Office;  
Outcome: regular quarterly standard internal report;  
Indicator: deadline for submitting the document for each MC meeting is kept;
- Continue to look for efficiency gains through the use of existing framework contracts of the relevant Commission services and by possibly pooling resources with other EU bodies. In this regard, the BEREC Office shares experience in the established network of EU agencies;  
Outcome: SLAs are signed with other EU institutions, bodies and agencies;  
Indicator: evaluation of the functioning of the SLAs and up-date of the needs;
- Contribute to the work of the Network of Agencies on subjects of interest to the BEREC Office;  
Outcome: model documents, methodologies, etc., developed by the Network, which take into account the interest and as far as possible, the specifics of the BEREC Office;  
Output:
- Organisation of communication and information activities, not directly implementing the mandate of the Agency, such as open-door days, back-to-school initiative and others, preferably jointly with the Representation of the European Commission and the Information Office of the EP in Latvia;

- Outcome: organisation of communication event oriented towards the citizens.

### **2.3.1.3 Resources**

- a) 31.5 k EUR
- b) 0.84 FTEs

## **2.3.2 Legal activities and advice**

### **2.3.2.1 Overview**

Due to the limited number of staff at the BEREC Office the legal function consists of providing legal advice and opinions both to BEREC and the BEREC Office. Due to the fact that the legal opinions to BEREC are directly linked to the professional support provided to BEREC these activities are planned under the respective operational activity.

The current section covers only legal activities, which are not directly linked to the Agency mandate and have the objective to ensure the legality of the transactions when implementing both the Staff Regulations (in particular, recruitment procedures and implementing rules) and the Financial Regulations. The professional exercise of the legal function ensures primarily mitigation of external risks (e.g. court cases in procurement and/or Staff Regulations related matters) and mitigates risks of criticism during audit performances.

In the area of data protection, the activity of the legal function takes the form of establishing a relationship with the European Data Protection Supervisor (EDPS) and advice the Data Controller on data protection issues in compliance with the EU regulation in force. The main challenges in 2018 will be primarily the following:

- a) to continue the trend of keeping the BEREC Office off court cases and Ombudsman procedures, notably in the sensitive field of access to documents, with the support of BEREC MC and BoR to avoid such court cases and Ombudsman procedures;
- b) in the field of data protection, to ensure compliance with the new rules on data protection which will enter into force in May 2018 and will require a review of all existing data protection policies in place;
- c) in the field of data protection, to organise at least one training per semester which may take the form of a training specifically designed for newcomers;
- d) in the field of access to documents, to ensure compliance with Regulation 1049/2001 on access to documents, notably by maintaining updated internal rules on how to process applications;
- d) to streamline the handling of public procurement procedures, notably by:
  - Organising at least one training per semester which may take the form of a training specifically designed for newcomers;
  - Ensuring that the adoption of E-tendering is effectively implemented;
  - Based on cost-benefit analysis, adopting other e-procurement modules developed by the Commission (e.g. e-Evaluation; e-Awarding; e-Invoicing), provided that these modules are also compatible with low and middle value negotiated procedures (i.e. NP3 and NP5 negotiated procedures);

- Maintaining an updated Procurement Manual of the BEREC Office as reference document for handling public procurement procedures, in line with the e-procurement modules.

### **2.3.2.2 Objectives, indicators, expected outcomes and outputs**

The outstanding objective of the legal function is to avoid external risk like court cases and mitigate internal risk of criticism by internal and external auditors with regard to the areas of procurement, recruitment, access to documents and data protection.

Expected outcomes and outputs: non-involvement of the BEREC Office either in court cases (HR management, procurement and data protection) or in investigations carried by independent bodies as EDPS, OLAF or the Ombudsman; reduce the level of criticism in the areas of procurement, HR, access to documents and data protection by the auditing bodies to a minimum; and put in place a register of processing operations.

Indicators: the legal advice is provided in a very timely and professional manner. The DPO is the contact point for all exchanges with the EDPS and provides advice on all data protection policies created by the competent Units in a timely and professional manner. The DPO also supports the Data Controller in preparing replies to inquiries or survey by the EDPS.

### **2.3.2.3 Resources**

- a) 2.5 k EUR
- b) 0.63 FTEs

## **2.4 Finance and non-operational procurement**

### **2.4.1 Overview**

The activities of the BEREC Office in this area will consist mainly in managing the budget of the Agency, ensuring that all financial transactions are executed in compliance with the requirements of the Financial Regulation and providing general guidance and advice for organisation of procurement, including by developing and updating the internal instructions, guidelines and templates for staff in line with the legislation in force (notably via the BEREC Office Financial and Procurement Manuals).

The activities included in this area cover the management of the SLAs with the Commission Services and other bodies of the EU in the field of accounting, procurement and contract management (except operational); general finance and budgetary management, payroll, reimbursement of non-operational mission costs; internal audits with a focus on finance (for example audits from the external auditors) and ex-post controls with a focus on finance and procurement.

### **2.4.2 Objectives, indicators, expected outcomes and outputs**

The objective of these activities is to implement the budget in compliance with the principle of sound financial management and establish all prerequisites for execution of all financial transactions and procurement procedures in a timely manner and in compliance with the legislation in force.

Specific objectives, expected outcomes and indicators:

## Actions:

- 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 regular monitoring exercises on the budget;
- c) Implement and perform the principles of Activity Based Budgeting (ABB)/ Activity Based Costing (ABC);
- d) Provide adequate financial support, manage financial documents and perform accurate internal controls;
- e) Perform regular check of the quality of accounting;
- f) Act as a single point of contact for financial management matters to DG BUDGET (e.g. ABAC accounting implementation and related applications);
- g) Coordinate audits and ex-post control exercises with financial focus and support to all audit assignments, including engaging an external audit company for the financial audit of BEREC Office;
- h) Ensure coordination of the procurement activities of the BEREC Office and provide guidance and advice to staff entrusted with procurement responsibilities;
- i) Regularly up-date the financial and procurement manuals and provide up-to-date templates and check-lists to the staff;

## Indicators:

KPI – Annual budget execution target for commitment appropriations;

Method – extracted from annual figures compiled for the BEREC Office report on the budgetary and financial management; target  $\geq 95\%$ ;

The procurement procedures are organised according to the procurement plan; target  $\leq 5\%$  unjustified delays.

**2.4.3 Resources**

- a) 39 k EUR
- b) 4.19 FTEs

**Administrative support activities****2.5 Human Resources****2.5.1 Overview**

After the implementation of the cut of one establishment plan post in 2015, which constituted 6.25% of the total number of establishment plan posts, the BEREC Office completed the objective to progressively render 5 % of its staff as agreed in the Interinstitutional Agreement

of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>20</sup>.

In 2016 the establishment plan of the BEREC Office included 15 temporary agents: 11 agents are in the AD category and 4 in the AST category. The BEREC Office does not employ officials and agents in category AST/SC.

The BEREC Office was also requested to contribute with one post to the redeployment pool of Agencies<sup>21</sup> in line with the Commission Communication *Programming of human and financial resources for decentralised agencies 2014-2020*. Consequently, the post of the Budget Assistant (AST4), which became vacant in September 2016, was cut as of January 2017.

The establishment plan for the years 2018-2020 includes also the revision of the grades of posts in order to ensure equal opportunities for the staff's career progression.

The BEREC Office will continue to operate with the objective to increase its attractiveness in order to develop and retain its staff as far as possible and to ensure the selection of staff at an adequate level of expertise and seniority. Attention will be paid to implementation of policies for internal mobility and creation of a positive working environment, with a view to limit the turnover of key staff. To this end a social welfare programme will be launched in 2018, taking also into account the need to facilitate the integration of the staff in the host member state. In 2017 the BEREC Office started the necessary preparatory work to enhance the already existing training possibilities following the adoption of new implementing rules on learning and development, which will become effective in 2018. Towards this scenario, a new service contract for the provision of language trainings to the staff will be signed. The HR area will be enhanced with a view to provide further services to the staff. In 2016 the BEREC Office signed a SLA for the use of the Sysper2, which is the HR management information system of the EC and the new EC learning management system - EU-LEARN. In 2018 the BEREC Office will start digitalisation of all paper HR files with a view to migration to Sysper2 and putting it into operation as of 2018. To ensure smooth migration to Sysper2 and to offer better HR services to the staff the BEREC Office plans to establish a contract for the provision of HR technical services in support to the HR function.

In 2016 the BEREC Office organised its first staff survey which had limited scope and focused mainly on the implementation of the Seat Agreement. To develop more structured staff surveys and a feed-back from the staff the BEREC Office will consider in future hiring a consultant to prepare, launch and evaluate the outcome of the survey.

Activities in this domain will be carried forward in close co-operation with the Staff Committee, according to Decision No MC/2016/11.

### **2.5.2 Objectives, indicators, expected outcomes and outputs**

A policy on the duration and renewals of contracts, in line with Decision MC/2015/3 for the temporary agents (to be extended also to contract staff) is to be developed and implemented.

Indicator: decision on contract renewals shall be reached and communicated to the interested

<sup>20</sup> See p. 27, 2013/C 373/01, OJ C 373, 20.12.2013, p. 1–11, <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013Q1220%2801%29>

<sup>21</sup> This constitutes 1.25 % levy for the years 2014-2018, with 0.25 % per year more than the horizontal proposal of the Commission.

party at least nine months before expiry.

Implementation of the traineeship scheme defined in 2016.

Indicators: number of trainees hired from 2016<sup>22</sup>. Among the outcomes and outputs: benefit from the fresh energies of recent graduate trainees, as well as increase the visibility and, consequently, the attractiveness of the BEREC Office.

Schooling: a review of the agreements already in place or the drafting of new agreements with Latvian schools having an international dimension should be accomplished. A policy on the rules and conditions for financing multilingual tuition has been established and will be reviewed with a view to its further improvement and/or expansion to early child care, if deemed appropriate.

Indicators: numbers of requests of relevant measures from BEREC Office staff members and number of children of BEREC Office staff enrolled in Latvian schools<sup>23</sup>.

Mobility - objective: promote and take advantage from all the mobility opportunities.

Indicators - number of surveys and number of staff who applied for mobility.

Outcomes and outputs: retain the most qualified staff members, attract from the job market the most talented and skilled resources, use of internal publication of vacant posts when eligible staff are identified. To this extent, the attractiveness of the Agency will be one of the objectives of our programming exercises.

Staff survey - objective: to develop and launch a staff surveys to obtain the feed-back of staff on a variety of issues;

Indicators - number of surveys and number of staff who took part in each survey;

Target – 80% of statutory staff.

### **2.5.3 Resources**

- a) 163 k EUR
- b) 2.19 FTEs (of which 0.2 FTE in relation to the SC)

## **2.6 ICT, security, logistics and document management**

### **2.6.1 Overview**

The BEREC Office operates in one site, in Riga, Latvia (detailed information on the building is available in annex V: Buildings), with a standard office IT environment. With a limitation on HR there is no in-situ IT team established so the outsourcing of IT related activities is seen as the only way to ensure business continuity.

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<sup>22</sup> Following the publication of the first call for expression of interests for trainees at the BEREC Office, 3 trainees performed their traineeship in the period October 2016-October 2017. A second call was organised during 2017 and four new trainees were selected with a view to start in the last quarter of 2017/early 2018.

<sup>23</sup> In 2016, agreements were in place with 3 international schools and 5 requests for the schooling measure were received and processed according to the internal rules in place.

Due to its limited capacity the BEREC Office is not able to monitor the development and to maintain tailor-made applications for its day-to-day operation and therefore will continue to use as far as possible applications already developed by the EC and offered to the EU Agencies. The BEREC Office has used since its establishment the EC accounting system ABAC and has recently signed agreements with the EC services for the use of the EC applications on document and records management and archiving (HAN), management of HR (Sysper2), electronic management of learning (EU-LEARN) and e-tendering. To increase its IT security the BEREC Office also signed a Memorandum of Understanding with the EU Computer emergency response team (EU-CERT) for usage of the services offered it.

To decrease the burden from organising its own IT procurement the BEREC Office has signed a Memorandum of Understanding with DG DIGIT for participation of the BEREC Office in all IT related procurements organised by the EC services.

The BEREC Office will further explore the possibilities for usage of any other additional services that could be offered by the EC, such as hosting, housing, etc.

### **2.6.2 Objectives, indicators, expected outcomes and outputs**

- a) Establish all necessary prerequisites for the operation of secure and user-friendly ICT environment for the BEREC Office staff, including through the use of the EU CERT and other service providers;
- b) Ensure smooth running of the EC applications already in place at the BEREC Office and support the staff with the migration to any new applications, such as HAN, Sysper2, e-Tendering and others.
- c) Maintain and develop the necessary hardware and software to ensure smooth functioning of the BEREC Office ICT equipment;
- d) Ensure safe and secure working conditions for the staff of the BEREC Office compatible with the EC standards on security and the requirements of the EC Building Manual;
- e) Provide logistic support to the BEREC Office, such as postal and telecommunications services, procure and maintain the office furniture and ensure regular office supplies;
- f) Ensure other logistical and/or clerical services through contracts with service providers;
- g) Following the establishment of the Staff Committee, ensure that the latter is provided with the necessary facilities in order to perform its duties and inform staff.
- h) Identify areas of potential risks and proposes and implement appropriate mitigating measures;
- i) Maintain and develop the necessary hardware and software to ensure smooth functioning of the BEREC Office portals, platforms, video-conference systems, e-mail exploders and functional e-mail lists.

### **2.6.3 Resources**

- a) 217 k EUR
- b) 2.21 FTEs

## Annex I: Resource allocation per activity 2018

ACTIVITIES 2018	Direct Costs kEUR	FTEs	HR related costs kEUR	Total costs kEUR
<b>Operational activities</b>				
- Support to BEREC EWGs	600	12.32	906	1506
Set-up EWGs and provide support	585	11.19 <sup>24</sup>	797	1392
BEREC Office activities under market analysis and notifications	15	1.13	109	124
- Support to BEREC and NRAs	789	9.62	844	1633
Support to the BEREC Chair and Vice-Chairs and organisation of CN and BoR and MC Plenary meetings and BEREC stakeholder and international events	443	4.35	446	889
Public transparency, accountability and integrity and support to BEREC and NRAs	346	5.27	398	744
<b>TOTAL operational expenditure</b>	<b>1389</b>	<b>21.94</b>	<b>1750</b>	<b>3139</b>
<b>Horizontal activities</b>				
Coordination activities <sup>25</sup>	34	1.27 <sup>26</sup>	133	167
Finance and non-operational procurement	39	4.19	310	349
<b>TOTAL horizontal expenditure</b>	<b>73</b>	<b>5.66</b>	<b>443</b>	<b>516</b>
<b>Administrative support activities</b>				
Human Resources	163	2.19 <sup>27</sup>	163	326
ICT, security, logistics and document management	217	2.21 <sup>28</sup>	133	350
<b>TOTAL administrative expenditure</b>	<b>380</b>	<b>4.40</b>	<b>296</b>	<b>676</b>
<b>TOTAL</b>	<b>1842</b>	<b>32<sup>29</sup></b>	<b>2489</b>	<b>4331</b>

<sup>24</sup> Including 2 trainees.

<sup>25</sup> Includes the following sub-activities: 'General coordination and communication activities' and 'Legal activities and advice'.

<sup>26</sup> Including 1 trainee.

<sup>27</sup> Including 1 trainee.

<sup>28</sup> Including 1 trainee.

<sup>29</sup> Including 5 trainees in total.

## Annex II: Financial Resources 2018-2020

Table 1 – Expenditure

Expenditure	2017		2018	
	Commitment appropriations	Payment appropriations	Commitment appropriations	Payment appropriations
<b>Title 1</b>	2,362,798	2,362,798	2,489,045	2,489,045
<b>Title 2</b>	406,639	406,639	452,624	452,624
<b>Title 3</b>	1,476,563	1,476,563	1,389,331	1,389,331
<b>Total expenditure</b>	<b>4,246,000</b>	<b>4,246,000</b>	<b>4,331,000</b>	<b>4,331,000</b>

EXPENDITURE	Commitment appropriations						
	Executed Budget 2016 <sup>30</sup>	Budget 2017	Budget 2018		VAR 2018/ 2017	Envisaged 2019	Envisaged 2020
			Agency request	Budget Forecast*			
<b>Title 1</b>	2,324,386	2,362,798	2,489,045	2,489,045	5.34%	2,559,829	2,627,613
<b>Staff Expenditure</b>							
<b>11 Salaries &amp; allowances</b>	1,573,781	1,726,603	1,850,521	1,850,521	7.18%	1,900,535	1,939,144

<sup>30</sup> Final figures of executed budget will be published together with the statement of revenue and expenses in OJ.

EXPENDITURE	Commitment appropriations						
	Executed Budget 2016 <sup>30</sup>	Budget 2017	Budget 2018		VAR 2018/ 2017	Envisaged 2019	Envisaged 2020
			Agency request	Budget Forecast*			
- of which establishment plan posts	1,073,245	1,134,253	1,224,703	1,224,703	0.08%	1,261,201	1,287,023
- of which external personnel	500,536	592,350	625,818	625,818	5.65%	639,334	652,121
<b>12 Expenditure relating to Staff recruitment</b>	45,824	65,977	48,403	48,403	-26.64%	52,871	53,929
<b>13 Mission expenses</b>	234,223	220,000	198,000	198,000	-10.00%	204,960	213,648
<b>14 Socio-medical infrastructure</b>	3,000	5,000	4,060	4,060	-18.80%	4,141	5,224
<b>15 Training</b>	84,107	77,218	76,912	76,912	-0.40%	79,950	81,549
<b>16 External Services</b>	378,303	258,000	299,029	299,029	15.90%	305,010	321,510
<b>17 Receptions and events</b>	5,148	10,000	12,120	12,120	21.20%	12,362	12,609
<b>Title 2</b>	<b>361,393</b>	<b>406,639</b>	<b>452,624</b>	<b>452,624</b>	<b>11.31%</b>	<b>458,778</b>	<b>478,879</b>
<b>Infrastructure and operating expenditure</b>							
<b>20 Rental of buildings and associated costs</b>	81,715	114,048	108,285	108,285	-5.05%	109,367	110,961
<b>21 Information and communication technology</b>	150,184	196,926	217,000	217,000	10.19%	219,301	236,373
<b>22 Movable property and associated costs</b>	8,693	4,870	5,073	5,073	4.17%	5,123	5,175

EXPENDITURE	Commitment appropriations						
	Executed Budget 2016 <sup>30</sup>	Budget 2017	Budget 2018		VAR 2018/ 2017	Envisaged 2019	Envisaged 2020
			Agency request	Budget Forecast*			
<b>23 Current administrative expenditure</b>	106,423	67,968	96,726	96,726	42.31%	99,193	100,317
<b>24 Postage / Telecommunications</b>	3,013	12,500	14,110	14,110	12.88%	14,251	14,393
<b>25 Meeting expenses</b>	11,365	10,327	11,430	11,430	10.68%	11,544	11,660
<b>Title 3 Operational expenditure</b>	1,398,796	1,476,563	1,389,331	1,389,331	-5.91%	1,399,393	1,399,508
<b>30 Support to BERC EWGs</b>	641,366	692,077	600,000	600,000	-13.30%	606,600	606,600
<b>31 Support to BERC and NRAs</b>	757,430	784,486	789,331	789,331	0.62%	792,793	792,908
<b>TOTAL EXPENDITURE</b>	4,084,575	4,246,000	4,331,000	4,331,000	2.00%	4,418,000	4,506,000

EXPENDITURE	Payment appropriations						
	Executed Budget 2016	Budget 2017	Budget 2018		VAR 2018/2017	Envisaged 2019	Envisaged 2020
			Agency request	Budget Forecast*			
<b>Title 1</b>	2,324,386	2,362,798	2,489,045	2,489,045	5.34%	2,559,829	2,627,613
<b>Staff Expenditure</b>							
<b>11 Salaries &amp; allowances</b>	1,573,781	1,726,603	1,850,521	1,850,521	7.18%	1,900,535	1,939,144
<i>- of which establishment plan posts</i>	1,073,245	1,134,253	1,224,703	1,224,703	0.08%	1,261,201	1,287,023
<i>- of which external personnel</i>	500,536	592,350	625,818	625,818	5.65%	639,334	652,121
<b>12 Expenditure relating to Staff recruitment</b>	45,824	65,977	48,403	48,403	-26.64%	52,871	53,929
<b>13 Mission expenses</b>	234,223	220,000	198,000	198,000	-10.00%	204,960	213,648
<b>14 Socio-medical infrastructure</b>	3,000	5,000	4,060	4,060	-18.80%	4,141	5,224
<b>15 Training</b>	84,107	77,218	76,912	76,912	-0.40%	79,950	81,549
<b>16 External Services</b>	378,303	258,000	299,029	299,029	15.90%	305,010	321,510
<b>17 Receptions and events</b>	5,148	10,000	12,120	12,120	21.20%	12,362	12,609
<b>Title 2</b>	361,393	406,639	452,624	452,624	11.31%	458,778	478,879
<b>Infrastructure and operating expenditure</b>							

EXPENDITURE	Payment appropriations						
	Executed Budget 2016	Budget 2017	Budget 2018		VAR 2018/ 2017	Envisaged 2019	Envisaged 2020
			Agency request	Budget Forecast*			
<b>20 Rental of buildings and associated costs</b>	81,715	114,048	108,285	108,285	-5.05%	109,367	110,961
<b>21 Information and communication technology</b>	150,184	196,926	217,000	217,000	10.19%	219,301	236,373
<b>22 Movable property and associated costs</b>	8,693	4,870	5,073	5,073	4.17%	5,123	5,175
<b>23 Current administrative expenditure</b>	106,423	67,968	96,726	96,726	42.31%	99,193	100,317
<b>24 Postage / Telecommunications</b>	3,013	12,500	14,110	14,110	12.88%	14,251	14,393
<b>25 Meeting expenses</b>	11,365	10,327	11,430	11,430	10.68%	11,544	11,660
<b>Title 3 Operational expenditure</b>	1,398,796	1,476,563	1,389,331	1,389,331	-5.91%	1,399,393	1,399,508
<b>30 Support to BEREK EWGs</b>	641,366	692,077	600,000	600,000	-13.30%	606,600	606,600
<b>31 Support to BEREK and NRAs</b>	757,430	784,486	789,331	789,331	0.62%	792,793	792,908
<b>TOTAL EXPENDITURE</b>	4,084,575	4,246,000	4,331,000	4,331,000	2.00%	4,418,000	4,506,000

Table 2 – Revenue

Revenues	2017	2018
	Revenues estimated by the agency	Budget Forecast
EU contribution	4,246,000	4,331,000
Other revenue	p.m.	p.m.
<b>Total revenues</b>	<b>4,246,000</b>	<b>4,331,000</b>

REVENUES	2016	2017	2018		VAR 2018 /2017	Envisaged 2019	Envisaged 2020
	Executed Budget	Revenues estimated by the agency	As requested by the agency	Budget Forecast			
<b>1 REVENUE FROM FEES AND CHARGES</b>							
<b>2. EU CONTRIBUTION</b>	4 084 575	4 246 000	4 331 000		2.00%	4 418 000	4 506 000
<b>of which Administrative (Title 1 and Title 2)</b>	2 685 779	2 769 437	2 941 669		6.22%	2 968 711	3 039 677

<b>of which Operational (Title 3)</b>	1 398 796	1 478 563	1 389 331		-5.91%	1 399 393	1 399 508
<b>of which assigned revenues deriving from previous years' surpluses</b>	174 458	220 167	206 664		-6.13%	p.m.	p.m.
<b>3 THIRD COUNTRIES CONTRIBUTION (incl. EFTA and candidate countries)</b>	0	p.m.	p.m.			p.m.	p.m.
<b>of which EFTA</b>	0	p.m.(1)	p.m.(1)			p.m.(1)	p.m.(1)
<b>of which Candidate Countries</b>	0	p.m.	p.m.			p.m.	p.m.
<b>4 OTHER CONTRIBUTIONS</b>	0	p.m.(2)	p.m.(2)			p.m.(2)	p.m.(2)
<b>of which delegation agreement, ad hoc grants</b>	0	0	0			0	0
<b>5 ADMINISTRATIVE OPERATIONS</b>	p.m.	p.m.	p.m.			p.m.	p.m.
<b>6 REVENUES FROM SERVICES RENDERED AGAINST PAYMENT</b>	0	0	0			0	0
<b>7 CORRECTION OF BUDGETARY IMBALANCES</b>	0	p.m.	p.m.			p.m.	p.m.
<b>TOTAL REVENUES</b>	<b>4 246 000</b>	<b>4 246 000</b>	<b>4 331 000</b>			<b>4 418 000</b>	<b>4 506 000</b>

(1) Subject to the signature of the Agreement with EFTA countries.

(2) Voluntary contributions from MS or their NRAs: should the BoR decide to approve such contributions, a new budgetary procedure will be launched.

Table 3 – Budget outturn and cancellation of appropriations

Calculation of the budget outturn:

Budget outturn	2014	2015	2016
Revenue actually received (+)	4,166,307	4,023,939	4,246,176
Payments made (-)	-3,150,363	-3,226,448	-3,277,547
Carry-over of appropriations (-)	-926,544	-615,957	-807,028
Cancellation of appropriations carried over (+)	65,130	38,652	44,896
Adjustment for carry over of assigned revenue appropriations from previous year (+)	861	0.00	0.00
Exchange rate differences (+/-)	19,067	-19	167
Adjustment for negative balance from previous year (-)	0	0	0
<b>Total</b>	<b>174,458</b>	<b>220,167</b>	<b>206,664</b>

Descriptive information and justification on budget outturn:

The estimate of the 2016 surplus that should be reimbursed to the EU budget is of EUR 206,664.03.

Carry-over of appropriations (EUR 807,028.37) relates to:

Title 1: Staff related costs such as:

- reimbursements to candidates in the framework of the selection and recruitment procedure and fees for the PMO calculations for expenses declared by candidates;
- missions of staff for support provided to BEREC and its EWGs;
- medical examinations (SLA with Medical Service of the EC);
- training - external contracts (trainings delivered in 2016, for which the invoices have not been received and automatically renewed contracts);
- SLAs with EC services and bodies of the EU (DG HR, CdT, PMO fees for calculation of salaries, allowances, inter-agencies network secretariat, SLA with ENISA on sharing ICC), translations of vacancies and contracts with external contractors (travelling costs for missions, interim staff) started and/or executed in 2016, for which invoices will be received in 2017.

Title 2: Building, equipment and miscellaneous operating expenditure:

- premises' utilities, fitting-out, security services and telecommunications costs – invoices for services rendered in 2016 (mainly in December 2016) that will be received in 2017;
- IT – purchases and related services, for which contracts have been signed in 2016 and/or services rendered /invoices will be received in 2017;

- publications ordered to the Publication Office in 2016 which will be invoiced in 2017;
- parking lots for BEREC Office staff and visitors due signature of a contract with a commercial company in the 2<sup>nd</sup> half of 2016 with a duration of 1 year;
- the costs for external audit, which will be paid at the end of service delivery - in 2017.

Title 3: Operational activities such as:

- expenses for organisation and expert reimbursements for participation in BEREC meetings (incl. EWG meetings), workshops, organised at the end of 2016 or beginning of 2017, planned under the 2016 budget;
- commitments for the postponed to 2017 workshop on IoT (Internet of Things);
- SLAs (PMO fees for calculation of expert reimbursements);
- contracts signed in 2016 (provision of regulatory training to the BEREC community, IT platform for public consultations, studies, provision of ICT support to BEREC) for which services were partially rendered in 2016 and invoices for which will arrive in 2017.
- Cancellation of commitment appropriations

	Commitment appropriations	Commitments accepted	Committed %	Carry-over to 2017	Cancellation Commitment appropriations EUR	Cancellation Commitment appropriations %
	1	2	3=2/1	4	5	6
C1	4,246,000	4,084,575	96.2%	807,028	-645,603	3.8%
<b>Total</b>	<b>4,246,000</b>	<b>4,084,575</b>	<b>96.2%</b>	<b>807,028</b>	<b>-645,603</b>	<b>3.8%</b>

- cancellation of payment appropriations for the year and payment appropriations carried over

Cancellation of payment appropriations for the year

	Payment appropriations	Paid 2016	Carry-over to 2017	Total paid & carry-over	Implementation Payments accepted %	Cancellation Payment appropriations (EUR)	Cancellation Payment appropriations %
	1	2	3	4=2+3	5=4/1	6	7
C1	4,246,000	3,277,547	807,028	4,084,575	96.2%	161,425	3.8%
<b>Total</b>	<b>4,246,000</b>	<b>3,277,547</b>	<b>807,028</b>	<b>4,084,575</b>	<b>96.2%</b>	<b>161,425</b>	<b>3.8%</b>

## Cancellation of payment appropriations carried over

	<b>Payment appropriations</b>	<b>Payments made</b>	<b>Cancellation Payment appropriations (EUR)</b>	<b>Cancellation %</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>5=3/1</b>
<b>Title 1 C8</b>	<b>165 136.41</b>	<b>149 676.91</b>	15 459.50	9.36%
<b>Title 2 C8</b>	<b>134 227.92</b>	<b>125 605.88</b>	8 622.04	6.42%
<b>Title 3 C8</b>	<b>316 592.92</b>	<b>295 778.27</b>	20 814.65	6.57%
<b>Total</b>	<b>615 957.25</b>	<b>571 061.06</b>	<b>44 896.19</b>	<b>7.29%</b>

The cancellation of payment appropriations carried over happened mostly due to the fact that:

## Title 1:

- The mission expenses were based on the average amount paid to mission performers during 2015. The actual spending was lower by EUR 3,506.86; the unused appropriations have been cancelled;
- The estimate of expenses for training delivered by the EC services was based on the average amount paid to the EC in 2014. However, the actual spending was lower by EUR 1,012.5. Therefore, the unused appropriations had to be cancelled;
- Part of the amount of the travelling expenses for an on-site coaching for the year-end closure needed to be cancelled as the travel costed with EUR 1,892.25 less than expected;
- The BEREK Office has planned missions for the ICC assistant from ENISA for ex-post controls (under a SLA for sharing the ICC capacity) but the control activities were performed remotely and the amount planned for the travel was lower by EUR 4,502.25 and needed to be cancelled;
- Carry-forwards for interim staff contracts were based on the contracts' amount. The actual expenditure was lower by EUR 2,820.78 and unused appropriation had to be cancelled.

## Title 2:

- The implementation of the Activity based costing/activity based budgeting (ABC/ABB) project was delayed and the contract for customisation of the application had to be extended until 2017. The non-expenses had to be cancelled (EUR 4,528.40);
- The estimates of the needs for telecommunication services (that in accordance to contracts were in place until October – November 2016) were done on the basis of expenses incurred in the previous period. The actual spending on these services was lower by EUR 2,442.58. Therefore, the unused appropriations had to be cancelled.

## Title 3

- Reimbursement of participants/experts to EWGs, Article 7 and 7a EWGs, Chair's and Vice-Chairs' travel were based on the number of people invited and eligible to receive reimbursements and average costs per expert;

However, the final costs depend on the actual participation and the number of applications received and actual costs incurred. These costs were lower than estimated by EUR 9,354.41 and were cancelled;

- A speaker from the USA invited to a workshop, rescheduled from December 2015 to the beginning of 2016 could not attend the event and therefore the amount of EUR 6,810.13 needed to be cancelled.

**Annex III: Human Resources 2018-2020, part 1**

Table 1 – Staff population and its evolution; Overview of all categories of staff

Staff population		Actually filled as of 31.12.2015 <sup>31</sup>	Authorised <sup>32</sup> under EU Budget 2016	Actually filled as of 31.12.2016	Authorised <sup>33</sup> /estimated <sup>34</sup> under EU budget for year 2017	Authorised <sup>35</sup> /estimated <sup>36</sup> under EU budget for year 2018	Envisaged in 2019	Envisaged in 2020
Officials	AD	0	0	0	0	0	0	0
	AST	0	0	0	0	0	0	0
	AST/SC	0	0	0	0	0	0	0
TAs	AD	10	11	11	11	11	11	11
	AST	4	4	3 <sup>37</sup>	3 <sup>38</sup>	3	3	3
	AST/SC	0	0	0	0	0	0	0
Total <sup>39</sup>		14 <sup>40</sup>	15 <sup>41</sup>	14	14	14	14	14
CA GF IV		6	7	8 <sup>42</sup>	8	8	8	8
CA GF III		1	1 <sup>43</sup>	0	0	0	0	0
CA GF II		1	1	1	1	1	1	1
CA GFI		0	0	0	0	0	0	0
Total CAs		8	9	9	9	9	9	9

<sup>31</sup> Including the job offer letter sent for the Communication Officer (CA FG IV).

<sup>32</sup> As authorised for officials and TAs and as estimated for CAs and SNEs.

<sup>33</sup> For officials and TAs

<sup>34</sup> For all other categories of staff

<sup>35</sup> For officials and TAs

<sup>36</sup> For all other categories of staff

<sup>37</sup> Including the job offer sent and accepted for an AST 3 post filled-in in 2017.

<sup>38</sup> The post of the Budget Assistant (AST 4) became vacant as of September 2016 and has not filled in with a view to a further cut in the establishment plan as of January 2017 for the redeployment pool.

<sup>39</sup> Headcounts.

<sup>40</sup> The vacancy notice for the post of Head of Administration and Finance Unit has been published in December 2015.

<sup>41</sup> The total headcount of 15 includes the decrease by 1 post brought about by the Inter-institutional Agreement of 2 December 2013 between the EP, the Council and the EC on budgetary discipline, on cooperation in budgetary matters and on sound financial management, which stipulates a 5% reduction in the number of posts in the establishment plans of all institutions, bodies and agencies over a 5 year period. The cut actually constituted 6.25 % of the total number of establishment plan posts and, therefore, the BEREK Office completed the objective for progressively render 5 % of its staff as agreed.

<sup>42</sup> Including the job offer letter sent to the IT Support Officer (CA FG IV) to start as of 1 January 2017.

<sup>43</sup> One CA FGIII post was converted into one CA FGIV post as of 1 January 2017 due to inclusion of policy related tasks to the job description and outsourcing the technical IT tasks to service providers, which required a change of the FG for that post.

Staff population	Actually filled as of 31.12.2015 <sup>31</sup>	Authorised <sup>32</sup> under EU Budget 2016	Actually filled as of 31.12.2016	Authorised <sup>33/</sup> estimated <sup>34</sup> under EU budget for year 2017	Authorised <sup>35/</sup> estimated <sup>36</sup> under EU budget for year 2018	Envisaged in 2019	Envisaged in 2020
SNEs <sup>44</sup>	4	4	4 <sup>45</sup>	4	4	4	4
Structural service providers <sup>46</sup>	0	0	0	2	2 <sup>47</sup>	2	2
TOTAL <sup>48</sup>	26	28	27	27	27	27	27
External staff for occasional replacement <sup>49</sup>	2	na	2	na	na	na	na

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<sup>44</sup> FTE.

<sup>45</sup> Including the job offer sent and accepted for a new SNE to start in 2017.

<sup>46</sup> Service providers are contracted by a private company and carry out specialised outsourced tasks of horizontal/support nature, for instance in the area of information technology. At the Commission the following general criteria should be fulfilled: 1) no individual contract with the Commission; 2) on the Commission premises, usually with a PC and desk; 3) administratively followed by the Commission (badge, etc.) and 4) contributing to the value added of the Commission. FTE.

<sup>47</sup> Envisaged.

<sup>48</sup> Excluding external service providers.

<sup>49</sup> For instance replacement due to maternity leave, long sick leave or unexpected turnover, and workload peaks. FTEs.

Table 2 – Multi-annual staff policy plan year 2018-2020

Category and grade	Establishment plan in EU Budget 2016		Filled as of 31/12/2016	Modifications in year 2016 in application of flexibility rule <sup>50</sup>		Establishment plan in voted EU Budget 2017 <sup>51</sup>		Modifications in year 2017 in application of flexibility rule	Establishment plan in EU voted EU Budget 2018		Establishment plan 2019		Establishment plan 2020	
	officials	TA		officials	TA	officials	TA		officials	TA	officials	TA	officials	TA
AD 16														
AD 15														
AD 14		1	1				1			1		1		1
AD 13														
AD 12														1
AD 11										1		1		1
AD 10		1	1				1			1		1		2
AD 9		1	1				1			2		2		1
AD 8		2	2				2			1		1		2
AD 7		1	1				1			2		3		3
AD 6		2	1				4			3		2		0
AD 5		3	4				1			0		0		0
<b>Total AD</b>		<b>11</b>	<b>11</b>				<b>11</b>			<b>11</b>		<b>11</b>		<b>11</b>
AST 11														
AST 10														
AST 9														
AST 8														
AST 7														
AST 6												1		1
AST 5										1		1		1

<sup>50</sup> In line with Article 32 (1) of the framework Financial Regulation, the management board may modify, under certain conditions, the establishment plan by in principle up to 10% of posts authorised, unless the financial rules of the body concerned allows for a different % rate.

<sup>51</sup> The establishment plan includes the revision of the grades of posts in order to ensure equal opportunities for the staff's career progression. This is without prejudice to the outcome of the annual reclassification exercise, which is based on merit and bound by the promotion rates of Annex I.B of the Staff Regulations over years.

Category and grade	Establishment plan in EU Budget 2016		Filled as of 31/12/2016	Modifications in year 2016 in application of flexibility rule <sup>50</sup>		Establishment plan in voted EU Budget 2017 <sup>51</sup>		Modifications in year 2017 in application of flexibility rule	Establishment plan in EU voted EU Budget 2018		Establishment plan 2019		Establishment plan 2020	
	officials	TA		officials	TA	officials	TA		officials	TA	officials	TA	officials	TA
AST 4		2	1				3			2		1		1
AST 3		2	2 <sup>52</sup>											
AST 2														
AST 1														
<b>Total AST</b>		4	3				3			3		3		3
AST/SC 6														
AST/SC5														
AST/SC4														
AST/SC3														
AST/SC2														
AST/SC1														
<b>Total AST/SC</b>														
<b>TOTAL</b>		15 <sup>53</sup>	14 <sup>54</sup>				14			14		14		14

<sup>52</sup> Including a job offer sent for an AST 3 post.

<sup>53</sup> The total headcount of 15 represents the decrease by 1 post (in comparison with the establishment plan of 2014) brought about by the Inter-institutional Agreement which stipulates a 5% reduction in the number of posts in the establishment plans of all institutions, bodies and agencies over a 5 year period.

<sup>54</sup> According to the Commission Communication Programming of human and financial resources for decentralised agencies 2014-2020 and the General Budget of the EU for 2017, in 2017 the BEREC Office needed to contribute with one post to the redeployment pool of Agencies. As a consequence, the post of the Budget Assistant, vacant as of September 2016, has not been filled in and was cut as of January 2017.

## Annex IV: Human Resources 2018-2020, part 2

### A. Recruitment policy

The recruitment and selection policies are defined in the relevant implementing rules of the EU Staff Regulations.

It is not foreseen to recruit permanent officials at the BEREC Office.

The selection and recruitment of TAs, CAs and SNEs follows the relevant staff implementing rules and the latest version of the internal recruitment documents. The consistency of the selection and recruitment procedures is ensured by the HR team through policies and guidelines.

### B. Appraisal of performance and reclassification/promotions

**Table 1 – Reclassification of temporary staff/promotion of officials**

Category and grade	Staff in activity at 1.01.2015		How many staff members were promoted / reclassified in 2016		Average number of years in grade of reclassified/ promoted staff members
	officials	TA	officials	TA	
AD 16					
AD 15					
AD 14		1			
AD 13					
AD 12					
AD 11					
AD 10					
AD 9		2		1	2
AD 8					
AD 7		2		2	4 years, 5 months
AD 6		2			
AD 5		3		1	3 years, 3 months
<b>Total AD</b>		10		4	
AST 11					
AST 10					
AST 9					
AST 8					
AST 7					
AST 6					

Category and grade	Staff in activity at 1.01.2015		How many staff members were promoted / reclassified in 2016		Average number of years in grade of reclassified/ promoted staff members
	officials	TA	officials	TA	
AST 5					
AST 4		2			
AST 3		2			
AST 2					
AST 1					
<b>Total AST</b>		4			
<b>Total</b>		14		4	

The key feature of the BEREC Office's staff appraisal and career development scheme is the establishment of an annual dialogue with management / reporting officer on performance, to set up clear and measurable objectives, to put in place meaningful indicators to measure performance against individual objectives and to guide possible promotion (reclassification) opportunities. This non-automatic procedure is based on merit.

The reclassification is usually preconditioned by an evaluation/appraisal. All BEREC Office staff managers are being informed to set objectives of their staff members at the beginning of each year and to evaluate the performance of their staff based on the guidelines of the Staff Regulations, CEOS and relevant implementing rules.

The BEREC Office conducted the appraisal 2014 exercise from February to October 2014, which was followed up with the reclassification 2014 exercise. Due to the rigidity within the Establishment Plan, it was not possible to reclassify any TA. As a consequence, the reclassification rates of Annex I.B will allow for an increased volume of reclassifications over the period 2018-2020.

As mentioned above, the rigidity within the Establishment Plan made it impossible to reclassify temporary agents in 2014, but the problem has been solved in the first part of 2015. As a consequence, four TAs have been reclassified in 2015 and three TAs have been reclassified in 2016.

Since the reclassification is based on merit, the actual reclassification rates will only be known when the performance appraisal has been conducted following the principle of merit and of transparency. Additionally, reclassification will only be possible if provided for in the adopted budgetary limits and establishment plan.

Table 2 – Reclassification of contract staff

Function Group	Grade	Staff in activity at 1.01.2015	How many staff members were reclassified in 2016	Average number of years in grade of reclassified staff members
CA IV	18			
	17			
	16			
	15			
	14			
	13	2		
CA III	12			
	11			
	10			
	9	1		
	8			
CA II	7			
	6	1	1	2 years
	5			
	4			
CA I	3			
	2			
	1			
<b>Total</b>		4	1	

The general principles which guide the appraisal and reclassification exercise for temporary staff also apply to the appraisal of contract staff employed under Article 3a of the CEOS. In the reclassification exercise of 2016, a contract agent has been reclassified.

### C. Mobility policy

- Mobility within the agency

Horizontal mobility within the BEREC Office is quite limited due to specialisation for different positions. The implementing rules for temporary agents at the BEREC Office foresee the possibility of internal publication of vacant posts.

- Mobility among agencies (Inter-agency Job Market)

The implementing rules for temporary agents at the BEREC Office foresee the possibility of publishing a vacancy in the Inter-agency job market. The implementation of an Inter-agency Job Market is currently envisaged in the future. Currently no posts have been filled with staff from other agencies using this procedure.

- Mobility between the agencies and the institutions

Currently no posts have been filled with staff seconded from other EU institutions.

#### **D. Gender and geographical balance**

In accordance with Article 1d of the Staff Regulations and Articles 12.1 and 82.1 of the CEOS, the BEREC Office applies equal opportunities policy for its staff, while making provision for measures and actions promoting equal opportunities in respect to the provisions of the European Commission's Strategy on equal opportunities for women and men (2010 – 2014, ref. SEC (2010) 1554/4, adopted on 17.12.2010 by the EC).

In order to have better gender balance within the BEREC Office, the units are reminded to pay attention to the gender balance. The middle management of the Agency is evenly balanced (50% female, 50% male).

Geographical balance has been achieved in accordance to articles 12.1 and 82.1 of CEOS, bearing in mind the small size of the Office. As of 31.12.2016 the Office has representatives from 14 different MSs (taking into account also trainees) and will keep monitoring this balance for planned recruitments in next years.

#### **E. Schooling**

As established in the Seat Agreement (Article 18) between the Latvian Government and the Office, the Government undertakes to its utmost efforts jointly with the BEREC Office to find the best solution possible for multilingual schooling for the children of the BEREC Office staff. The Ministry of Education and Science of the Republic of Latvia is acting as a focal point addressing the questions with regard to schooling in the Republic of Latvia.

Currently, the host Member State Latvia does not have an accredited European School in Riga and children of the staff members attend English, French or Latvian speaking schools. Since the possibility of providing accredited European schooling for the pupils of BEREC Office staff does not currently exist, the Latvian Government should establish such an accredited curriculum. The BEREC Office can only insist in its support of this plan and contribute to its progress. On more than one occasion, the BEREC Office offered its support to the local authorities and to the representatives of the schools with an international dimension in Latvia.

Relations have been established with the management of the schools and the premises of such schools have been visited by representatives of the Administration and Finance Unit.

The Ministry of Education and Science has been exploring possibilities of establishing an accredited European School within the public school network in Latvia or within the private school network, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools. Negotiations are ongoing since November 2010. The establishment of a new accredited European School is a long process, and in the meantime the BEREC Office is adopting all the necessary measures to ensure the proper schooling of staff pupils. The BEREC Office has already in place 3 agreements with Latvian schools with an international dimension, in order to ensure the multi-lingual schooling for the children of staff. The basis for such measures is the financial autonomy of the BEREC Office, which allowed the BEREC Office to take measures within the framework of the Financial Regulation in order to support staff and cover most part of the costs of multilingual tuition provided by the international schools available in Latvia.

## Annex V: Buildings

Current building:

The BEREC Office premises are located at 14 Zigfrida Annas Meierovica boulevard, Riga, Latvia. The BEREC Office rents its premises in accordance with the Memorandum of Understanding with the Government of the Republic of Latvia, signed on 30 September 2011<sup>55</sup>, which was further detailed in a lease agreement.

	Main Information	Other Comments
Name, location and type of building	14 Zigfrida Annas Meierovica boulevard, Riga, Latvia	
Surface area (in square meters)	877.1 m <sup>256</sup>	According to the MoU with the Latvian Government the BEREC Office can use, in addition to the main surface area, 1 covered and 5 open parking spaces in the inner yard of the building free of charge and 2 open air parking spaces in front of the main entrance of the premises free of charge.
– of which office space	877.1 m <sup>2</sup>	
– of which non-office space	0 m <sup>2</sup>	
Annual rent (in EUR)	EUR 53 544	The rental price is based on a Regulation determining the state and local government property leasing arrangements, which will cover the lessor's expenditure for the leased object without any profit.
Type and duration of rental contract	Lease agreement with State owned joint-stock company Valsts nekustamie īpašumi, signed on	

<sup>55</sup> [Memorandum of Understanding between the BEREC Office and the Government of the Republic of Latvia on the establishment of the headquarters of this European entity in Riga](https://www.vestnesis.lv/index.php?menu=doc&id=246139), 30 September 2011, published in Latvian at: <https://www.vestnesis.lv/index.php?menu=doc&id=246139> [Memorandum of Understanding between the BEREC Office and the Government of the Republic of Latvia on the establishment of the headquarters of this European entity in Riga](https://www.vestnesis.lv/index.php?menu=doc&id=246139), 30 September 2011, published in Latvian at: <https://www.vestnesis.lv/index.php?menu=doc&id=246139>

<sup>56</sup> The BEREC Office has requested additional office spaces from the property manager; the discussion as of July 2017 is ongoing it acquired extra space of 104.6 m<sup>2</sup>g; the budgetary impact can be addressed within the planned appropriations.

	Main Information	Other Comments
	01/08/2011, effective until 31/03/2021 (with a possibility of renewal).	
Host country grant or support	Not applicable for the programming period	
Present value of the building (if the agency owns the building)	Not applicable	The BEREC Office does not own the building.

Building projects in planning phase:

For the programming period the BEREC Office does not plan any building projects.

## Annex VI: Privileges and immunities

According to the provision of Article 23 of the BEREC Regulation the Protocol on the privileges and immunities of the EU applies to the BEREC Office and its staff.

In order to ensure practical implementation of the aforementioned Protocol, on 24 February 2011 the BEREC Office and the Government of the Republic of Latvia signed a Seat Agreement, which further details the rights and obligations of the BEREC Office staff and host Member State.

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
<b>Inviolability and Immunity</b>		<p>According to the Seat Agreement the Latvian Government has undertaken the responsibility jointly with the BEREC Office to find the best solution possible for schooling for the children of the BEREC Office staff.</p> <p>The Latvian Government shall facilitate offering European schooling to children of the BEREC Office staff in English, French and German by the existing private and public international schools in Riga and will ensure that the children of the BEREC Office staff get priority access to them.</p> <p>In practice this provision has not been applied. The Latvian Ministry of Education, which is the focal point for issues related to schooling has informed the BEREC Office that due to case law no priority access to BEREC Office staff children can be ensured. Additionally the BEREC Office has been informed that the Latvian Government cannot influence the fees of the private establishments.</p>
The seat of the BEREC Office, irrespective of ownership, is inviolable	The BEREC Office staff shall enjoy privileges and immunities based on the Protocol on the Privileges and Immunities of the EU and enjoy immunity from legal proceedings in respect of acts performed by them in their official capacity.	
The seat of the BEREC Office is exempt from search, requisition, confiscation or expropriation.	Together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens	
The property and assets of the BEREC Office cannot be subject to any administrative or legal measure of constraint, whether by executive, administrative, judicial or legislative action, without the authorisation of the Court of Justice of the EU.	The Administrative Manager and the members of his/her family, who have not been nationals or permanent residents of Latvia before being employed by the BEREC Office, are accorded with the privileges and immunities, exemptions and facilities accorded to the heads of diplomatic missions and the members of their family in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.	
Communications and the transmission of all BEREC Office documents are treated in the same way as documents and communications of diplomatic missions.		

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
<b>Exemption from taxes, duties, national, regional and municipal charges</b>		
The Agency is exempt from:	BEREC Office staff are exempt from	
- all direct taxes on its assets, revenues and other property	Salaries, wages, emoluments, SNEs' allowances, retirement, invalidity and survivor's pensions paid by the BEREC Office or by the EU are exempted from national taxes.	
- all national, regional and municipal excise duties, sales charges and other taxes for substantial purchases for official use (e.g. if the sum of the transaction indicated in each supporting document, including value added tax, is not less than euro 178.00 <sup>57</sup> ); exemption from VAT, excise duty and other indirect taxes is provided by means of a tax refund.	The VAT included in the price of articles listed in an annex to the Seat Agreement, including 1 vehicle for personal use, acquired by the BEREC Office staff in the Latvia within 1 year from taking up their post in Latvia is reimbursed to the staff and SNEs provided that the single article price is not less than euro 50 <sup>58</sup> . This rule is not applicable for nationals or permanent residents of Latvia.	
- imports and exports customs duties, taxes, prohibitions or restrictions on goods for official use, including vehicle and spare parts	BEREC Office staff has the right to import free of duty and without prohibitions or restrictions, in respect of initial establishment, within 2 years of taking up their appointments within the BEREC Office and in maximum 2 shipments, furniture and personal effects, including vehicles purchased under market conditions.  BEREC Office staff is entitled to export, after the date of cessation of functions at the BEREC Office, without	

<sup>57</sup> Ministry of Foreign Affairs of the Republic of Latvia Circular Note No.14/3374-4414 of 27 December 2016.

<sup>58</sup> Idem footnote 50.

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
	prohibitions or restrictions, personal and household effects, including vehicles they use and which are in their possession.	
- vehicle exploitation tax for BEREK Office official vehicles registered under a special series	The BEREK Office AM is exempt from vehicle exploitation tax.	

## Annex VII: Evaluations

In September 2016 the EC published an evaluation of the regulatory framework for electronic communications<sup>59</sup>, which among others also contains a Screening of the BEREC Regulation (see annex VI). The screening has been carried out based on the following evaluation criteria, namely: relevance, effectiveness, efficiency, coherence. It has been based on a study prepared by an external consultant (PricewaterhouseCoopers Luxembourg, PwC) and published by the EC in 2013, together with a Commission Staff Working Document<sup>60</sup> and the outcome of the public consultation organised by the EC on the review of the EU regulatory framework for electronic communications.

The evaluation has concluded that the work carried out by BEREC and supported by the BEREC Office is relevant and has an impact on stakeholders. The BEREC Office provides administrative support to BEREC and its budget is also used to finance BEREC activities, therefore its activities continue to be relevant for BEREC.

However, the evaluation questions the adequacy of the current governance structure. In particular, it is emphasised that the organisational structure of the BEREC Office is not in line with the Common Approach (CA) agreed between the EP, the Council and the EC. Article 10(3) of the BEREC Regulation provides that the power of the Appointing Authority should be exercised by the Vice-Chair of the MC and only a limited list of tasks is delegated to the Administrative Manager, thus unnecessary administrative burden is created. Therefore, this aspect of the day-to-day operation of the Agency has been identified as an area for improvement both in the EC legislative proposal and by BEREC opinion on the telecom review.

Furthermore, it is emphasised that, in order to allow the Management Board to focus on the core business, the powers of the Appointing Authority for all the staff should be delegated to the executive director (who must also be authorised to sub-delegate those powers).

The role of the BEREC Office, which is limited to administrative and professional support, and its size (only 27 FTE posts, around 11 posts are exclusively occupied with providing administrative support for the Office itself), creates some inefficiency. The Office has to comply with the same resource-intensive procedures as much bigger Agencies and the professional support it provides to BEREC is still rather limited, as identified through experience and pointed out in the Evaluation Study. This has created difficulties in order to recruit and retain qualified staff as well as challenges in ensuring such basic requirements as the segregation of duties in financial circuits or ensuring that certain functions could be performed in an independent way (this is one of the reasons why recently the accounting officer function has been delegated to the Commission).

As pointed out in the Evaluation Study, it is also suggested that the BEREC Office could be better used, especially when supporting EWGs in their everyday work (see also comments

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<sup>59</sup> SWD(2016) 313 final; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2016:0313:FIN>

<sup>60</sup> SWD(2013) 152 final; BEREC provided its own input to the evaluation process; see BoR (12) 118 BEREC input to the European Commission on the BEREC and BEREC Office Evaluation Exercise, 13.11.2012, [http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/others/1073-berec-input-to-the-european-commission-on-the-berec-and-berec-office-evaluation-exercise](http://berec.europa.eu/eng/document_register/subject_matter/berec/others/1073-berec-input-to-the-european-commission-on-the-berec-and-berec-office-evaluation-exercise)

under "effectiveness" and "coherence" of the EC SWD).

Finally, no performance indicators were included in the WPs to allow for effective assessment of the results achieved in term of objectives, as pointed out in the Evaluation Study, in the EP's opinion on the Evaluation Report and by respondents to the Public Consultation, which has been rectified in the Annual and Multiannual Programming Document for 2017-2019.

**Annex VIII: Risks for 2018**

In compliance with its internal control standards framework<sup>61</sup> the BEREC Office has established a risk management process. To ensure practical implementation of this requirement on 30 June 2015 the BEREC Office Administrative Manager established a Risk Management Implementation Guide. Afterwards, under the Service Level Agreement with ENISA for sharing the function of the Internal Control Coordinator, the BEREC Office undertook a full risk assessment/analysis of all BEREC Office activities.

In the summer of 2016 the BEREC Office carries out a full ICT risk assessment and in January 2017 – a full fraud risk assessment. In the autumn of 2017 the BEREC Office organised a risk assessment workshop to assess the risk for the implementation of the 2018 and 2019 WPs.

During these risk assessment exercises no critical risks have been identified. The most significant risks identified were recorded in a risk register. The BEREC Office has developed action plans for addressing these risks, whose execution is regularly monitored by the management.

In 2016 the BEREC Office hired an independent consultant to assess the efficiency and effectiveness of the internal control system with a focus on the risk management processes. The evaluation of the consultant demonstrated that the risk management at the BEREC Office is performed in compliance with the internal control standards framework.

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<sup>61</sup> MC (13) 34, BEREC Office Internal Control Framework and Standards, June 2016, not published

**Annex IX: Procurement plan for 2018**

No	Ref. to 2018 Work Programme	Budget line	Subject /Scope	Type of procedure	Type of contract	Budget estimated for whole contract duration (EUR)	Budget 2018	Contract duration (years)	Estimated launch date
1.	2.5.	A-1600	Provision of interim staff	OTP	FWC	612 000.00	15 000.00	4	Q3 2018
2.	2.4.	A-2359	External Audit Services	RoC	SC	25 000.00	15 000.00	2	Q2 2018
3.	2.6.	A-2004	Supply and maintenance of ornamental plants	NP1	FWC	15 000.00	3 000.00	4	Q3 2018
4.	2.1.1.	B-3001	Provision of video-conference service licences	NP3	FWC	40 000.00	10 000.00	4	Q2 2018
5.	2.1.1.1	B-3101	Provision of the NN Measurement Tool (Design of tool and system software)	OTP	FWC	240 000.00	100 000.00	4	Q1 2018
6.	2.1.1.	B-3001	AVC extension, maintenance and portable AVC equipment cases for IRG	NP5	FWC	80 000.00	20 000.00	4	Q1 2018

No	Ref. to 2018 Work Programme	Budget line	Subject /Scope	Type of procedure	Type of contract	Budget estimated for whole contract duration (EUR)	Budget 2018	Contract duration (years)	Estimated launch date
			and Riga premises						
7.	2.2.2.	B-3101	Development of a new BEREC website <sup>62</sup>	OTP	SC	250 000.00	0	2-3	Q3 2018

<sup>62</sup> The project will be implemented in 2019/2020 subject to prior agreement by BEREC. The project will have no impact on the 2018 budget.

Annex X: Organisation chart for 2017

