

**Explanatory Memorandum to the Decision of the Board of
Regulators (BoR/2017/05) on the approval of publication on the
Public Register of the BEREC Document BoR (15) 77**

24 July, 2017

According to the provisions of Article 22 [Regulation No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications \(BEREC\) and the Office \(BEREC Regulation\)](#), [Regulation \(EC\) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents](#) applies to the documents held by BEREC and the BEREC Office. In order to ensure practical implementation of this provision as far as BEREC documents are concerned in 2010 the Board of Regulators adopted [Decision BoR \(10\) 26](#) concerning the transparency and access to documents at the BEREC.

An application for access to document was received on 29 May 2017 concerning BoR (15) 77 - Indicators on Bundles. After consultation with the Expert Working Group's Co-chairs no issue was identified preventing BEREC to disclose the document to public.

Without prejudice to the right of access to BEREC documents under EU legislation, Article 17 of Decision BoR (14) 67 of the rules of procedure of the Board of Regulators requires the prior approval of the Board of Regulators 'for publication or making available to the public or any stakeholder of any BEREC Documents'. Whereas in accordance with Article 8(2) of the Decision BoR (10) 26, documents already disclosed to an applicant in the context of an application for access to documents shall be made directly accessible by electronic means.

Document BoR (15) 77 - Indicators on Bundles was initially approved for internal use.

It was thus necessary to obtain the approval of the Board of Regulators in order to make document BoR (15) 77 - Indicators on Bundles publicly available.

Consequently, the Board of Regulators decided to disclose the requested document and make it available on the Public Register of BEREC documents.