



## Working arrangements concerning participation of the NRA from Montenegro in the work of BEREC and the BEREC Office

This Description of Working Arrangements ("WA") concerns the participation of  
EKIP ("the Participant NRA")

in the work of

The Body of European Regulators for Electronic Communications ("BEREC") and the Agency for Support for BEREC ("BEREC Office")

**Whereas** the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Office facilitate the consistent application of the electronic communications framework throughout the European Union in accordance with Regulation (EU) 2018/1971.

**Whereas** the Participant NRA is the regulatory authority of Montenegro with primary responsibility in the field of electronic communications.

**Whereas**, pursuant to Article 35(2) of Regulation (EU) 2018/1971 ("the BEREC Regulation") the Board of Regulators, the working groups and the Management Board are to be open to the participation of regulatory authorities of third countries with primary responsibility in the field of electronic communications, where those third countries have entered into agreements with the Union to that effect.

Whereas the Union and Montenegro have entered into an agreement within the meaning of Article 35(2) of the BEREC Regulation (the Agreement).

**Whereas** Article 35(2) of the BEREC Regulation provides that working arrangements shall be developed specifying, in particular, the nature, extent and manner in which the regulatory authorities of third countries participate without the right to vote in the work of BEREC and of the BEREC Office, including provisions relating to participation in the initiatives carried out by BEREC, financial contributions and staff to the BEREC Office.

**Whereas** binding terms of reference of working arrangements for the participation of the Participant NRA in BEREC and the BEREC Office have been established

by a Decision of the European Commission dated 18 March 2019 (“the Commission Decision”).

## **BEREC AND THE BEREC OFFICE AND THE PARTICIPANT NRA HAVE ESTABLISHED THE FOLLOWING WORKING ARRANGEMENTS**

### **1. Purpose**

Through these working arrangements, the Parties are to strengthen cooperation, in particular, in the area of electronic communications networks and electronic communications services, in order to further extend the consistent implementation of the regulatory framework for electronic communications

The present WA is without prejudice to the Agreement, the BEREC Regulation, the Commission Decision, the respective Rules of Procedure of the BEREC Board of Regulators and the BEREC Office Management Board.

### **2. Interpretation**

Terms in this WA shall have the same meaning as given to them by the BEREC Regulation.

This WA does not create any legally binding or financial obligations, and shall not be interpreted as having such intention or effect.

### **3. Working arrangements for participation in BEREC and the BEREC Office**

The Participant NRA will be able to participate, and is committed to participating, in the works of the BEREC Board of Regulators, the Contact Network and the Working Groups, and the BEREC Office Management Board, in accordance with the relevant provisions of the BEREC Regulation, the Commission Decision, and the Rules of Procedure of the Board of Regulators and the BEREC Office Management Board.

The BEREC Rules of Procedure and the Rules of Procedure of the Management Board shall set out in greater detail the methods of participation.

The Participant NRA will have access to the BEREC internal website (intranet) for the electronic exchange of documents.

Except as provided below, the nature, extent and manner of the participation by the Participant NRA in the work of BEREC, the BEREC Working Groups and the BEREC Office (including the Management Board) and in initiatives carried out by BEREC will be the same as the nature, manner and extent of the participation by the Members of BEREC:

- a. The participant NRA will not cast any vote in the BEREC Board of Regulators or BEREC Office Management Board (whether the vote is taken at a meeting or by electronic means or otherwise);
- b. While the participant NRA will not provide a candidate for Chair or Vice-Chair of the BEREC Board of Regulators, it will be able to participate in the selection of the Mini Board member representing third-country NRAs in accordance with the rules of procedures of the Board of Regulators, and, upon decision of the Board of Regulators, to speak and act on behalf of BEREC;
- c. The participant NRA will not participate in any manner which is reserved to Members of BEREC by the BEREC Regulation or any Rules of Procedure or Decision adopted by the BEREC Board of Regulators or the BEREC Office Management Board;

#### **4. Staffing**

The Participant NRA will be able to provide staff to the BEREC Office in the same way as Members of BEREC may do so.

#### **5. Financial contributions**

Operational arrangements related to the determination and collection of financial contributions for participation in BEREC and the BEREC Office in accordance with the Commission Decision will be established by a Decision of the BEREC Office Management Board in due course, and the Participant NRA is committed to paying such financial contribution.

#### **6. Independence**

When participating in the work of BEREC and the BEREC Office, the representatives of the participant NRA shall neither seek nor take instructions from any government, institution, person or other body.

#### **7. Effective period**

The working arrangements shall come into effect on the day that they are adopted by BEREC and the BEREC Office Management Board.

BEREC, the BEREC Office and the Participant NRA may terminate those working arrangements at any time, with a three-month notice provided in writing to the chair of the Board and of the Management Board or to the head of the Participant NRA, as applicable. The BEREC Office Director and the Commission will be informed of this notice by the BEREC Chair. These Working Arrangements shall terminate if the European Commission gives notice that there is no longer any agreement between the EU and Montenegro within the meaning of Article 35(2) of the BEREC Regulation.

Done at:

On behalf of EKIP:



Branko Kovijanic  
President of the Council, EKIP

Date: 13/06/2019

On behalf of BEREC:



Jeremy Godfrey  
Chairman, Body of European Regulators  
for Electronic Communications (BEREC)

Date: 13/6/2019

On behalf of BEREC Office



László Ignéczi  
Director of the Office of the Body of  
European Regulators for Electronic  
Communications (BEREC Office)

Date: 13/6/2019