

Decision No MB/2019/22

of the Management Board of the Agency for Support for BEREC ('the BEREC Office') on the adoption of the updated Single Programming Document of the BEREC Office Activities for the period 2020-2022

The Management Board of the BEREC Office;

Having regard to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC ('BEREC Office'), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009¹, and in particular Articles 23 (1) and 24 (7) thereof;

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012²;

Having regard to Decision MC/2014/01 of the BEREC Office Management Committee on the financial regulation applicable to the BEREC Office ('the BEREC Office Financial Regulation') and in particular Articles 32 and 33 thereof, still applicable to the programming for 2020 to be finalised in 2019;

Having regard to the Communication from the Commission on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies (document C(2014) 9641 final);

Having regard to Decision No MC/2019/03 of the BEREC Office Management Board on the adoption of the draft Annual and Multi-annual Programming of the BEREC Office Activities for the period 2020-2022³;

¹ OJ L 321, 17.12.2018, p. 1–35 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV); <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1575289447726&uri=CELEX:32018R1971>

² OJ L 193, 30.7.2018, p. 1–222 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV); <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1575269516102&uri=CELEX:32018R1046>

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https://bereg.europa.eu/eng/document_register/subject_matter/bereg_office/decisions_of_the_management_board/8364-bereg-office-mb-decision-on-draft-annual-and-multiannual-programming-of-the-bereg-office-for-period-2020-2022

Having regard to Commission Opinion C(2019) 7071 final of 02.10.2019 on the draft Single Programming Document of the BEREC Office for the period 2020-2022;

Having regard to the General Budget of the European Union (EU) as approved by the Council and the European Parliament respectively on 25 November 2019⁴ and 27 November 2019⁵;

Having regard to the Management Board document 'BEREC Office 2020 and beyond', ref. No MB (19) 57 final;

Whereas:

- (1) On 20 December 2018 a new founding act, namely: Regulation (EU) 2018/1971, determining new, strengthened mandates for BEREC and the BEREC Office entered into force;
- (2) In Regulation (EU) 2018/1971 the European Parliament and the Council emphasised that the BEREC Office should be adequately staffed for the purpose of carrying out its duties; the number of staff at the Agency should be determined in accordance with the principle of activity-based management of human resources;
- (3) All tasks assigned to the BEREC Office, including professional and administrative services supporting BEREC in carrying out its regulatory tasks, together with compliance with the financial, staff and other applicable regulations, and the increased weight of operational tasks required of the BEREC Office vis-à-vis administrative ones should be duly assessed and reflected in the resource programming;
- (4) The annual EU contribution and the total number of establishment plan posts for the BEREC Office for the financial years 2019-2020 will be decided in the framework of the annual budgetary procedure, as stated in the Joint Statement on the BEREC Office of 2018 approved in accordance with Point 31 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission.
- (5) On 31 January 2019 the BEREC Office Management Board adopted a draft document containing the annual and multiannual programming of the activities of the BEREC Office for the period 2020-2022, which reflects the new assignments of the BEREC Office as defined in Regulation (EU) 2018/1971 and the resources needed for delivering the new Agency's mandate in accordance with the principle of activity-based management;
- (6) The Management Board further discussed the Agency's mission, tasks and the resources allocation, mode of operation and the governance, and the organisational chart at the BEREC Office in 2020 and beyond at its ordinary plenary meeting held on

⁴ See Outcome of the Council Meeting, 3732nd Council Meeting - Foreign Affairs (Development), Brussels, 25 November 2019, <https://www.consilium.europa.eu/media/41462/st14488-en19.pdf>

⁵ See European Parliament legislative resolution of 27 November 2019 on the joint text on the draft general budget of the European Union for the financial year 2020 approved by the Conciliation Committee under the budgetary procedure (14283/2019 – C9-0186/2019 – [2019/2028\(BUD\)](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0071_EN.html#title1)), https://www.europarl.europa.eu/doceo/document/TA-9-2019-0071_EN.html#title1

14 June 2019 in Ghent and agreed on the future approaches as presented in document No MB (19) 57 final;

- (7) On 5 July 2019 the Commission published a draft General Budget of the European Union for the financial year 2020⁶, which, among others, contains the expenditure on staff authorised in the establishment plan, in terms of an amount of appropriations and a number of establishment plan posts (namely temporary agents), and expenditure on external personnel (namely contract agents and seconded national experts);
- (8) On 5 October 2019 the Commission approved its Opinion on the draft Single Programming Document of the BEREC Office for the period 2020-2022;
- (9) While the Commission welcomes the good quality of the draft programming document, in its opinion it reminds BEREC that all staffing numbers must be authorised by the Council and the European Parliament as Budgetary Authority in the annual budget procedure;
- (10) The Commission further notes that as of 2019, the National Regulatory Authorities (NRAs) of Albania, Bosnia and Herzegovina, Kosovo⁷, Montenegro, North Macedonia, and the Republic of Serbia participate in the works of the BEREC Board of Regulators and working groups and the Management Board of the BEREC Office, as participants without voting rights, in line with the corresponding Commission Decisions⁸;
- (11) According to these Decisions, the BEREC Office must collect financial contributions towards the participation of the aforementioned NRAs. These contributions will, in general, be used to cover travel reimbursements of such participants in the meetings of the Board of Regulators and the Management Board;
- (12) The Commission invites therefore the BEREC Office to align the levels of human and financial resources programming document (including establishment plan posts, contract agents and seconded national experts) with the outcome of the budgetary procedure for the draft budget 2020, including with the relevant additional revenues and expenses for the additional activities mentioned above;

⁶ COM(2019) 600 of 5.7.2019, volume 3, Commission section

⁷ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁸ Commission Decision C(2019)1968 of 18.3.2019 on the participation of the National Regulatory Authority of the Republic of Albania in the Body of European Regulators for Electronic Communications.
Commission Decision C(2019)1973 of 18.3.2019 on the participation of the National Regulatory Authority of Bosnia & Herzegovina in the Body of European Regulators for Electronic Communications.
Commission Decision C(2019)1967 of 18.3.2019 on the participation of the National Regulatory Authority of Kosovo in the Body of European Regulators for Electronic Communications
Commission Decision C(2019)1964 of 18.3.2019 on the participation of the National Regulatory Authority of Montenegro in the Body of European Regulators for Electronic Communications
Commission Decision C(2019)1961 of 18.3.2019 on the participation of the National Regulatory Authority of the Republic of North Macedonia in the Body of European Regulators for Electronic Communications.

Commission Decision C(2019)1971 of 18.3.2019 on the participation of the National Regulatory Authority of the Republic of Serbia in the Body of European Regulators for Electronic Communications

- (13) The Commission acknowledges that the programming of activities beyond 2020 is entirely indicative and can be given only for illustrative purposes given that the discussions in the European Parliament and the Council on the Commission proposal for the Multiannual Financial Framework 2021-2027 of 2 May 2018 are ongoing;
- (14) The Commission finally notes that all posts were filled in (including temporary agents, contract agents and seconded national experts) on 31/12/2018;
- (15) To ensure consistency with the new founding act of the BEREC Office, the Commission decisions for participation of third country NRAs in the work of BEREC and the BEREC Office and the respective working arrangements and the final EU Budget for 2020, the BEREC annual work programme 2020 and with the final Budget of the Union for 2020 as presented in the BEREC Office Single Programming Document 2020-2022, were revised and adjusted accordingly;
- (16) The Budgetary Authority (the Council on 25 November 2019 and by the European Parliament on 27 November 2019) approved the budget figures for the BEREC Office as part of the compromise on the General Budget of the European Union for 2020 without any change from the Commission proposals for Draft Budget 2020, which contained a proposal for increase in the EU contribution in the BEREC Office Budget from EUR 5,701,000.00 – for 2019, to EUR 7,140,401,64 in 2020, while maintaining the number of the 16 establishment plan posts provided to the BEREC Office in 2019 unchanged;
- (17) In compliance with the provisions of point 5.1.4. of the Rules of Procedure of the BEREC Office Advisory Group (BAG)⁹ the draft was submitted to the BAG for review and advice on 26 November 2019;
- (18) Following the BAG comments, a revised version was presented to the Management Board at its 41st ordinary meeting of 6 December 2019 and was thoroughly discussed;
- (19) The Management Board provided further guidance about the preparation of the final draft of the document, including about its resources aspects, in order to ensure alignment between the programming of the activity of the Agency and the Final Budget 2020;
- (20) The revision took into account the recommendations of the Commission presented in its Opinion as far as possible;
- (21) The delegation of powers to the BEREC Office authorising officer to make non-substantial amendments to the annual work programme of the BEREC Office as defined in Decision MB/2019/03 of the BEREC Office Management Board on the adoption of the draft Annual and Multi-annual Programming of the BEREC Office Activities for the period 2020-2022, should not be amended;

⁹ MC (19) 95 rev. 1: Rules of Procedure of the Management Board of the BEREC Office, 04.10.2019, https://berec.europa.eu/eng/document_register/subject_matter/berec_office/rules_of_procedure/8834-rules-of-procedure-of-the-management-board-of-the-berec-office

Has adopted the following decision:

Article 1

1. The updated Single Programming Document of the Activities of the Agency for Support for BEREC (BEREC Office) for 2020-2022 presented in document MB (19) 112 is hereby adopted.
2. The current Single Programming Document of the BEREC Office Activities 2020-2022 replaced the draft approved by Decision MB/2019/03 of the BEREC Office Management Board on the adoption of the draft Annual and Multi-annual Programming of the BEREC Office Activities for the period 2020-2022.

Article 2

1. This Decision shall enter into force on the day of its adoption.
2. The BEREC Office Director shall submit the BEREC Office Single Programming Document for 2020-2022, as presented in document MB (19) 112 to the Commission, to the Council and the European Parliament in due time.

Done on 19 December 2019.

For the Management Board

Jeremy Godfrey

Chairperson