



Provisional working arrangements concerning participation of NRA from Liechtenstein work of BEREC and the BEREC Office

These Provisional Working Arrangements ("PWA") concern the participation of

AK ("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 Liechtenstein 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 European Economic Area Agreement ("the EEA Agreement") constitutes an agreement within the meaning of Article 35(2) of the BEREC Regulation.

Whereas 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 it is expected that binding terms of reference for working arrangements for the participation of the Participant NRA in BEREC and the BEREC Office will

be established as a consequence of a Decision of the EEA Joint Committee providing for the incorporation of the BEREC Regulation into the European Economic Area Agreement

Whereas it is desirable, for the sake of continuity, to make provision for the participation of the Participant NRA in the work of BEREC and the BEREC Office on a provisional basis in advance of the incorporation of the BEREC Regulation into the EEA Agreement.

BEREC AND THE BEREC OFFICE AND THE PARTICIPANT NRA HAVE ESTABLISHED THE FOLLOWING PROVISIONAL WORKING ARRANGEMENTS

1. Purpose

Through these provisional working arrangements, the Parties intend to strengthen, in particular, cooperation 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.

These working arrangements are without prejudice to the EEA Agreement, the BEREC Regulation and any upcoming Joint Committee Decision incorporating it, any applicable binding working arrangements adopted pursuant to Article 35(2) of the BEREC Regulation, the respective Rules of Procedure of the BEREC Board of Regulators and the BEREC Office Management Board.

2. Interpretation

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

These PWA do 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 EEA Agreement, the BEREC Regulation and any upcoming Joint Committee Decision incorporating it, any applicable binding working arrangements adopted pursuant to Article 35(2) of the BEREC Regulation, and the Rules of Procedure of BEREC 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 adopted by the BoR or the BEREC Office MB.

4. Staffing

Following the completion of the process for the incorporation of the Code in the EEA acquis, the Participant NRA will be eligible to provide staff to the BEREC Office in the same way as Members of BEREC may do so.

5. Financial contributions

The parties recognise that no financial contribution will be made to the BEREC Office in respect of the Participant NRA's participation in BEREC and the BEREC Office until the BEREC Regulation has been incorporated into the EEA Agreement. It is therefore understood that the BEREC Office Management Board will not make any Decision that creates eligibility for reimbursement of travel expenses for the Head, high-level representative or experts from the Participant NRA until arrangements for financial contributions have come into effect.

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 described in this PWA are provisional working arrangements that come into effect on the day that they are adopted by BEREC and the BEREC Office.

The provisional working arrangements will no longer have effect, and will be replaced by final working arrangements to the extent necessary after the BEREC Regulation has been incorporated with any necessary adjustment into the EEA agreement.

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 Liechtenstein within the meaning of Article 35(2) of the BEREC Regulation.

On behalf of AK:



Kurt Bühler
Director, AK

Date: 13.6.2019

On behalf of BEREC:



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

Date: 14/6/19

On behalf of BEREC Office



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

Date: 14/6/2019