

Rules of procedure on the operation of BEREC Working Groups

Article 13.4 of Regulation 2018/1971 (hereinafter, “BEREC Regulation”) establishes that the Board of Regulators shall adopt rules of procedure laying down the practical arrangements for the operation of BEREC’s Working Groups (hereinafter “WGs”).

According to Article 11 of the Rules of Procedure of the Board of Regulators (hereinafter “BoR RoP”), BEREC work is carried out via its WGs.

Article 3 of the mentioned BoR RoP sets out the duties of the BEREC Chair and Vice-Chairs and provides that the BEREC Chair shall assign clusters of WGs to the Vice-Chairs, in order for them to follow their relevant work.

The present WG Rules of Procedure (hereinafter “WG RoP”) contain detailed rules to implement the above provisions.

1. BEREC WGs’ co-Chairs appointment process

1. In compliance with Article 11.7 of the BoR RoP, every two years, immediately following the approval of the draft BEREC Work Programme, the BEREC Chair shall launch a call for interest for the positions of co-Chairs of WGs;
2. The BEREC Chair shall set a deadline for NRAs to submit candidacies within a standard term of 10 working days after the launch of the call for interest;
3. Candidacies for co-Chairs should be submitted by relevant NRAs to the BEREC Chair and the BEREC Office, via their Contact Network (hereinafter “CN”) representative, indicating in each case the name of the WG and the name of the expert and enclosing her/his CV in the Europass format, which shall contain all necessary details to comparatively assess the candidates based on the selection criteria outlined below;
4. Each NRA can only submit one candidacy for each WG;
5. If less than two candidatures are received to co-Chair a WG, a second call for interest for this WG should be launched pursuant to paragraphs 2 to 4;
6. If, after a second call for interest no further candidatures are received to chair a WG, the BEREC Chair will propose a suitable expert from his/her NRA.
7. The Mini-Board shall jointly perform the assessment for each candidate based on the following criteria:
 - Relevant professional experience and academic background in the thematic field covered by the WG concerned and, overall, in the electronic communications sector;
 - Record of active participation in the WG concerned and/or in other BEREC WGs;

- Project management skills and coordination activities carried out in an international environment.
8. Besides the comparative assessment of the applicants based on the above criteria, and subject to it, the Mini-Board shall also apply the following general principles:
 - Ensuring the maximum possible number of different NRAs co-chairing the WGs;
 - Promoting the rotation of the co-chairmanship after two consecutive mandates, in case of equivalent candidates;
 - The status of the work being carried out by the concerned WG and the need to ensure its continuity.
 9. The list of candidates shall be forwarded for information to the BoR and CN members with the consent of the applicants;
 10. Within the standard term of 1 month after the deadline of the call for interest, the BEREC Chair shall, for each of the WGs, identify the two best assessed experts;
 11. Within the same deadline as in paragraph 10 above, the BEREC Chair shall submit the draft decision establishing WGs for the following year and appointing their 2 co-Chairs for approval by the BoR as soon as possible; the co-Chairs' mandate shall start on the 1st of January of the following year;
 12. In case a WG co-Chair resigns or a new BEREC WG needs to be established, the same procedure as above shall apply with the following exceptions:
 - The call for interest shall be launched by the BEREC Chair as soon as possible after the WG co-Chair resigns or the new WG is set up;
 - The BEREC Chair shall define an adequate timeframe for the conclusion of the selection process according to the circumstances, also in derogation to the above provisions, with a view to appointing the new co-Chairs as soon as possible;
 13. Without prejudice to the possibility to apply again to act as co-Chair of the same WG, the mandate of NRAs' experts replacing co-Chairs who decide to terminate their mandate earlier than the standard two years, shall last for the remainder of the term of the replaced co-Chair; mandates of co-Chairs of new WGs shall also last for the remainder of the term of two years of the other co-Chairs;
 14. In the event that a WG co-Chair is unable to fulfil the duties of the position as co-Chair for a limited period of time, not exceeding one year of the two-year mandate given, owing to e.g. long sick leave, parental leave or similar, the WG co-Chairs, having informed the WG, may submit to the BEREC Chair a proposal for a temporary suitable replacement. The BEREC Chair shall endorse such a replacement and inform the plenary as soon as possible.

2. Ad hoc groups

1. Pursuant to Article 11.11 of the BoR RoP, the BEREC Chair may set up ad hoc groups.
2. Ad hoc groups are WGs established to carry out specific tasks, expected to be accomplished in less than one year, that have not been previously foreseen in the annual work programme and that do not fall within the remit of a particular WG;

3. In derogation of the above rules concerning BEREC WGs, ad hoc groups might have one Chair, identified by the BEREC Chair in consultation with the Vice-Chairs;
4. The mandate of an ad hoc group's Chair shall end when the task assigned to the group is accomplished and the ad hoc group is dismantled; in any case, at the end of every year, the need for any ad hoc group shall be assessed;
5. Soon after the establishment of the ad hoc group, the BEREC Office shall launch the resources commitment exercise, in order to identify the relevant experts and elaborate the relevant mailing lists;
6. The ad hoc group shall elaborate a draft Project Requirements Document (PRD) outlining the planned activities and shall submit it to the BEREC Chair for approval by the BoR.

3. WGs' and ad hoc group co-Chairs and members' duties

1. Co-Chairs

1. WG co-Chairs shall be responsible for the completion, in close cooperation with one another, of all PRDs entrusted to the WG, in line with the relevant schedule and for enabling a suitable exchange of ideas within the WG on all the topics within its remit;
2. They shall coordinate the NRAs' resources and appropriately involve the BEREC Office's resources, in order to achieve the envisaged deliverables;
3. WG co-Chairs may deliver presentations at BEREC CN and Plenary meetings and seek guidance from the BEREC BoR at Plenary meetings on the work being performed by the WG;
4. WG co-Chairs shall be responsible for providing, as requested, information about the work in progress to the BEREC Chair or the relevant Vice-Chairs;
5. When acting as BEREC WG co-Chairs, experts shall represent the views consolidated at WG level; WG co-Chairs shall clearly stipulate when they are delivering their personal or own NRA's views;
6. WG co-Chairs shall ensure that, in case no consensus is reached at the WG level, minority positions are taken, upon request of the concerned NRAs, to the CN and Plenary meetings in order to debate the different views from a broader perspective; WG co-Chairs shall reflect such positions in the relevant submission notes;
7. Upon request and/or agreement from the BEREC Chair, the co-Chairs may represent BEREC/the WG they coordinate in exchanges with the stakeholders and be called upon to represent BEREC in meetings, seminars and conferences;
8. WG co-Chairs shall be responsible for coordinating the contribution of the WG to the BEREC annual report and - having heard, where applicable, the co-Chairs appointed for the next year - to the subsequent years' BEREC Work Programme and PRDs;
9. WG co-Chairs shall ensure coordination with other WGs' co-Chairs on topics of common interest.

2. Members, drafters and contact points

1. BEREC WGs' and ad-hoc group members and drafters are nominated by the NRAs, following the launch, by the BEREC Office, of the resources commitment exercise; NRAs shall have at least one representative (member or drafter) for each PRD. If no representative is nominated, the CN members of the NRA shall be included by default in the mailing lists of the PRDs/WGs;
2. BEREC WGs' experts shall be divided into 2 categories: members and drafters;
3. The European Commission shall also indicate its experts (members/drafters) following BEREC WGs, except for the WGs which are set up to carry out the tasks referred to in point (c) (ii) of Article 4(1) of the BEREC Regulation;
4. The drafters shall actively take part in the preparation of deliverables and shall therefore commit to ensure a more continuous and intensive participation.

4. Drafting Team Leaders

1. WG co-Chairs shall be responsible for defining how to carry out the lines of activity outlined in relevant PRDs entrusted to the WG they coordinate;
2. With a view to ensuring the effective organization of working processes, WG co-Chairs may decide to appoint drafting team leaders with the appropriate expertise, who shall be responsible for carrying out specific projects, as outlined in relevant approved PRDs;
3. Soon after their appointment, WG co-Chairs shall inform the BoR, the CN and the BEREC Office of the drafting team leaders appointed;
4. WG co-Chairs may delegate the tasks foreseen in 3.1 to drafting team leaders.

5. Independence

1. The WGs shall develop their activities upon the BoR's directions;
2. The Vice-Chairs shall provide support and follow the work of the WGs, in accordance with Article 3.8 of the BoR RoP;
3. Where necessary, in case of unforeseen requests for input from EU institutions and stakeholders, the Chair may address to the co-Chairs/WGs specific requests in relation to their areas of competence, such as speaking and background notes, as well as presentations.

6. WGs' working patterns (for co-Chairs and drafting team leaders)

1. WGs may work in the different formats of their composition: drafters, sub-groups of experts working on specific PRDs or full WG;
2. The annual WG's work shall be discussed at an early stage, where the approach to the different PRDs shall be discussed and overall defined by all members;
3. Without prejudice to the deadline foreseen in Article 15.3 of the BoR RoP, in case the need arises during the year to carry out further activities falling within the remit of a WG, the

relevant co-Chairs shall compile a draft PRD and share it within the WG before its submission to CN and to the BoR for approval;

4. The invitation to a WG meeting, in any format, together with a draft agenda indicating the main themes to be addressed and any other relevant documents on which views are sought, shall be distributed at least two weeks before the meeting date, except in case particular circumstances prevent this deadline to be met;
5. Any draft materials progressively elaborated by the drafters shall be distributed according to the schedule defined at each meeting, first among the drafters and then, when sufficiently structured, among all members associated to the concerned PRD or the full WG;
6. As a general rule, the minutes of each meeting shall indicate the list of attending NRAs, and a record of the conclusions and action points;
7. Before the co-Chairs submit a draft proposal to CN/Plenary, this shall first be circulated within the appropriate group sufficiently in advance to allow any comments to be taken into account;
8. In WGs which are set out to carry out the tasks indicated in Article 13.3 of the BEREC Regulation, the coordination referred to in Article 11.5 of the BoR RoP shall take place by way of the most efficient and appropriate means. Such coordination can be organised by consultation at national level or – upon evaluation of the BoR or the co-Chairs of the WGs and with prior consultation of the respective NRA – by invitation of Competent Authorities to a meeting with BEREC. During this coordination process, the independence of BEREC needs to be maintained.
9. The BoR or the co-Chairs of the WGs may invite individual experts recognised as competent in the relevant field to participate in the WG meeting, if necessary, on a case by case basis.

7. Review

These WG RoP shall be kept in line with the BoR RoP and reviewed accordingly or following a request from one of the members or participants without voting rights, or on the initiative of the BEREC Chair.