

Decision No MB/2024/13 of the Management Boards of the Agency for Support for BEREC (BEREC Office) on the application of Public Services Regulatory Commission of the Republic of Armenia (PSRC) to become Participant without voting rights

The Management Board,

Having regard to Regulation (EU) 2018/1971 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 1211/2009 ("the BEREC Regulation") and in particular Articles 9¹ and 35 thereof;

Having regard to Decision BoR (19) 58 by the BEREC Board of Regulators on the Rules of Procedure of the Board of Regulators;

Having regard to Decision No BoR/2024/01 of the Board of Regulators to establish a Procedure to address requests of NRAs of third countries to participate in the work of the Body of European Regulators for Electronic Communications (BEREC);

Having regard to Decision BoR (24) 75 of the Chair of the Board of Regulators to establish an ad hoc group to analyse the requests of NRAs of third countries to participate in the work of the Body of European Regulators for Electronic Communications (BEREC) and its amendment².

¹ "The Board of Regulators shall have the following functions: (...) (i) to authorise, together with the Director, the conclusion of working arrangements with competent Union bodies, offices, agencies and advisory groups and with competent authorities of third countries and with international organisations in accordance with Article 35; (...)"

² BoR (24) 122, Amendment to the decision of the Chair of the Board of Regulators to establish an ad hoc group to analyse the requests of NRAs of third countries to participate in the work of the Body of European Regulators for Electronic Communications (BEREC), 19 June 2024.

Whereas

1. The Board of Regulators, the Working Groups and the Management Board shall 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;
2. BEREC and the BEREC Office may, subject to prior approval by the Commission, establish working arrangements with the NRAs of third countries;
3. NRA of Armenia (PSRC³) have approached BEREC with the intention to join BEREC and BEREC Office without voting rights.
4. The ad hoc group to analyse the requests of NRAs of third countries to participate in the work of the Body of European Regulators for Electronic Communications (BEREC) concluded that PSRC is the regulatory authority with primary responsibility in the field of electronic communications, however the agreement in place between the European Union and the Republic of Armenia⁴ covers cooperation in electronic communications sector only in general terms and does not explicitly provide for participation of the applicant in BEREC's work.
5. The ad hoc group hence recommended rejecting the application of PSRC as ineligible.
6. The BEREC and BEREC Office is keen to develop and maintain good and productive relationships with the NRAs of third countries;

Has adopted the following Decision:

Article 1

1. To reject the application of PSRC to become participant without voting right as ineligible.
2. To inform PSRC about the results of the assessment.

Article 2

³ PSRC: Public Services Regulatory Commission of the Republic of Armenia

⁴ Comprehensive and enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, OJ L 23, 26.1.2018, p. 4–466.

3. This decision shall enter into force on the day of its adoption by the Management Board.

Done in Budapest, 4 October 2024

For the Management Board

e-signed

Tonko Obuljen

MB Chairperson