



Committee on the Internal Market and Consumer Protection

2016/0286(COD)

02.6.2017

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (COM(2016)0591 – C8-0382/2016 – 2016/0286(COD))

Rapporteur: Ivan Štefanec

PA_Legam

SHORT JUSTIFICATION

The Rapporteur welcomes the Commission's proposal to update the regulation on the Body of European Regulators of Electronic Communications (BEREC) as part of its wider telecoms package. The single market for electronic communications is at the heart of the Digital Economy and therefore it is crucial to strengthen the electronic communication sector and provide innovation and high-quality connectivity across all sectors of the European economy.

The proposal seeks to enhance regulatory harmonisation and strengthen the provisions around the independence of NRAs. The rapporteur believes that the current institutional set-up (independence of NRAs from the Commission and other EU institutions) and the rootedness of BEREC to its constituent members (the NRAs) allow BEREC to provide independent and expert advice and to continue in cooperating with other EU institutions.

Strengthening of the independence requirement on NRAs should remain central to ensure impartial and predictable regulation in the future. Moreover, the rapporteur also welcomes the proposal to broaden the minimum set of core competences attributed to NRAs. He believes that a reduction in BEREC's independence and the creation of an EU fully fledged agency could decrease the effectiveness and value-added of BEREC and slower the development and dissemination of harmonised best practices.

Therefore, the rapporteur has decided to maintain the current two-tier governance structure with BEREC on the one hand and BEREC Office on the other. He considers this to be the best way of ensuring the continued effective work of BEREC and of maintaining a balance between the Commission, the NRAs and BEREC. BEREC would continue to be composed of the representatives of each of the Member States' NRA, thus allowing all NRAs to actively contribute to BEREC's work. As such, it would complement the regulatory tasks performed at national level by the regulatory authorities. BEREC should be fully accountable and transparent to the relevant European Union institutions.

The Rapporteur has therefore re-introduced into the proposed regulation the dual structure of BEREC and BEREC Office and has set out the appropriate tasks and organisational set-up for each. The draft opinion therefore introduces a new Article 2a on the establishment and tasks of BEREC Office as well as new articles 14a to 14d on the organisation of the BEREC Office. As regards both BEREC Office and BEREC, the Rapporteur has taken on board a number of the Commission's suggested improvements, including the extension of competences of BEREC in the regulatory field.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 7

(7) BEREC and the BEREC Office have made a positive contribution towards a consistent implementation of the regulatory framework for electronic communications. Notwithstanding, there are still significant disparities between Member States as regards regulatory practice. ***Moreover, the governance structure of BEREC and the BEREC Office is cumbersome and gives rise to unnecessary administrative burden.*** In order to ensure efficiency gains and synergies and to further contribute to the development of the internal market for electronic communications throughout the Union as well as to the promotion of access to, and take-up of, very high capacity data connectivity, competition in the provision of electronic communications networks, services and associated facilities and the interests of the citizens of the Union, this regulation aims to strengthen the role of BEREC and enhance *its* governance structure ***by establishing BEREC as a Union decentralised agency.*** This also corresponds to the need to reflect the significantly enhanced role played by BEREC following Regulation (EC) No 531/2012 which establishes tasks for BEREC in relation to Union-wide roaming, Regulation (EU) No 2015/2120 which establishes tasks for BEREC in relation to open internet access and Union-wide roaming, and the Directive which establishes a significant number of new tasks for BEREC such as issuing decisions and guidelines on several topics, reporting on technical matters, keeping registers and delivering opinions on internal market procedures for draft national measures on market regulation as well as on assignments of rights of use for radio spectrum.

(7) BEREC and the BEREC Office have made a positive contribution towards a consistent implementation of the regulatory framework for electronic communications. Notwithstanding, there are still significant disparities between Member States as regards regulatory practice. In order to ensure efficiency gains and synergies and to further contribute to the development of the internal market for electronic communications throughout the Union as well as to the promotion of access to, and take-up of, very high capacity data connectivity, competition in the provision of electronic communications networks, services and associated facilities and the interests of the citizens of the Union, this regulation aims to strengthen the ***roles*** of BEREC and ***the BEREC Office and*** enhance ***their*** governance structure. This also corresponds to the need to reflect the significantly enhanced role played by BEREC following Regulation (EC) No 531/2012 which establishes tasks for BEREC in relation to Union-wide roaming, Regulation (EU) No 2015/2120 which establishes tasks for BEREC in relation to open internet access and Union-wide roaming, and the Directive which establishes a significant number of new tasks for BEREC such as issuing decisions and guidelines on several topics, reporting on technical matters, keeping registers and delivering opinions on internal market procedures for draft national measures on market regulation as well as on assignments of rights of use for radio spectrum.

Amendment 2

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The need for the regulatory framework for electronic communications to be consistently applied in all Member States is essential for the successful development of an internal market for electronic communications throughout the Union and the promotion of access to, and take-up of, very high capacity data connectivity, of competition in the provision of electronic communications networks, services and associated facilities and of the interests of the citizens of the Union. In view of market and technological developments, which often entails an increased cross-border dimension, and to the experience so far in ensuring a consistent implementation in the electronic communications field, it is necessary to build on the work of BEREC and the BEREC Office **and further develop them into a fully-fledged agency.**

Amendment

(8) The need for the regulatory framework for electronic communications to be consistently applied in **a balanced and non-discriminatory manner in** all Member States is essential for the successful development of an internal market for electronic communications throughout the Union and the promotion of access to, and take-up of, very high capacity data connectivity, of competition in the provision of electronic communications networks, services and associated facilities and of the interests of the citizens of the Union. In view of market and technological developments, which often entails an increased cross-border dimension, and to the experience so far in ensuring a consistent implementation in the electronic communications field, it is necessary to build on the work of BEREC and the BEREC Office.

Amendment 3

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The **agency** should be governed and operated in line with the principles of the Joint Statement of the European Parliament, the Council and the European Commission of 19 July 2012 on decentralised agencies ('Common Approach')²⁸. **Due to the established image of BEREC and the costs that a modification of its name would entail, the new agency should retain the name of BEREC.**

Amendment

(9) The **BEREC Office** should be governed and operated in line with the principles of the Joint Statement of the European Parliament, the Council and the European Commission of 19 July 2012 on decentralised agencies ('Common Approach')²⁸.

²⁸ Joint Statement of the Parliament, Council and the Commission on decentralised agencies of 19 July 2012.

²⁸ Joint Statement of the Parliament, Council and the Commission on decentralised agencies of 19 July 2012.

Amendment 4

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) BEREC should also serve as a body for reflection, debate and advice for the European Parliament, the Council and the Commission in the electronic communications field. BEREC should, accordingly, provide advice to the European Parliament, the Council and the Commission, on their request or on its own initiative.

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) BEREC should be allowed if necessary to cooperate with, and without prejudice to the role of, other Union bodies, agencies, offices and advisory groups, in particular the Radio Spectrum Policy Group²⁹, the European Data Protection Board³⁰, the European Regulators Group for Audiovisual Media Services³¹ and the European Union Agency for Network and Information Security³²; as well as with existing committees (such as the Communications Committee and the Radio Spectrum Committee). It should also be allowed to cooperate with competent authorities of third countries, in particular, regulatory authorities competent in the field of electronic communications and/or

(11) **BEREC and the BEREC Office** should be allowed if necessary to cooperate with, and without prejudice to the role of, other Union bodies, agencies, offices and advisory groups, in particular the Radio Spectrum Policy Group²⁹, the European Data Protection Board³⁰, the European Regulators Group for Audiovisual Media Services³¹ and the European Union Agency for Network and Information Security³²; as well as with existing committees (such as the Communications Committee and the Radio Spectrum Committee). It should also be allowed to cooperate with competent authorities of third countries, in particular, regulatory authorities competent in the field of electronic communications and/or

groups of those authorities, as well as with international organisations when necessary for the performance of its tasks.

²⁹ Decision 2002/622/EC establishing a Radio Spectrum Policy Group (OJ L 198, 27.7.2002, p. 49).

³⁰ Established under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p.1).

³¹ Directive [...].

³² Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 (OJ L 165, 18.6.2013, p.41).

groups of those authorities, as well as with international organisations when necessary for the performance of its tasks.

²⁹ Decision 2002/622/EC establishing a Radio Spectrum Policy Group (OJ L 198, 27.7.2002, p. 49).

³⁰ Established under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p.1).

³¹ Directive [...].

³² Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 (OJ L 165, 18.6.2013, p.41).

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Compared to the situation in the past where both a Board of Regulators and a Management Committee were running in parallel, having a single board giving general orientations for the activities of BEREK, deciding on regulatory and operational as well as on administrative and budgetary management matters should help improving the efficiency, coherence and performance of the agency. To this end, the Management Board should carry the relevant functions and should consist, in addition of two representatives of the Commission, of the Head, or otherwise a

Amendment

deleted

member of the collegiate body, of each NRA, who are protected by dismissal requirements.

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) In the past the appointing authority powers were exercised by the Vice-Chair of the Management Committee of the BEREC Office. The Management Board of the new agency should delegate relevant appointing authority powers to the **Executive** Director, who would be authorised to sub-delegate those powers. This would contribute to an efficient management of the BEREC staff as well as to ensuring that the Management **Committee**, as well as the Chairperson and Deputy Chairperson, can concentrate on their functions.

Amendment

(13) In the past the appointing authority powers were exercised by the Vice-Chair of the Management Committee of the BEREC Office. The Management Board of the new agency should delegate relevant appointing authority powers to the Director, who would be authorised to sub-delegate those powers. This would contribute to an efficient management of the BEREC staff as well as to ensuring that the Management **Board**, as well as the Chairperson and Deputy Chairperson, can concentrate on their functions.

Amendment 8

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) ***In the past the term of office of the Chair and of the Vice-Chairs of the Board of Regulators was one year.*** In view of the additional tasks assigned to BEREC and the need to ensure annual and multiannual programming for its activities, it is crucial to ensure that the Chairperson and Deputy Chairperson benefit from a stable and long-term mandate.

Amendment

(14) In view of the additional tasks assigned to BEREC and the need to ensure annual and multiannual programming for its activities, it is crucial to ensure that the Chairperson and Deputy Chairperson benefit from a stable and long-term mandate.

Amendment 9

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The **Management** Board should hold at least **two** ordinary meetings a year. In view of past experience and the enhanced role of BEREC, the **Management** Board may need to hold additional meetings.

Amendment

(15) The Board **of Regulators** should hold at least **four** ordinary meetings a year. In view of past experience and the enhanced role of BEREC, the Board **of Regulators** may need to hold additional meetings.

Amendment 10

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The role of the **Executive** Director, who would be the legal representative of BEREC, is crucial for the adequate functioning of **the new agency** and the implementation of the tasks assigned to it. The Management Board should appoint him/her **on the basis of a list drawn up by the Commission** following an open and transparent selection procedure in order to guarantee a **rigorous** evaluation of the candidates and a high level of independence. Moreover, in the past the term of office of the Administrative Manager of the BEREC Office was three years. It is necessary that the **Executive** Director has a sufficiently long mandate in order to ensure stability and delivery of a long-term strategy for **the agency**.

Amendment

(16) The role of the Director, who would be the legal representative of **the** BEREC **Office**, is crucial for the adequate functioning of **BEREC** and the implementation of the tasks assigned to it. The Management Board should appoint him/her following an open and transparent selection procedure in order to guarantee a **rigorous** evaluation of the candidates and a high level of independence. Moreover, in the past the term of office of the Administrative Manager of the BEREC Office was three years. It is necessary that the Director has a sufficiently long mandate in order to ensure stability and delivery of a long-term strategy for **BEREC**.

Amendment 11

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Experience has shown that most of BEREC's tasks are better carried out through working groups, therefore the **Management** Board should be in charge of setting up working groups and appointing their members. ***In order to ensure a balanced approach, the working groups should be coordinated and moderated by members of the BEREC staff.*** Lists of qualified experts should be prepared in advance to ensure a quick set-up of certain working groups, in particular those related to internal market procedures for draft national measures on market regulation and on assignments of rights of use for radio spectrum, due to the time limits of those procedures.

Amendment

(17) Experience has shown that most of BEREC's tasks are better carried out through working groups, therefore the Board ***of Regulators*** should be in charge of setting up working groups and appointing their members. Lists of qualified experts should be prepared in advance to ensure a quick set-up of certain working groups, in particular those related to internal market procedures for draft national measures on market regulation and on assignments of rights of use for radio spectrum, due to the time limits of those procedures.

Amendment 12

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) ***As BEREC is competent for taking decisions with a binding effect, it is necessary to ensure that any natural or legal person subject to, or concerned by, a decision of BEREC has the right of appeal to a Board of Appeal, which is part of the agency but independent from its administrative and regulatory structure. As the decisions issued by the Board of Appeal are intended to produce legal effects towards third parties, an action for review of their legality may be brought to the General Court. In order to ensure uniform conditions as regards the rules of procedure of the Board of Appeal, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the***

Amendment

deleted

*Council*³³.

³³ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Amendment 13

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Commission Delegated Regulation (EU) No 1271/2013 of the European Parliament and of the Council³⁴ should apply to BEREC.

³⁴ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

Amendment

(19) Commission Delegated Regulation (EU) No 1271/2013 of the European Parliament and of the Council³⁴ should apply to *the* BEREC *Office*.

³⁴ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In order to guarantee **BEREC's** autonomy, it should have its own budget, most of which comes essentially from a contribution from the Union. The financing of BEREC should be subject to an agreement by the budgetary authority as set out in point 31 of the Inter-institutional

Amendment

(20) In order to guarantee *the BEREC Office's* autonomy, it should have its own budget, most of which comes essentially from a contribution from the Union. The financing of BEREC should be subject to an agreement by the budgetary authority as set out in point 31 of the Inter-institutional

Agreement on budgetary discipline, on cooperation in budgetary matters and on sound financial management³⁵.

³⁵ Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (OJ C 373, 20.12.2013, p. 1).

Agreement on budgetary discipline, on cooperation in budgetary matters and on sound financial management³⁵.

³⁵ Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (OJ C 373, 20.12.2013, p. 1).

Amendment 15

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) BEREC should be independent as regards operational and technical matters and should enjoy legal, administrative and financial autonomy. ***To that end, it is necessary and appropriate that BEREC should be a body of the Union having legal personality and exercising the powers conferred upon it.***

Amendment

(21) ***The BEREC Office*** should be independent as regards operational and technical matters and should enjoy legal, administrative and financial autonomy.

Amendment 16

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) ***As a Union decentralised agency, BEREC should operate within its mandate and the existing institutional framework. It should not be seen as representing a Union position to an outside audience or as committing the Union to legal obligations.***

Amendment

deleted

Amendment 17

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In order to further extend the consistent implementation of the provisions of the regulatory framework for electronic communications within the scope of BEREC, *the new agency* should be open to the participation of regulatory authorities of third countries competent in the field of electronic communications that have entered into agreements with the Union to that effect, in particular those of *EEA* EFTA States and candidate countries.

Amendment

(23) In order to further extend the consistent implementation of the provisions of the regulatory framework for electronic communications within the scope of BEREC, ***BEREC and the BEREC Office*** should be open to the participation of regulatory authorities of third countries competent in the field of electronic communications that have entered into agreements with the Union to that effect, in particular those of EFTA States and candidate countries.

Amendment 18

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) BEREC should be allowed to engage in communication activities within *its* field of competence, which should not be detrimental to BEREC's core tasks and should be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board. The content and implementation of BEREC's communication strategy should be coherent, relevant *and coordinated* with the strategies and activities of the Commission and the other institutions in order to take into consideration the broader image of the Union.

Amendment

(24) ***BEREC and the BEREC Office*** should be allowed to engage in communication activities within *their* field of competence, which should not be detrimental to BEREC's ***and the BEREC Office's*** core tasks and should be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board. The content and implementation of BEREC's ***and the BEREC Office's*** communication strategy should be coherent *and* relevant with the strategies and activities of the Commission and the other institutions in order to take into consideration the broader image of the Union.

Amendment 19

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) In order to carry out its tasks effectively, BEREC should have the right to request all necessary information from the Commission, the NRAs and, as a last resort, other authorities and undertakings. Requests for information should be proportionate and not impose an undue burden on the addressees. NRAs, which are closest to the electronic communications markets, should cooperate with BEREC and have a timely and accurate provision of information to ensure that BEREC *is* able to fulfil *its* mandate. BEREC should also share with the Commission and the NRAs the necessary information based on the principle of sincere cooperation.

Amendment

(25) In order to carry out its tasks effectively, BEREC **and the BEREC Office** should have the right to request all necessary information from the Commission, the NRAs and, as a last resort, other authorities and undertakings. Requests for information should be proportionate and not impose an undue burden on the addressees. NRAs, which are closest to the electronic communications markets, should cooperate with BEREC **and the BEREC Office** and have a timely and accurate provision of information to ensure that BEREC **and the BEREC Office are** able to fulfil **their** mandate. BEREC **and the BEREC Office** should also share with the Commission and the NRAs the necessary information based on the principle of sincere cooperation.

Amendment 20

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) The **BEREC** Office, which was established as a Community body with legal personality by Regulation (EC) No 1211/2009, is succeeded by BEREC as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities. BEREC should take over the staff of the **BEREC** Office whose rights and obligations should not be affected,

Amendment

(28) The Office, which was established as a Community body with legal personality by Regulation (EC) No 1211/2009, is succeeded by **the BEREC Office** as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities. **the BEREC Office** should take over the staff of the Office whose rights and obligations should not be affected,

Amendment 21

Proposal for a regulation Article 1

Text proposed by the Commission

Article 1

Establishment and objectives

1. The Body of European Regulators for Electronic Communications ('BEREC') is hereby established.

2. BEREC shall act within the scope of Directive [...], Directive 2002/58/EC, Regulation (EC) No 531/2012, Regulation (EU) No 2015/2120 and Decision 243/2012/EU³⁶ (Radio Spectrum Policy Programme).

The definitions laid down in those Directives, Regulations and Decision shall apply for the purposes of this regulation.

3. BEREC shall *pursue the same objectives as those of national regulatory authorities ('NRAs') referred to in Article 3 of the Directive. In particular, BEREC shall ensure* a consistent implementation of the regulatory framework for electronic communications within the scope referred to in paragraph 2 *and thereby* contribute to the *development of the internal market. It shall also* promote access to, and take-up of, very high capacity data connectivity; competition in the provision of electronic communications networks, services and associated facilities; and the interests of the citizens of the Union.

Amendment

Article 1

Establishment and objectives *of BEREC*

1. The Body of European Regulators for Electronic Communications ('BEREC') is hereby established.

2. BEREC shall act within the scope of Directive [...], Directive 2002/58/EC, Regulation (EC) No 531/2012, Regulation (EU) No 2015/2120 and Decision 243/2012/EU³⁶ (Radio Spectrum Policy Programme), *and of any other Union act conferring to it tasks and powers.*

The definitions laid down in those Directives, Regulations and Decision shall apply for the purposes of this regulation.

3. BEREC shall, *as primary objective, contribute to the development and better functioning of the internal market for electronic communications networks and services by ensuring* a consistent implementation of the *Union* regulatory framework for electronic communications within the scope referred to in paragraph 2. *BEREC shall, in cooperation with national regulatory authorities ('NRAs'), contribute to the objectives referred to in Article 3 of Directive [...], and in particular* shall promote access to, and take-up of, very high capacity data connectivity; competition in the provision of electronic communications networks, services and associated facilities; and the interests of the citizens of the Union.

3 a. BEREC shall carry out its tasks independently, impartially and transparently. It shall draw upon the expertise available in the NRAs.

3 b. Each Member State shall ensure that the NRAs have the adequate

financial and human resources required to participate in the work of BEREC.

³⁶ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

³⁶ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

Amendment 22

Proposal for a regulation Article 2

Text proposed by the Commission

Article 2

Tasks

1. The tasks of BEREC shall be to:
 - (a) assist, advise and cooperate with the Commission *as well as NRAs*, on request or on its own initiative, on any technical matter within its mandate, and *assist and advise* the European Parliament and the *Council* on request;
 - (b) issue decisions:
 - *on the identification of transnational markets in accordance with Article 63 of the Directive;*
 - *on a contract summary template in accordance with Article 95 of the*

Amendment

Article 2

Tasks *of BEREC*

1. The tasks of BEREC shall be to:
 - (a) assist, advise and cooperate with *NRAs and* the Commission, on request or on its own initiative, on any technical matter within its mandate, and *provide opinions or recommendations to* the European Parliament, *the Council* and the *Commission* on request *or on its own initiative on any issue within its competences;*
 - (aa) *promote cooperation between NRAs, and between NRAs and the Commission;*
 - (ab) *issue recommendations and best practices addressed to the NRAs in order to encourage consistent implementation on any technical matter within its mandate;*
 - (b) issue decisions *in accordance with the relevant provisions of the Directive;*

Directive;

(c) develop an economic model in order to assist the Commission in determining the maximum termination rates in the Union in accordance with Article 73 of the Directive;

(d) issue opinions as referred to in the Directive and Regulation (EU) No 531/2012, ***in particular:***

- ***on the resolution of cross-border disputes in accordance with Article 27 of the Directive;***

- ***on draft national measures related to the internal market procedures for market regulation in accordance with Articles 32, 33 and 66 of the Directive;***

- ***on draft national measures related to the internal market procedures for radio spectrum peer review in accordance with Article 35 of the Directive;***

- ***on draft decisions and recommendations on harmonisation in accordance with Article 38 of the Directive;***

(e) issue guidelines as referred to in the Directive, Regulation (EC) No 531/2012 and Regulation (EU) No 2015/2120:

- ***on the implementation of NRAs' obligations as regards geographical surveys in accordance with Article 22 of the Directive;***

- ***on common approaches to the identification of the network termination point in different network topologies in accordance with Article 59 of the Directive;***

- ***on common approaches to meet transnational end-user demand in accordance with Article 64 of the Directive;***

- ***on the minimum criteria for a reference offer in accordance with Article 67 of the Directive;***

- ***on the technical details of the cost***

(c) develop an economic model in order to assist the Commission in determining the maximum termination rates in the Union in accordance with Article 73 of the Directive;

(d) issue opinions as referred to in the Directive and Regulation (EU) No 531/2012;

(e) issue guidelines as referred to in the Directive, Regulation (EC) No 531/2012 and Regulation (EU) No 2015/2120;

model to be applied by NRAs when setting maximum symmetric termination rates in accordance with Article 73 of the Directive;

- on common criteria for the assessment of the ability to manage numbering resources and the risk of exhaustion of numbering resources in accordance with Article 87 of the Directive;

- on relevant quality of service parameters and the applicable measurement methods in accordance with Article 97 of the Directive;

- on the implementation of NRAs' obligations as regards open internet access in accordance with Article 5 of Regulation (EU) No 2015/2120;

- on wholesale roaming access in accordance with Article 3 of Regulation (EU) No 531/2012;

(ea) monitor and coordinate the action of NRAs in applying Regulation (EU) No 531/2012, in particular as regards the provision of regulated retail roaming services at domestic prices in the interests of end-users, the evolution of retail and wholesale charges for roaming services and the transparency and comparability of tariffs, and where necessary make recommendations to the Commission;

(eb) report on technical matters within BEREC's competence;

2. BEREC shall also carry out *the following tasks:*

(a) monitor and coordinate the action of NRAs in applying Regulation (EU) No 531/2012, in particular as regards the provision of regulated retail roaming services at domestic prices in the interests of end-users;

(b) report on technical matters within

2. BEREC shall also carry out *other tasks conferred to it by legal acts of the Union, in particular by the Directive, Regulation (EC) No 531/2012 and Regulation (EU) No 2015/2120.*

its competence, in particular:

- *on the practical application of the opinions and guidelines referred to in Article 2(1)(d) and 2(1)(e);*
- *on the level of interoperability between interpersonal communications services, threat to effective access to emergency services or to end-to-end connectivity between end-users in accordance with Article 59 of the Directive;*
- *on the evolution of retail and wholesale charges for roaming services and on transparency and comparability of tariffs in accordance with Article 19 of Regulation (EU) No 531/2012;*
- *on the outcomes of the annual reports that NRAs shall provide in accordance with Article 5 of Regulation (EU) No 2015/2120, through the publication of an annual synthesis report.*

(d) keep a register of:

- *undertakings providing electronic communications networks and services in accordance with Article 12 of the Directive. BEREC shall also issue standardised declarations on notifications by undertakings in accordance with Article 14 of the Directive;*
- *numbers with a right of extraterritorial use in accordance with Article 87 of the Directive;*

(e) carry out other tasks conferred on it by legal acts of the Union in particular by the Directive, Regulation (EC) No 531/2012 and Regulation (EU) No 2015/2120.

2a. BEREC may, upon a reasoned request from the Commission, decide unanimously to take on other specific tasks necessary for the accomplishment of its role as provided for in Article 1(2).

3. Without prejudice to compliance with relevant Union law, NRAs shall

3. Without prejudice to compliance with relevant Union law, NRAs shall

comply with any decision and take the utmost account of any opinion, guideline, recommendation and best practice adopted by BEREC with the aim of ensuring a consistent implementation of the regulatory framework for electronic communications within the scope referred to in Article 1(2).

4. In so far as is necessary in order to achieve the objectives set out in this regulation and perform its tasks, BEREC may cooperate with competent Union bodies, agencies, offices and advisory groups, with competent authorities of third countries and/or with international organisations, in accordance to Article 26.

comply with any decision and take the utmost account of any opinion, guideline, recommendation and best practice adopted by BEREC with the aim of ensuring a consistent implementation of the regulatory framework for electronic communications within the scope referred to in Article 1(2).

4. In so far as is necessary in order to achieve the objectives set out in this regulation and perform its tasks, BEREC may cooperate with competent Union bodies, agencies, offices and advisory groups, with competent authorities of third countries and/or with international organisations, in accordance to Article 26.

4a. BEREC may consult relevant stakeholders in the preparation of its decisions, reports or other types of deliverables. Without prejudice to Article 28, the main results of that consultation shall be made public.

4b. Without prejudice to Article 27, BEREC shall make relevant information related to the result of its work available and easily accessible to the public and interested parties.

Amendment 23

Proposal for a regulation Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Establishment and tasks of the BEREC Office

1. The BEREC Office is hereby established as a body of the Union. It shall have legal personality.

2. In each Member State, the BEREC Office shall enjoy the most extensive legal capacity accorded to legal persons under that Member State's law. It may in particular acquire and dispose of

movable and immovable property and be party to legal proceedings.

3. *The BEREC Office shall be managed by its Director.*

4. *Under the guidance of the Board of Regulators, the BEREC Office shall, in particular:*

(a) *provide professional and administrative support services to BEREC;*

(b) *collect information from the NRAs and exchange and transmit information in relation to the role and tasks set out in Articles 2 and 5;*

(c) *disseminate regulatory best practices among the NRAs in accordance with Article 2;*

(d) *assist the Chair in the preparation of the work of the Board of Regulators;*

(e) *provide support to ensure the smooth functioning of working groups.*

Amendment 24

Proposal for a regulation

Chapter II – Subheading A (new)

Text proposed by the Commission

Amendment

A. *Organisation of BEREC*

Amendment 25

Proposal for a regulation

Article 3 – title

Text proposed by the Commission

Amendment

Administrative and Management Structure

Organisation of BEREC

Amendment 26

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. The ***administrative and management*** structure of BEREC shall comprise:

Amendment

1. The ***organisational*** structure of BEREC shall comprise:

Amendment 27

Proposal for a regulation

Article 3 – paragraph 1 – indent 1

Text proposed by the Commission

- a ***Management*** Board, ***which shall exercise the functions set out in Article 5;***

Amendment

- a Board ***of Regulators;***

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1 – indent 2

Text proposed by the Commission

- ***an Executive Director, which shall exercise the responsibilities set out in Article 9;***

Amendment

deleted

Amendment 29

Proposal for a regulation

Article 3 – paragraph 1 – indent 4

Text proposed by the Commission

- ***a Board of Appeal.***

Amendment

deleted

Amendment 30

Proposal for a regulation

Chapter II – section 1 – title

MANAGEMENT BOARD

BOARD OF REGULATORS

Amendment 31

Proposal for a regulation

Article 4

Text proposed by the Commission

Amendment

Article 4

Article 4

Composition of the **Management** Board

Composition of the Board **of Regulators**

1. **The Management** Board shall be composed of one representative from each Member State **and two representatives** of the Commission, **all with** voting rights. Each NRA shall be responsible for nominating its **respective** representative amongst the Head or members of the collegiate body of the NRA.

1. **The Board of Regulators** shall be composed of one representative from each Member State, **with voting rights, and one representative** of the Commission, **without** voting rights. Each NRA shall be responsible for nominating its representative amongst the Head or members of the collegiate body of the NRA **with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services.**

In Member States where more than one NRA is responsible under the Directive, those authorities shall agree on a common representative and the necessary coordination between the NRAs shall be ensured.

In Member States where more than one NRA is responsible under the Directive, those authorities shall agree on a common representative and the necessary coordination between the NRAs shall be ensured.

2. Each member of the **Management** Board shall have an alternate. The alternate shall represent the member in his/her absence. Each NRA shall be responsible for nominating **the** alternate **amongst the Heads, members of the collegiate body and staff of the NRA.**

2. Each member of the Board **of Regulators** shall have an alternate. The alternate shall represent the member in his/her absence. Each NRA shall be responsible for nominating **an** alternate **of an appropriate high-level.**

3. Members of the **Management** Board and their alternates shall be appointed in light of their knowledge in the field of electronic communications, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the **Management**

3. Members of the Board **of Regulators** and their alternates shall be appointed in light of their knowledge in the field of electronic communications, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Board **of**

Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the *Management* Board.

Regulators shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Board *of Regulators*.

3a. *Members of the Board of Regulators and their alternates shall neither seek nor take instructions from any government, institution, person or body.*

3b. *The Board of Regulators may invite high-level representatives of the EFTA surveillance authority and of regulatory authorities of third countries, and any other person whose opinion may be of interest, to attend its meetings with an observer status, on a permanent or ad-hoc basis.*

4. *The term of office for members and their alternates shall be four years. That term shall be extendable.*

Amendment 32

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Functions of the *Management* Board

Amendment

Tasks of the Board *of Regulators*

Amendment 33

Proposal for a regulation Article 5 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. *The Board of Regulators shall fulfil the tasks of BEREC set out in Article 2 and take all decisions relating to the performance of its functions.*

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Management** Board shall:

Amendment

1. The Board **of Regulators** shall:

Amendment 35

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) adopt, by a majority of two-thirds of members entitled to vote, the annual budget of BEREC and exercise other functions in respect of BEREC's budget pursuant to Chapter III;

Amendment

deleted

Amendment 36

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) adopt and proceed with an assessment of the consolidated annual activity report on BEREC's activities and send both the report and its assessment, by 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;

Amendment

(c) adopt and proceed with an assessment of the consolidated annual activity report on BEREC's activities and send both the report and its assessment, by 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The **annual report on BEREC's activities shall be presented to the Parliament and Council by the Director during a public session.** The consolidated annual activity report shall be made public;

Amendment 37

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

**(d) adopt the financial rules
applicable to BEREC in accordance with
Article 20;** *deleted*

Amendment 38

Proposal for a regulation Article 5 – paragraph 1 – point e

Text proposed by the Commission

Amendment

**(e) adopt an anti-fraud strategy,
proportionate to fraud risks taking into
account the costs and benefits of the
measures to be implemented;** *deleted*

Amendment 39

Proposal for a regulation Article 5 – paragraph 1 – point f

Text proposed by the Commission

Amendment

**(f) ensure adequate follow-up to
findings and recommendations stemming
from the internal or external audit reports
and evaluations, as well as from
investigations of the European Anti-fraud
Office ('OLAF');** *deleted*

Amendment 40

Proposal for a regulation Article 5 – paragraph 1 – point g

Text proposed by the Commission

Amendment

**(g) adopt rules for the prevention and
management of conflicts of interest as
referred to in Article 31, as well as in
respect of members of the Board of
Appeal;** *deleted*

Amendment 41

Proposal for a regulation

Article 5 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) adopt and regularly update the communication and dissemination plans referred to in Article 27, based on an analysis of needs;

deleted

Amendment 42

Proposal for a regulation

Article 5 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) adopt its rules of procedure;

(i) adopt *and make public* its rules of procedure. *The rules of procedure shall set out in detail the arrangements governing voting, including the conditions under which one member may act on behalf of another member, the rules governing quorums, and the notification deadlines for meetings. Furthermore, the rules of procedure shall guarantee that the members of the Board of Regulators are always provided with full agendas and draft proposals in advance of each meeting so that they have the opportunity to propose amendments prior to the vote. The rules of procedure may, inter alia, set out urgent voting procedures;*

Amendment 43

Proposal for a regulation

Article 5 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) in accordance with paragraph 2, exercise, with respect to the staff of

deleted

BEREC, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment³⁷ ('the appointing authority powers');

³⁷ ***Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).***

Amendment 44

Proposal for a regulation

Article 5 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations; ***deleted***

Amendment 45

Proposal for a regulation

Article 5 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) appoint the Executive Director and where relevant extend his/her term of office or remove him/her from office in accordance with Article 22; ***deleted***

Amendment 46

Proposal for a regulation

Article 5 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties. BEREC may appoint the Commission's Accounting Officer as the Accounting Officer of BEREC; *deleted*

Amendment 47

Proposal for a regulation

Article 5 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) appoint the members of the Board(s) of Appeal; *deleted*

Amendment 48

Proposal for a regulation

Article 5 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) take all decisions on the establishment of BEREC's internal structures and, where necessary, their modification, taking into consideration BEREC's activity needs as well as having regard to sound budgetary management. *deleted*

Amendment 49

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Board of Regulators shall, on behalf of BEREC, adopt the special provisions on the right of access to documents held by BEREC, in accordance with Article 27.

Amendment 50

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

deleted

Amendment 51

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

deleted

Amendment 52

Proposal for a regulation Article 6

Text proposed by the Commission

Article 6

Chairperson and Deputy Chairperson of the
Management Board

1. The ***Management*** Board shall elect a Chairperson and a Deputy Chairperson from among members with voting rights representing Member States. ***The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Board with voting rights.***

2. The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.

3. The term of office of the Chairperson ***and the Deputy Chairperson*** shall be four years, ***with the exception of the first*** term of office of the Deputy Chairperson ***elected after the entry into force of this regulation which*** shall be two years. Their term of office may be renewed once.

Amendment

Article 6

Chairperson and Deputy Chairperson of the
Board of Regulators

1. The ***Board of Regulators*** shall elect a Chairperson and a Deputy Chairperson from among members with voting rights representing Member States.

2. The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.

3. The term of office of the Chairperson shall be four years, ***and the*** term of office of the Deputy Chairperson shall be two years. Their term of office may be renewed once.

3a. To ensure continuity of the work of the Board of Regulators, the elected Chairperson shall have served at least one year as Deputy Chairperson before his or her election, whenever possible.

3b. Without prejudice to the role of the Board of Regulators in relation to their tasks, the Chairperson and the Deputy Chairperson shall be independent in the performance of their duties and shall neither seek nor take instructions from any government, NRA, institution, person or body

3c. The Chairperson or Deputy

Chairperson shall report to the European Parliament on the performance of their duties and the performance of BEREC when invited to do so. The Council may invite the Chairperson or Deputy Chairperson to report on the performance of their duties and the performance of BEREC.

Amendment 53

Proposal for a regulation Article 7 – title

Text proposed by the Commission

Meetings of the **Management** Board

Amendment

Plenary meetings **and voting rules** of the Board **of Regulators**

Amendment 54

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. *The Chairperson shall convene the meetings of the Management Board.*

Amendment

1. **Plenary** meetings of the **Board of Regulators** shall be convened by its Chairperson and shall occur at least four times a year in ordinary session. Extraordinary meetings shall also be convened at the initiative of the Chairperson, at the request of the Commission or at the request of at least one third of the Board's members. The agenda of the meeting shall be set by the Chairperson and shall be made public.

Amendment 55

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The **Executive** Director of BEREC shall **take part** in the **deliberations, without**

Amendment

2. The Director of **the** BEREC **Office** shall **participate, without having the right**

the right to vote.

to vote, in the plenary meetings of the Board of Regulators.

Amendment 56

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

deleted

Amendment 57

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. The *Management* Board may invite any person whose opinion may be of interest to attend its meetings as an observer.

4. The Board of *Regulators* may invite any person whose opinion may be of interest to attend its meetings as an observer.

Amendment 58

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where appropriate to safeguard the independence of BEREC or to avoid the conflict of interest, the Chairperson and the Deputy Chairperson may indicate point(s) on the agenda where the observers shall not participate in the plenary meeting.

Amendment 59

Proposal for a regulation

Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The Board of Regulators shall act by a two-thirds majority of all its members unless otherwise provided for in this Regulation, in the Directive or in other legal acts of the Union. Each member or alternate member shall have one vote. The decisions of the Board of Regulators shall be made public, and shall indicate the reservations of an NRA at its request.

Amendment 60

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. The members and the alternates of the Management Board may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.

deleted

Amendment 61

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. BEREC shall provide the secretariat for the *Management* Board.

6. The BEREC *Office* shall provide the secretariat for the Board *of Regulators*.

Amendment 62

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Voting rules of the Management Board

- 1. Without prejudice to Articles 5(1) (a) and (b) and 22(8), the Management Board shall take decisions by majority of members with voting rights.***
- 2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his/her alternate shall be entitled to exercise his/her right to vote.***
- 3. The Chairperson shall take part in the voting.***
- 4. The Executive Director shall not take part in the voting.***
- 5. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.***

Amendment 63

**Proposal for a regulation
Chapter II – section 2**

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 64

**Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

Amendment

- 1. Where justified and in particular to implement the work programme of BEREC, the Management Board, may set up the necessary working groups.***

- 1. Where justified and in particular to implement the **annual** work programme of BEREC and to develop the initial drafts of BEREC documents, the Board of***

Regulators may set up the necessary working groups.

Amendment 65

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The **Management** Board shall appoint the members of the working groups, which may be participated in by experts from the NRAs, the Commission, BEREC **staff** and the NRAs of third countries participating in the work of BEREC.

Amendment

The Board **of Regulators** shall appoint the members of the working groups, which may be participated in by experts from the NRAs, the Commission, **the** BEREC **Office** and the NRAs of third countries participating in the work of BEREC.

Amendment 66

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where appropriate to safeguard the independence of BEREC or to avoid the conflict of interest, the Chairperson or Deputy Chairperson may indicate point(s) on the agenda where the experts from the Commission or from the NRAs of third countries shall not participate in the meeting of the working group.

Amendment 67

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In the case of the working groups which are set up to carry out the tasks referred to in the third indent of Article 2(1)(d), their members shall be appointed from the lists of qualified experts provided by the NRAs, the Commission and the Executive

deleted

Director.

Amendment 68

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

In the case of the working groups which are set up to carry out the tasks referred to in the second indent of Article 2(1)(d), their members shall be appointed exclusively from the lists of qualified experts provided by the NRAs and the Executive Director.

deleted

Amendment 69

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

The **Management** Board may invite individual experts recognised as competent in the relevant field to participate in the working groups if necessary on a case-by-case basis.

The Board **of Regulators** may invite individual experts recognised as competent in the relevant field to participate in the working groups if necessary on a case-by-case basis.

Amendment 70

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

The Board of Regulators shall appoint a Chair or Co-Chairs from among the members of the working groups.

Amendment 71

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. *The working groups shall be coordinated and moderated by a member of the staff of BEREC, who shall be designated according to the internal rules of procedure.*

deleted

Amendment 72

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The **Management** Board shall adopt internal rules of procedure laying down the practical arrangements for the operation of the working groups.

4. The Board **of Regulators** shall adopt internal rules of procedure laying down the practical arrangements for the operation of the working groups.

Amendment 73

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. BEREC shall provide support to the working groups.

5. **The BEREC Office** shall provide support to the working groups. **A member of staff of the BEREC Office shall assist the Chair or Deputy Chair and shall provide other professional and administrative support services to the working groups.**

Amendment 74

Proposal for a regulation Chapter II – section 4

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 75

Proposal for a regulation Chapter II – Subheading B (new)

Text proposed by the Commission

Amendment

B. Organisation of the BEREC Office

Amendment 76

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Administrative and Management Structure

***The administrative and management
structure of the BEREC Office shall
comprise:***

- (a) a Management Board, who shall
exercise the functions set out in Article
14c;***
- (b) a Director, who shall exercise the
responsibilities set out in Article 14d;***

Amendment 77

Proposal for a regulation Chapter II – section 4 a (new)

Text proposed by the Commission

Amendment

SECTION 4a - MANAGEMENT BOARD

Amendment 78

Proposal for a regulation Article 14 b (new)

Article 14b

Composition of the Management Board

1. The Management Board shall be composed of one representative from each Member State with voting rights and one representative of the Commission with voting rights. Each NRA shall be responsible for nominating its respective representative amongst the head or other high-level representative of the NRA.

In Member States where more than one NRA is responsible under the Directive, those authorities shall agree on a common representative and the necessary coordination between the NRAs shall be ensured.

2. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence. Each NRA shall be responsible for nominating the alternate amongst the heads, members of the collegiate body and staff of the NRA.

3. Members of the Management Board and their alternates shall be appointed in light of their knowledge in the field of electronic communications, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit the turnover of their representatives, in order to ensure continuity of the Management Board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment 79

**Proposal for a regulation
Article 14 c (new)**

Article 14c

Functions of the Management Board

1. The Management Board shall:

- (a) adopt, as part of the single programming document, the annual work programme of the BEREC Office;***
- (b) provide guidance to the Director in the execution of his or her tasks;***
- (c) adopt, by a majority of two-thirds of members entitled to vote, the annual budget of the BEREC Office and exercise other functions in respect of the BEREC Office's budget pursuant to Chapter III;***
- (d) adopt the financial rules applicable to BEREC in accordance with Article 20;***
- (e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;***
- (f) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF);***
- (g) adopt and regularly update the communication and dissemination plans referred to in Article 27, based on an analysis of needs;***
- (h) adopt its rules of procedure;***
- (i) in accordance with paragraph 2, exercise, with respect to the staff of the BEREC Office, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (the appointing authority powers);***

(j) adopt implementing rules in order to give effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

(k) appoint the Director and where relevant extend his or her term of office or remove him or her from office in accordance with Article 22;

(l) appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, is totally independent in the performance of his or her duties and who may be the Commission's Accounting Officer;

(m) take all decisions on the establishment of the BEREC Office's internal structures and, where necessary, their modification, taking into consideration the BEREC Office's activity needs as well as having regard to sound budgetary management.

Articles 6 and 7 shall apply mutatis mutandis.

2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Director and defining the conditions under which this delegation of powers can be suspended. The Director shall be authorised to sub-delegate those powers.

Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director.

Amendment 80

Proposal for a regulation Chapter II – section 4 b (new)

Text proposed by the Commission

Amendment

SECTION 4b - DIRECTOR

Amendment 81

Proposal for a regulation Article 14 d (new)

Text proposed by the Commission

Amendment

Article 14d

Responsibilities of the Director

- 1. The Director shall manage the BEREC Office. The Director shall be accountable to the Management Board.***
- 2. Without prejudice to the powers of the Commission and the Management Board, the Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, NRA, institution, person or body.***
- 3. The Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Director to report on the performance of his or her duties***
- 4. The Director shall be the legal representative of the BEREC Office.***
- 5. The Director shall be responsible for the implementation of the BEREC Office's tasks following the guidance provided by the Management Board. In particular, the Director shall be responsible for:***

- (a) the day-to-day administration of the BEREC Office;*
- (aa) assisting with the preparation of the agenda of the Board of Regulators, the Management Board and the working groups;*
- (b) implementing decisions adopted by the Board of Regulators and the Management Board;*
- (c) preparing the single programming document and submitting it to the Board of Regulators;*
- (d) under the guidance of the Board of Regulators, contributing to the implementation of the single programming document, in particular the annual work programme of the BEREC Office; reporting to the Board of Regulators on its implementation;*
- (e) under the guidance of the Board of Regulators, preparing the consolidated annual report on BEREC's activities and presenting it to the Board of Regulators for assessment and adoption;*
- (f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the OLAF and reporting on progress twice a year to the Commission and regularly to the Management Board;*
- (g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by carrying out effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative measures, including financial penalties;*
- (h) preparing an anti-fraud strategy for the BEREC Office and presenting it to the Management Board for approval;*

(i) *preparing draft financial rules applicable to the BEREC Office;*

(j) *preparing the BEREC Office's draft statement of estimates of revenue and expenditure and implementing its budget.*

6. *The Director shall also be responsible for deciding whether it is necessary for the purpose of carrying out the BEREC Office's tasks in an efficient and effective manner to locate one or more staff in one or more Member States. The Director shall request the prior consent of the Commission, the Management Board and the Member State(s) concerned before establishing such a local office. The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the BEREC Office.*

Amendment 82

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Each year, the **Executive** Director shall draw up a draft programming document containing annual and multiannual programming ('single programming document') in line with Article 32 of Commission Delegated Regulation (EU) No 1271/2013 and taking into account guidelines set by the Commission³⁸.

³⁸ Commission Communication on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies (C(2014) 9641).

Amendment

Each year, the Director shall draw up a draft programming document containing annual and multiannual programming ('single programming document') in line with Article 32 of Commission Delegated Regulation (EU) No 1271/2013 and taking into account guidelines set by the Commission³⁸.

³⁸ Commission Communication on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies (C(2014) 9641).

Amendment 83

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

By 31 January, the **Management** Board shall adopt the draft single programming document and forward it to the Commission for it to provide its opinion. The draft single programming document shall also be forwarded to the European Parliament and the Council.

Amendment

By 31 January, the Board **of Regulators** shall adopt the draft single programming document and forward it to the Commission for it to provide its opinion. The draft single programming document shall also be forwarded to the European Parliament and the Council.

Amendment 84

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The **Management** Board shall subsequently adopt the single programming document taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council and the Commission, as well as any later updated version of that document.

Amendment

The Board **of Regulators** shall subsequently adopt the single programming document taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council and the Commission, as well as any later updated version of that document.

Amendment 85

Proposal for a regulation

Article 15 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The **Management** Board shall amend the adopted annual work programme when a new task is given to BEREC.

Amendment

The Board **of Regulators** shall amend the adopted annual work programme when a new task is given to BEREC.

Amendment 86

Proposal for a regulation

Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The **Management** Board may delegate the power to make non-substantial amendments to the annual work programme to the **Executive** Director.

Amendment

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Board **of Regulators** may delegate the power to make non-substantial amendments to the annual work programme to the Director.

Amendment 87

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Each year, the **Executive** Director shall draw up a provisional draft estimate of **BEREC's** revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.

Amendment

1. Each year, the Director shall draw up a provisional draft estimate of **the BEREC Office's** revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.

Amendment 88

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The Management Board shall, on the basis of that provisional draft, adopt a draft estimate of **BEREC's** revenue and expenditure for the following financial year.

Amendment

2. The Management Board shall, on the basis of that provisional draft, adopt a draft estimate of **the BEREC Office's** revenue and expenditure for the following financial year.

Amendment 89

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. The draft estimate of **BEREC's**

Amendment

3. The draft estimate of **the BEREC**

revenue and expenditure shall be sent by the **Executive** Director to the Commission by 31 January each year. The information contained in the draft estimate of **BEREC's** revenue and expenditure and in the draft single programming document referred to in Article 15(1) shall be coherent.

Office's revenue and expenditure shall be sent by the Director to the Commission by 31 January each year. The information contained in the draft estimate of **the BEREC Office's** revenue and expenditure and in the draft single programming document referred to in Article 15(1) shall be coherent.

Amendment 90

Proposal for a regulation Article 16 – paragraph 6

Text proposed by the Commission

6. The budgetary authority shall authorise the appropriations for the contribution to BEREC.

Amendment

6. The budgetary authority shall authorise the appropriations for the contribution to **the BEREC Office**.

Amendment 91

Proposal for a regulation Article 16 – paragraph 7

Text proposed by the Commission

7. The budgetary authority shall adopt **BEREC's** establishment plan.

Amendment

7. The budgetary authority shall adopt **the BEREC Office's** establishment plan.

Amendment 92

Proposal for a regulation Article 16 – paragraph 8

Text proposed by the Commission

8. **BEREC's** budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. **The BEREC Office's** budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

Amendment 93

Proposal for a regulation

Article 16 – paragraph 9

Text proposed by the Commission

9. For any building project likely to have significant implications for the budget of BEREC, the provisions of Commission Delegated Regulation (EU) **No 1271/2013** shall apply.

Amendment

9. For any building project likely to have significant implications for the budget of **the BEREC Office**, the provisions of Commission Delegated Regulation (EU) **No 1271/2013** shall apply.

Amendment 94

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. Estimates of all revenue and expenditure for BEREC shall be prepared each financial year, corresponding to the calendar year and shall be shown in **BEREC's** budget.

Amendment

1. Estimates of all revenue and expenditure for **the BEREC Office** shall be prepared each financial year, corresponding to the calendar year and shall be shown in **the BEREC Office's** budget.

Amendment 95

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. **BEREC's** budget shall be balanced in terms of revenue and of expenditure.

Amendment

2. **The BEREC Office's** budget shall be balanced in terms of revenue and of expenditure.

Amendment 96

Proposal for a regulation

Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. Without prejudice to other

Amendment

3. Without prejudice to other

resources, **BEREC's** revenue shall comprise:

resources, **the BEREC Office's** revenue shall comprise:

Amendment 97

Proposal for a regulation

Article 17 – paragraph 3 – point c

Text proposed by the Commission

(c) **charges for publications and any other service provided by BEREC;**

Amendment

deleted

Amendment 98

Proposal for a regulation

Article 17 – paragraph 3 – point d

Text proposed by the Commission

(d) any contribution from third countries or the regulatory authorities competent in the field of electronic communications of third countries participating in the work of BEREC, as provided for by Article 26.

Amendment

(d) any contribution from third countries or the regulatory authorities competent in the field of electronic communications of third countries participating in the work of **the BEREC Office**, as provided for by Article 26.

Amendment 99

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

4. The expenditure of BEREC shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.

Amendment

4. The expenditure of **the BEREC Office** shall include staff remuneration, administrative and infrastructure expenses and operational expenditure.

Amendment 100

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

1. By 1 March of the following financial year, **BEREC's** accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors.

Amendment 101

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

2. By 31 March of the following financial year, BEREC shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.

Amendment 102

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. On receipt of the Court of Auditors' observations on **BEREC's** provisional accounts, **BEREC's** accounting officer shall draw up **BEREC's** final accounts under his/her own responsibility. The **Executive** Director shall submit the final accounts to the Management Board for an opinion.

Amendment 103

Proposal for a regulation
Article 19 – paragraph 4

Amendment

1. By 1 March of the following financial year, **the BEREC Office's** accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors.

Amendment

2. By 31 March of the following financial year, **the BEREC Office** shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.

Amendment

3. On receipt of the Court of Auditors' observations on **the BEREC Office's** provisional accounts, **the BEREC Office's** accounting officer shall draw up **the BEREC Office's** final accounts under his/her own responsibility. The Director shall submit the final accounts to the Management Board for an opinion.

Text proposed by the Commission

4. The Management Board shall deliver an opinion on **BEREC's** final accounts.

Amendment

4. The Management Board shall deliver an opinion on **the BEREC Office's** final accounts.

Amendment 104

**Proposal for a regulation
Article 19 – paragraph 5**

Text proposed by the Commission

5. The **Executive** Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

Amendment

5. The Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

Amendment 105

**Proposal for a regulation
Article 19 – paragraph 6**

Text proposed by the Commission

6. BEREC shall publish the final accounts in the Official Journal of the European Union by 15 November of the following year.

Amendment

6. **The BEREC Office** shall publish the final accounts in the Official Journal of the European Union by 15 November of the following year.

Amendment 106

**Proposal for a regulation
Article 19 – paragraph 7**

Text proposed by the Commission

7. The **Executive** Director shall send the Court of Auditors a reply to its observations by 30 September. The **Executive** Director shall also send this reply to the Management Board.

Amendment

7. The Director shall send the Court of Auditors a reply to its observations by 30 September. The Director shall also send this reply to the Management Board.

Amendment 107

Proposal for a regulation

Article 19 – paragraph 8

Text proposed by the Commission

8. The **Executive** Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of Financial Regulation³⁹.

³⁹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012).

Amendment

8. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of Financial Regulation³⁹.

³⁹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012).

Amendment 108

Proposal for a regulation

Article 19 – paragraph 9

Text proposed by the Commission

9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the **Executive** Director in respect of the implementation of the budget for year N.

Amendment

9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

Amendment 109

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

The financial rules applicable to BEREC shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) No 1271/2013 unless such a departure is specifically required for **BEREC's** operation and the Commission has given its prior consent.

Amendment

The financial rules applicable to **the** BEREC **Office** shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) No 1271/2013 unless such a departure is specifically required for **BEREC Office's** operation and the Commission has given its prior consent.

Amendment 110

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of BEREC.

Amendment

The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of **the** BEREC **Office**.

Amendment 111

Proposal for a regulation
Article 22

Text proposed by the Commission

Article 22

Appointment of **Executive** Director

1. The **Executive** Director shall be engaged as a temporary agent of BEREC in accordance with Article 2(a) of the Conditions of Employment of Other servants.
2. **The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the**

Amendment

Article 22

Appointment of **the** Director

1. The Director shall be engaged as a temporary agent of **the** BEREC **Office** in accordance with Article 2(a) of the Conditions of Employment of Other servants.
2. The Management Board **shall appoint the Director** following an open

Commission, following an open and transparent selection procedure.

For the purpose of concluding the contract with the **Executive** Director, BEREC shall be represented by the Chairperson of the Management Board.

Before appointment, the candidate selected by the Management Board **may be invited to** make a statement before the competent committee of the European Parliament and **to** answer questions put by its members.

3. The term of office of the **Executive** Director shall be **five** years. By the end of that period, the **Commission** shall undertake an assessment that takes into account an evaluation of the **Executive** Director's performance and BEREC's future tasks and challenges.

4. The Management Board, **acting on a proposal from the Commission that takes** into account the assessment referred to in paragraph 3, may extend the term of office of the **Executive** Director once, for no more than **five** years.

5. The Management Board shall inform the European Parliament if it intends to extend the **Executive** Director's term of office. Within one month before any such extension, the **Executive** Director may be invited to make a statement before the competent committee of the Parliament and to answer questions put by its members.

6. **An Executive** Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.

7. The **Executive** Director may be removed from office only upon a decision of the Management Board **acting on a proposal from the Commission**.

8. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the

and transparent selection procedure.

For the purpose of concluding the contract with the Director, **the BEREC Office** shall be represented by the Chairperson of the Management Board.

Before appointment, the candidate selected by the Management Board **shall** make a statement before the competent committee of the European Parliament and answer questions put by its members

3. The term of office of the Director shall be **three** years. By the end of that period, the **Management Board** shall undertake an assessment that takes into account an evaluation of the Director's performance and BEREC's future tasks and challenges.

4. The Management Board, **taking** into account the assessment referred to in paragraph 3, may extend the term of office of the Director once, for no more than **three** years.

5. The Management Board shall inform the European Parliament if it intends to extend the Director's term of office. Within one month before any such extension, the Director may be invited to make a statement before the competent committee of the Parliament and to answer questions put by its members.

6. **A** Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.

7. The Director may be removed from office only upon a decision of the Management Board.

8. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the

Executive Director on the basis of a two-thirds majority of its members with voting rights.

Director on the basis of a two-thirds majority of its members with voting rights.

Amendment 112

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. BEREC may make use of seconded national experts or other staff not employed by BEREC. The Staff Regulations and the Conditions of Employment of Other Servants shall not apply to such staff.

Amendment

1. **The** BEREC **Office** may make use of seconded national experts or other staff not employed by **the** BEREC **Office**. The Staff Regulations and the Conditions of Employment of Other Servants shall not apply to such staff.

Amendment 113

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to BEREC.

Amendment

2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to **the** BEREC **Office**.

Amendment 114

Proposal for a regulation Article 24

Text proposed by the Commission

Article 24

Legal status

1. **BEREC shall be a body of the Union. It shall have legal personality.**

2. **In each of the Member States BEREC shall enjoy the most extensive legal capacity accorded to legal persons**

Amendment

deleted

under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.

3. *BEREC shall be represented by the Executive Director.*

4. *BEREC shall have sole responsibility for the tasks and powers assigned to it.*

Amendment 115

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

The Protocol on the Privileges and Immunities of the European Union shall apply to BEREC and its staff.

Amendment

The Protocol on the Privileges and Immunities of the European Union shall apply to ***the* BEREC Office** and its staff.

Amendment 116

Proposal for a regulation Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

To this end, BEREC may, subject to prior approval by the Commission, establish working arrangements. These arrangements shall not create legal obligations incumbent on the Union and its Member States.

Amendment

deleted

Amendment 117

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. As part of the single programming document, the *Management* Board shall adopt a strategy for relations with

Amendment

3. As part of the single programming document, the Board *of Regulators* shall adopt a strategy for relations with

competent Union bodies, agencies, offices and advisory groups, with competent authorities of third countries and/or with international organisations concerning matters for which BEREC is competent. The Commission and the *agency* shall conclude an appropriate working arrangement aiming at ensuring that BEREC operates within its mandate and the existing institutional framework.

competent Union bodies, agencies, offices and advisory groups, with competent authorities of third countries and/or with international organisations concerning matters for which BEREC is competent. The Commission and the **BEREC** shall conclude an appropriate working arrangement aiming at ensuring that BEREC operates within its mandate and the existing institutional framework.

Amendment 118

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Transparency and communication

Amendment

Access to documents, transparency and communication

Amendment 119

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁴⁰ shall apply to documents held by BEREC. **The** Management Board shall, within six months of the date *of its first meeting*, adopt the detailed rules for applying Regulation (EC) No 1049/2001.

⁴⁰ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Amendment

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁴⁰ shall apply to documents held by BEREC **and the BEREC Office. The Board of Regulators and the** Management Board shall, by ... *[please insert the date: ... months after the date of the application of this Regulation]*, adopt the detailed rules for applying Regulation (EC) No 1049/2001.

⁴⁰ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Amendment 120

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. The processing of personal data by BEREC shall be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴¹. ***The Management Board shall, within six months of the date of its first meeting, establish measures for the application of Regulation (EC) No 45/2001 by BEREC, including those concerning the appointment of a Data Protection Officer of BEREC. Those measures shall be established after consultation of the European Data Protection Supervisor.***

⁴¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the Community and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Amendment

2. The processing of personal data by BEREC ***and the BEREC Office*** shall be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴¹.

⁴¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the Community and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Amendment 121

Proposal for a regulation

Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. BEREC and the BEREC Office shall carry out their activities with a high level of transparency. BEREC and the BEREC Office shall ensure that the public and any interested parties are given objective, reliable and easily accessible information, in particular in relation to the results of their work.

Amendment 122

Proposal for a regulation Article 27 – paragraph 3

Text proposed by the Commission

3. BEREC may engage in communication activities on its own initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks referred to in Article 2(1) and 2(2) of this Regulation. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Amendment

3. BEREC **and the BEREC Office** may engage in communication activities on its own initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks referred to in Article 2(1) and 2(2) of this Regulation. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Amendment 123

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 27(1), BEREC shall not disclose to third parties information that it processes or receives in relation to which a reasoned request for confidential treatment, in whole or in part, has been made.

Amendment

1. Without prejudice to Article 27(1), **the BEREC Office** shall not disclose to third parties information that it processes or receives in relation to which a reasoned request for confidential treatment, in whole or in part, has been made.

Amendment 124

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. Members of the Management Board, the **Executive** Director, **members of the Board of Appeal**, seconded national experts, other staff not employed by BEREC and experts participating in

Amendment

2. Members of the Management Board, the Director, seconded national experts, other staff not employed by **the BEREC Office** and experts participating in working groups shall comply with the

working groups shall comply with the confidentiality requirements under Article 339 of the Treaty, even after their duties have ceased.

confidentiality requirements under Article 339 of the Treaty, even after their duties have ceased.

Amendment 125

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

BEREC shall adopt its own security rules equivalent to the Commission's security rules for protecting European Union Classified Information ('EUCI') and sensitive non-classified information, inter alia provisions for the exchange, processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443⁴² and 2015/444⁴³. Alternatively, BEREC may adopt a decision to apply the Commission's rules on a mutatis mutandis basis.

⁴² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁴³ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

Amendment

The BEREC Office shall adopt its own security rules equivalent to the Commission's security rules for protecting European Union Classified Information ('EUCI') and sensitive non-classified information, inter alia provisions for the exchange, processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443⁴² and 2015/444⁴³. Alternatively, **the BEREC Office** may adopt a decision to apply the Commission's rules on a mutatis mutandis basis.

⁴² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁴³ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

Amendment 126

Proposal for a regulation Article 30 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Upon a duly justified request from BEREC, the Commission and the NRAs shall provide BEREC with all the

Amendment

Upon a duly justified request from BEREC **or the BEREC Office**, the Commission and the NRAs shall provide BEREC **or the**

necessary information, in a timely and accurate manner, to carry out its tasks, provided that they have legal access to the relevant information and that the request for information is necessary in relation to the nature of the task in question.

BEREC Office with all the necessary information, in a timely and accurate manner, to carry out its tasks, provided that they have legal access to the relevant information and that the request for information is necessary in relation to the nature of the task in question.

Amendment 127

Proposal for a regulation

Article 30 – paragraph 1 – subparagraph 2

Text proposed by the Commission

BEREC may also request the NRAs information to be provided at recurring intervals and in specified formats. Such requests shall, where possible, be made using common reporting formats.

Amendment

BEREC **or the BEREC Office** may also request the NRAs information to be provided at recurring intervals and in specified formats. Such requests shall, where possible, be made using common reporting formats.

Amendment 128

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Upon a duly justified request from the Commission or an NRA, BEREC shall provide in a timely and accurate manner any information that is necessary to enable the Commission or the NRA to carry out its tasks, based on the principle of sincere cooperation.

Amendment

2. Upon a duly justified request from the Commission or an NRA, BEREC **or the BEREC Office** shall provide in a timely and accurate manner any information that is necessary to enable the Commission or the NRA to carry out its tasks, based on the principle of sincere cooperation.

Amendment 129

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

3. Before requesting information in

Amendment

3. Before requesting information in

accordance with this article and in order to avoid the duplication of reporting obligations, BEREC shall take account of any relevant existing information publicly available.

accordance with this article and in order to avoid the duplication of reporting obligations, BEREC *or the BEREC Office* shall take account of any relevant existing information publicly available.

Amendment 130

Proposal for a regulation

Article 30 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where information is not available or is not made available by the NRAs in a timely fashion or in circumstances where a direct request by BEREC would prove more efficient and less burdensome, BEREC may address a duly justified and reasoned request to other authorities or directly to the relevant undertakings providing electronic communications networks, services and associated facilities.

Amendment

Where information is not available or is not made available by the NRAs in a timely fashion or in circumstances where a direct request by BEREC *or the BEREC Office* would prove more efficient and less burdensome, BEREC *or the BEREC Office* may address a duly justified and reasoned request to other authorities or directly to the relevant undertakings providing electronic communications networks, services and associated facilities.

Amendment 131

Proposal for a regulation

Article 30 – paragraph 4 – subparagraph 2

Text proposed by the Commission

BEREC shall inform the relevant NRAs of requests in accordance with this paragraph.

Amendment

BEREC *or the BEREC Office* shall inform the relevant NRAs of requests in accordance with this paragraph.

Amendment 132

Proposal for a regulation

Article 30 – paragraph 4 – subparagraph 3

Text proposed by the Commission

At the request of BEREC, the NRAs shall assist BEREC in collecting the

Amendment

At the request of BEREC *or the BEREC Office*, the NRAs shall assist BEREC *or the BEREC Office* in collecting the

information.

information.

Amendment 133

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Members of the Management Board, the **Executive** Director, seconded national experts and other staff not employed by BEREC shall each make a declaration indicating their commitment and the absence or presence of any direct or indirect interest which might be considered prejudicial to their independence.

Amendment

Members of the **Board of Regulators and of the** Management Board, the Director, seconded national experts and other staff not employed by **the** BEREC **Office** shall each make a declaration indicating their commitment and the absence or presence of any direct or indirect interest which might be considered prejudicial to their independence.

Amendment 134

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The declarations shall be accurate and complete, made in writing and updated whenever necessary. The declarations of interests made by the members of the Management Board and the **Executive** Director shall be made public.

Amendment

The declarations shall be accurate and complete, made in writing and updated whenever necessary. The declarations of interests made by the members of the Management Board and the Director shall be made public.

Amendment 135

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. Members of the Management Board, the **Executive** Director, seconded national experts, other staff not employed by BEREC and experts participating in working groups shall each accurately and completely declare, at the latest at the start

Amendment

2. Members of the Management Board, the Director, seconded national experts, other staff not employed by **the** BEREC **Office** and experts participating in working groups shall each accurately and completely declare, at the latest at the start

of each meeting, any interest which might be considered prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion of and voting upon such points.

Amendment 136

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁴, ***within six months after the entry into force of this regulation***, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the OLAF and adopt appropriate provisions applicable to all employees of BEREC using the template set out in the Annex to that Agreement.

⁴⁴ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 of September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

Amendment 137

Proposal for a regulation Article 32 – paragraph 2

of each meeting, any interest which might be considered prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion of and voting upon such points.

Amendment

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁴, ***by ... [please insert date: ... months after the entry into force of this Regulation], the BEREC Office*** shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the OLAF and adopt appropriate provisions applicable to all employees of ***the BEREC Office*** using the template set out in the Annex to that Agreement.

⁴⁴ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 of September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

Text proposed by the Commission

2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from BEREC.

Amendment

2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from ***the*** BEREC ***Office***.

Amendment 138

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by BEREC, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96⁴⁵.

Amendment

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by ***the*** BEREC ***Office***, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96⁴⁵.

⁴⁵ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁴⁵ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

Amendment 139

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraphs 1,

Amendment

4. Without prejudice to paragraphs 1,

2 and 3, cooperation agreements with competent authorities of third countries and international organisations, contracts, grant agreements and grant decisions of BEREC shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

Amendment 140

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

1. **BEREC's** contractual liability shall be governed by the law applicable to the contract in question.

Amendment 141

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by BEREC.

Amendment 142

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. In the case of non-contractual liability, BEREC shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its

2 and 3, cooperation agreements with competent authorities of third countries and international organisations, contracts, grant agreements and grant decisions of **the BEREC Office** shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

Amendment

1. **The BEREC Office's** contractual liability shall be governed by the law applicable to the contract in question.

Amendment

2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by **the BEREC Office**.

Amendment

3. In the case of non-contractual liability, **the BEREC Office** shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its

staff in the performance of their duties.

departments or by its staff in the performance of their duties.

Amendment 143

Proposal for a regulation Article 33 – paragraph 5

Text proposed by the Commission

5. The personal liability of its staff towards BEREC shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

Amendment

5. The personal liability of its staff towards ***the* BEREC Office** shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

Amendment 144

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

The activities of BEREC shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Amendment

The activities of ***the* BEREC Office** shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Amendment 145

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. The provisions laid down in Regulation No 1/58⁴⁶ shall apply to BEREC.

Amendment

1. The provisions laid down in Regulation No 1/58⁴⁶ shall apply to ***the* BEREC Office**.

⁴⁶ Council Regulation No 1 determining the languages to be used by the European Economic Community (OJ L 17, 6.10.1958, p. 385).

⁴⁶ Council Regulation No 1 determining the languages to be used by the European Economic Community (OJ L 17, 6.10.1958, p. 385).

Amendment 146

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

2. The translation services required for the functioning of BEREC shall be provided by the Translation Centre of the bodies of the European Union.

Amendment

2. The translation services required for the functioning of **the BEREC Office** shall be provided by the Translation Centre of the bodies of the European Union.

Amendment 147

Proposal for a regulation

Article 36

Text proposed by the Commission

Article 36

Committee

1. *The Commission shall be assisted by a Committee ('the Communications Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

2. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

3. *Where the opinion of the committee is to be obtained by a written procedure, the procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides.*

Amendment

deleted

Amendment 148

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. The necessary arrangements concerning the accommodation to be

Amendment

1. The necessary arrangements concerning the accommodation to be

provided for BEREC in the host Member State and the facilities to be made available by that Member State as well as the specific rules applicable in the host Member State to the **Executive** Director, members of the Management Board, BEREC staff and members of their families shall be laid down in a Headquarters Agreement between BEREC and the Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than two years after the entry into force of this regulation.

provided for **the BEREC Office** in the host Member State and the facilities to be made available by that Member State as well as the specific rules applicable in the host Member State to the Director, members of the Management Board, **the BEREC Office** staff and members of their families shall be laid down in a Headquarters Agreement between **the BEREC Office** and the Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than two years after the entry into force of this regulation.

Amendment 149

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

2. **BEREC's** host Member State shall provide the necessary conditions to ensure the smooth and efficient functioning of BEREC, including multilingual, European-oriented schooling and appropriate transport connections.

Amendment

2. **The BEREC Office's** host Member State shall provide the necessary conditions to ensure the smooth and efficient functioning of **the BEREC Office**, including multilingual, European-oriented schooling and appropriate transport connections.

Amendment 150

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

1. No later than five years from the day of entry into force of this regulation, and every five years thereafter, the Commission shall perform an evaluation in compliance with the Commission guidelines to assess **BEREC's** performance in relation to its objectives, mandate, tasks and location(s). The evaluation shall, in particular, address the possible need to modify the mandate of BEREC, and the

Amendment

1. No later than five years from the day of entry into force of this regulation, and every five years thereafter, the Commission shall perform an evaluation in compliance with the Commission guidelines to assess **the performance of BEREC and the BEREC Office** in relation to its objectives, mandate, tasks and location(s). The evaluation shall, in particular, address the possible need to

financial implications of any such modification.

modify the mandate of BEREC **and the BEREC Office**, and the financial implications of any such modification.

Amendment 151

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

2. Where the Commission considers that the continuation of BEREC is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this regulation be amended accordingly or repealed.

Amendment

2. Where the Commission considers that the continuation of BEREC **and the BEREC Office** is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this regulation be amended accordingly or repealed.

Amendment 152

Proposal for a regulation Article 39 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Without prejudice to paragraph 2, BEREC shall succeed the Office that was established by Regulation (EC) No 1211/2009 ('BEREC Office') as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities.

Amendment

Without prejudice to paragraph 2, **the BEREC Office** shall succeed the Office that was established by Regulation (EC) No 1211/2009 ('BEREC Office') as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities.

Amendment 153

Proposal for a regulation Article 39 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In particular, this regulation shall not affect the rights and obligations of the staff of the Office established under Regulation (EC) No 1211/2009. Their contracts may be renewed under this regulation in

Amendment

In particular, this regulation shall not affect the rights and obligations of the staff of the Office established under Regulation (EC) No 1211/2009. Their contracts may be renewed under this regulation in

accordance with the Staff Regulations and the Conditions of Employment and in accordance with the budgetary constraints of BEREC.

accordance with the Staff Regulations and the Conditions of Employment and in accordance with the budgetary constraints of *the BEREC Office*.

Amendment 154

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

With effect from [the date of entry into force of this regulation] and until the **Executive** Director takes up his/her duties following his/her appointment by the Management Board in accordance with Article 22, the Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009 shall, for the remaining period of his/her term of office, act as interim **Executive** Director with the functions provided for in this regulation. The other conditions of the Administrative Manager's contract shall remain unchanged.

Amendment

With effect from [the date of entry into force of this regulation] and until the Director takes up his/her duties following his/her appointment by the Management Board in accordance with Article 22, the Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009 shall, for the remaining period of his/her term of office, act as interim Director with the functions provided for in this regulation. The other conditions of the Administrative Manager's contract shall remain unchanged.

Amendment 155

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

As interim **Executive** Director, he/she shall exercise the appointing authority powers. He/she may authorise all payments covered by appropriations entered in **BEREC's** budget after approval by the Management Board and may conclude contracts, including staff contracts, following the adoption of BEREC's establishment plan.

Amendment

As interim Director, he/she shall exercise the appointing authority powers. He/she may authorise all payments covered by appropriations entered in *the BEREC Office's* budget after approval by the Management Board and may conclude contracts, including staff contracts, following the adoption of BEREC's establishment plan.

Amendment 156

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The contract of employment of the Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009 shall be terminated at the ***the*** end of his/her term of office or the day when the ***Executive*** Director takes up his/her duties following his/her appointment by the Management Board in accordance with Article 22, ***whichever is the earlier.***

Amendment

The contract of employment of the Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009 shall be terminated at the end of his/her term of office or the day when the Director takes up his/her duties following his/her appointment by the Management Board in accordance with Article 22.

Amendment 157

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 2

Text proposed by the Commission

An Administrative Manager appointed on the basis of Regulation (EC) No 1211/2009 whose term of office has been extended shall abstain from participating in the selection procedure for the Executive Director referred to in Article 22.

Amendment

deleted

Amendment 158

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

References to Regulation (EC) No 1211/2009 ***and to the BEREC Office*** shall be construed as references to this ***regulation and to BEREC.***

Amendment

References to Regulation (EC) No 1211/2009 shall be construed as references to this ***Regulation.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Body of European Regulators for Electronic Communications
References	COM(2016)0591 – C8-0382/2016 – 2016/0286(COD)
Committee responsible Date announced in plenary	ITRE 24.10.2016
Opinion by Date announced in plenary	IMCO 24.10.2016
Rapporteur Date appointed	Ivan Štefanec 11.10.2016
Discussed in committee	13.3.2017
Date adopted	11.5.2017
Result of final vote	+: 21 –: 13 0: 3
Members present for the final vote	Dita Charanzová, Carlos Coelho, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Antonio López-Istúriz White, Eva Maydell, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Jasenko Selimovic, Ivan Štefanec, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo
Substitutes present for the final vote	Lucy Anderson, Pascal Arimont, Birgit Collin-Langen, Edward Czesak, Kaja Kallas, Othmar Karas, Arndt Kohn, Julia Reda, Marc Tarabella, Ulrike Trebesius
Substitutes under Rule 200(2) present for the final vote	Anne-Marie Mineur

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ECR	Edward Czesak, Daniel Dalton, Ulrike Trebesius, Anneleen Van Bossuyt
EFDD	Robert Jarosław Iwaszkiewicz, Marco Zullo
ENF	Mylène Troszczynski
GUE/NGL	Anne-Marie Mineur, Dennis de Jong
PPE	Pascal Arimont, Carlos Coelho, Birgit Collin-Langen, Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Othmar Karas, Antonio López-Istúriz White, Eva Maydell, Jiří Pospíšil, Andreas Schwab, Ivan Štefanec, Róza Gräfin von Thun und Hohenstein

13	-
ALDE	Kaja Kallas, Jasenko Selimovic
S&D	Lucy Anderson, Nicola Danti, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sergio Gutiérrez Prieto, Arndt Kohn, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Marc Tarabella

3	0
ALDE	Dita Charanzová
VERT/ALE	Pascal Durand, Julia Reda

Key to symbols:

+ : in favour

- : against

0 : abstention