

Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)

2016/0286(COD) - 16/10/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Even TOENOVSKÝ (ECR, CZ) on the proposal for a regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Maintaining the institutional balance: while the European Commission proposes to convert BEREC and its Office into a single EU agency of the Union, Members 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 Agency for Support for European Regulators for Electronic Communications (BEREC Office) shall be a body of the Union. It shall have legal personality. It shall have sole responsibility for the tasks assigned to and the powers conferred on it.

The BEREC Office shall be independent as regards operational and technical matters and should enjoy legal, administrative and financial autonomy. It shall be represented by the chairman of the Board of Regulators. The BEREC Office shall be based in Riga, Latvia.

Tasks and organisation of BEREC: BEREC shall consist of: (i) a Board of Regulators; (ii) Expert Working Groups; (iii) a Board of Appeal. As its primary objective, BEREC shall ensure a consistent regulatory approach to the implementation of the regulatory framework for electronic communications and shall thereby contribute to the development of the internal market.

BEREC shall contribute to the achievement of the objectives of national regulatory and other competent authorities (NRAs) and shall group together the full list of tasks entrusted to BEREC under various pieces of legislation, including notably those assigned to it under the new European Electronic Communications Code.

It shall also promote: (i) the principle of net neutrality and the open internet; (ii) access to, investment in, and take-up of, very high capacity data connectivity; (iii) competition in the provision of electronic communications networks, services and associated facilities; (iv) the interests of the citizens of the Union.

To make BEREC more powerful and more representative and to safeguard expertise, experience and knowledge of the specific situation of the full range of national markets, the report suggested that each Member State should ensure that its NRA has adequate financial and human resources required to participate in the work of BEREC, in particular in the work of the Working Groups and chairmanship of the Board of Regulators.

In view of the additional tasks assigned to BEREC, Members proposed that the Chair should have a stable two-year term of office. Lists of qualified expert members of working groups, together with their declaration of interests, should be made publicly available.

The European Parliament may invite, while fully respecting his or her independence, the Chair or a Vice-Chair of the Board of Regulators to make a statement before its competent committee on relevant issues relating to BERECs activities and answer questions put by the members of the European Parliament.

Tasks and organisation of the BEREC Office: the BEREC Office shall provide all necessary professional and administrative support, including financial, organisational and logistical support, for the work of BEREC. Members stressed that it should be adequately staffed to carry out its duties.

An enlarged list of tasks assigned to BEREC and increased weight of content-related tasks vis-à-vis purely administrative ones should be duly reflected in resource programming of the BEREC Office according to Members.

In order to guarantee the BEREC Offices autonomy and independence, and in order to provide support to the work of BEREC, the BEREC Office shall have its own budget, most of which comes essentially from a contribution from the Union. The budget should reflect the additional tasks assigned and the enhanced role of the BEREC Office and BEREC.

Transparency and communication: BEREC and the BEREC Office shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular in relation to their tasks and the results of their work.

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 to assess the performance of BEREC and the BEREC Office.