



**2016/0286(COD)**

9.6.2017

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

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: Morten Helveg Petersen

PA\_Legam

## SHORT JUSTIFICATION

The rapporteur fully supports the objectives of the proposal made by the European Commission and presents this opinion in order to ensure that, in the performance of its tasks, BEREC takes full account of the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union, and in particular aim at achieving higher levels of connectivity with a modernised set of end-user protection rules, ensuring non-discriminatory access to any contents and services, including public services, helping promote freedom of expression and of business, and enabling Member States to comply with the Charter at a much lower cost in the future.

In light of the competences of the committee on civil liberties, justice and home affairs, the rapporteur notably introduce references to transparency and non-discrimination as key objectives implementation of the regulatory framework for electronic communications, which should apply in the composition and functioning of BEREC. On that basis, the rapporteur insists on measures aiming at reinforcing the transparency and accountability of processes, in particular when it comes to the composition of the Management Board and of the working groups, as well as the publication of the respective members' declaration of interests.

Further safeguards are also introduced regarding the “structural” independence of BEREC. Guaranteeing the independence of BEREC implies that it neither seeks nor takes instruction from a government or any other executive power. In line with recently established governance model for regulation at EU level, such as the European Data Protection Board, BEREC's Management Board should only be composed of representatives from independent authorities, while the Commission shall have the right to participate in the activities and meetings of the Board without voting right.

The rapporteur believes that the independence and accountability of BEREC can be further reinforced through a modification of the composition of its management board and of the appointment procedure of its Executive Director.

In addition, the rapporteur introduces new tasks for BEREC, in particular in the field of security of networks and services and of fundamental rights, responding to the amendments to the Directive on the European Electronic Communication Code he will be presenting in its related draft report.

All these elements aim at ensuring that the decisions made at BEREC level do comply with the highest standards in terms of independence, transparency and accountability, and thus contribute to a compliant and right-based implementation of the regulatory framework for electronic communications.

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs 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 5 a (new)

*Text proposed by the Commission*

*Amendment*

***(5a) In its Digital Single Market strategy, the Commission announced a review of Directive 2002/58/EC in order to provide a high level of privacy protection for users of electronic communications services and a level playing field for all market players.***

## Amendment 2

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

*Amendment*

(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

(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, ***transparency and non-discrimination*** in the provision of electronic communications networks, services and associated facilities and the interests of the citizens of the Union, this

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.

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.

### Amendment 3

#### 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

##### *Amendment*

(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, ***transparency and non-discrimination*** 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

build on the work of BEREC and the BEREC Office and further develop them into a fully-fledged agency.

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 4

##### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) In the performance of its tasks, BEREC should take full account of the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union (the Charter), and, in particular, aim to achieve higher levels of connectivity with a modernised set of end-user protection rules, ensuring non-discriminatory access to any contents and services, including public services, helping to promote freedom of expression and of business, and enabling Member States to comply with the Charter at a much lower cost in the future.***

#### Amendment 5

##### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*Amendment*

(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')<sup>28</sup>. 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.

(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')<sup>28</sup>, ***in particular with regard to transparency and relations with stakeholders***. 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.

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

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## Amendment 6

### Proposal for a regulation

#### Recital 10

##### *Text proposed by the Commission*

(10) BEREC, as a technical body with expertise on electronic communications and composed of representatives from NRAs and the Commission, is best placed to be entrusted with tasks such as deciding on certain issues with a cross-border dimension, contributing to efficient internal market procedures for draft national measures (both as regards market regulation and assignments of rights of use for radio spectrum), providing the necessary guidelines to NRAs in order to ensure common criteria and a consistent regulatory approach, and keeping certain registries at Union level. This is without prejudice to the tasks established for NRAs, which are closest to the electronic communications markets and their local conditions. In order to carry out its tasks, the agency would require adequate financial and human resources and would also continue the pooling of expertise from NRAs.

##### *Amendment*

(10) BEREC, as a technical body with expertise on electronic communications and composed of representatives from NRAs and the Commission, is best placed to be entrusted with tasks such as deciding on certain issues with a cross-border dimension, contributing to efficient, ***transparent and non-discriminatory*** internal market procedures for draft national measures (both as regards market regulation and assignments of rights of use for radio spectrum), providing the necessary guidelines to NRAs in order to ensure common criteria and a consistent regulatory approach, and keeping certain registries at Union level. This is without prejudice to the tasks established for NRAs, which are closest to the electronic communications markets and their local conditions. In order to carry out its tasks, the agency would require adequate financial and human resources and would also continue the pooling of expertise from NRAs.

## Amendment 7

### Proposal for a regulation

#### Recital 10 a (new)

***(10a) In order to ensure inclusiveness, representativeness and transparency in the performance of its tasks, BEREC should ensure its consultation processes, as well as the composition of its working group and the selection of individual experts, takes into account the diversity of economic and civil society stakeholders operating on the electronic communication market, including SMEs and not-for-profit service providers.***

## **Amendment 8**

### **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 Group<sup>29</sup>, the European Data Protection Board<sup>30</sup>, the European Regulators Group for Audiovisual Media Services<sup>31</sup> **and** the European Union Agency for Network and Information Security<sup>32</sup>; 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.

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<sup>29</sup> Decision 2002/622/EC establishing a Radio Spectrum Policy Group (OJ L 198,

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27.7.2002, p. 49).

<sup>30</sup> 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).

<sup>31</sup> Directive [...].

<sup>32</sup> 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).

27.7.2002, p. 49).

<sup>30</sup> 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).

<sup>31</sup> Directive [...].

<sup>32</sup> 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 9

### 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 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 ***and a cooperation (concertation) procedure with the European Parliament and Council***, in order to guarantee a rigorous evaluation of the candidates and a high level of independence ***and accountability***. 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 10

### 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 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. ***Lists of qualified expert members of workings groups, as well as their declarations of interests, should be made publicly available.***

## Amendment 11

### 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) 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. ***BEREC should be legally distinct and functionally independent from the industry and government, neither seeking nor taking***

*instructions from any government or body, operating in a transparent and accountable manner as set out in law and having sufficient powers.*

## **Amendment 12**

### **Proposal for a regulation Recital 26**

*Text proposed by the Commission*

(26) Since the objectives of this regulation, namely the need to ensure a consistent implementation of the regulatory framework for electronic communications within the defined scope, in particular in relation to cross-border aspects and through efficient internal market procedures for draft national measures, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this regulation does not go beyond what is necessary in order to achieve those objectives.

*Amendment*

(26) Since the objectives of this regulation, namely the need to ensure a consistent, ***transparent and non-discriminatory*** implementation of the regulatory framework for electronic communications within the defined scope, in particular in relation to cross-border aspects and through efficient internal market procedures for draft national measures, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this regulation does not go beyond what is necessary in order to achieve those objectives.

## **Amendment 13**

### **Proposal for a regulation Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. BEREC's tasks shall be published on its website and shall be updated in order to indicate its new tasks.***

## Amendment 14

### Proposal for a regulation

#### Article 1 – paragraph 3

*Text proposed by the Commission*

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*

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, ***transparent and non-discriminatory*** 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 ***and rights*** of the citizens of the Union.

*Justification*

*In order to guarantee a fully functioning and efficient regulatory framework for electronic communications, compliant with EU law, transparency and non-discrimination should also be key objectives for BEREC's mission in ensuring the consistent implementation of such framework. Furthermore, the promotion of citizens rights in this context, and not only interests, should also be part of BEREC's objectives.*

## Amendment 15

### Proposal for a regulation

#### Article 2 – paragraph 1 – point e – indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

- ***on minimum criteria and common approaches for the security of networks and information services, in accordance with Article 40 of Directive (EU) 2017/... [Electronic Communications Code],***

*Justification*

*The proposal for a Directive establishing the European Electronic Communications Code*

*includes specific provisions on the security of networks and information (Article 40), which are of relevance for BEREC's tasks and attributions. The rapporteur intends to further specify this additional task when presenting its proposals on the related legislative proposal.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point e – indent 6 a (new)**

*Text proposed by the Commission*

*Amendment*

- *on common approaches to ensure that national measures regarding end-users' access to, or use of, services and applications through electronic communications networks respect the fundamental rights and freedoms, as guaranteed by the Charter and general principles of Union law, in accordance with Article 93 of Directive (EU) 2017/... [Electronic Communications Code];*

#### *Justification*

*The proposal for a Directive establishing the European Electronic Communications Code includes specific provisions on Fundamental rights safeguard (Article 93), which are of relevance for BEREC's tasks and attributions. The rapporteur intends to further specify this additional task when presenting its proposals on the related legislative proposal.*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) issue recommendations and best practices addressed to the NRAs in order to encourage consistent implementation on any technical matter within its mandate;

(c) issue recommendations and best practices addressed to the NRAs in order to encourage consistent, **transparent and non-discriminatory** implementation on any technical matter within its mandate;

## Amendment 18

### Proposal for a regulation

#### Article 4 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. The list of Members of the Management board, including an indication whether or not the member is a Chair or Vice-Chair of the Board, together with their declaration of interest, shall be made publicly available on BEREC's website.**

## Amendment 19

### Proposal for a regulation

#### Article 5 – paragraph 1 – point c

*Text proposed by the Commission*

*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 consolidated annual activity report shall be made public;

(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 European Parliament and to the Council by the Executive Director during a public session.** The consolidated annual activity report shall be made public;

## Amendment 20

### Proposal for a regulation

#### Article 7 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6 a. Documents related to meetings of the Management Board, shall be made**

*publicly available on BEREC's website and shall include the list of participants and observers, agendas, minutes and decisions taken, with due respect for Article 28.*

## Amendment 21

### Proposal for a regulation Article 9 – paragraph 3

*Text proposed by the Commission*

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

*Amendment*

3. The Executive Director shall report to the European Parliament on the performance **and implementation** of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

## Amendment 22

### Proposal for a regulation Article 9 – paragraph 5 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) presenting the annual report on BEREC's activities to the European Parliament and Council during a public session;**

## Amendment 23

### Proposal for a regulation Article 9 – paragraph 5 – point f

*Text proposed by the Commission*

(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

*Amendment*

(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 **once** a year to the Commission

and regularly to the Management Board;

and regularly to the Management Board;

#### **Amendment 24**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The list of members of the working groups, together with their declaration of interests, shall be made publicly available.**

#### **Amendment 25**

##### **Proposal for a regulation**

##### **Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Decisions of the Board of Appeal shall be made publicly available.**

#### **Amendment 26**

##### **Proposal for a regulation**

##### **Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, **following an open and** transparent selection procedure.

The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, **in accordance with the following cooperation (concertation) procedure:**

**(a) on the basis of a list drawn up by the Commission after a call for candidates and a transparent selection procedure, applicants will be asked before an appointment is made to address the Council and the competent European Parliament committee and to reply to questions;**



*(b) the European Parliament and the Council will then give their opinions and state their orders of preference;*

*(c) the Management Board will appoint the Director, taking those opinions into account and giving reasons in the event that it diverges from these opinions.*

#### *Justification*

*In line with the existing procedure for other EU Agencies, the appointment of BEREC's executive Director should be based on a procedure ensuring greater transparency and accountability.*

### **Amendment 27**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 5**

##### *Text proposed by the Commission*

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*.

##### *Amendment*

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 *shall* be invited to make a statement before the competent committee of the Parliament and to answer questions.

### **Amendment 28**

#### **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

##### *Amendment*

*Without prejudice to Article 27(1),* 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,

as set out in Commission Decisions (EU, Euratom) 2015/443<sup>42</sup> and 2015/444<sup>43</sup>. Alternatively, BEREC may adopt a decision to apply the Commission's rules on a mutatis mutandis basis.

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

<sup>43</sup> 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).

processing and storage of such information as set out in Commission Decisions (EU, Euratom) 2015/443<sup>42</sup> and 2015/444<sup>43</sup>. Alternatively, BEREC may adopt a decision to apply the Commission's rules on a mutatis mutandis basis.

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

<sup>43</sup> 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 29

### Proposal for a regulation Article 30 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Where such an exchange of information involves the transfer of personal data to a third country, Member States shall comply with Regulation (EU) 2016/679.**

## Amendment 30

### Proposal for a regulation Article 31 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*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 Executive Director* shall be made public.

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, *the Executive Director and members of the working groups* shall be made public.



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Body of European Regulators for Electronic Communications
<b>References</b>	COM(2016)0591 – C8-0382/2016 – 2016/0286(COD)
<b>Committee responsible</b> Date announced in plenary	ITRE 24.10.2016
<b>Opinion by</b> Date announced in plenary	LIBE 24.10.2016
<b>Rapporteur</b> Date appointed	Morten Helveg Petersen 5.12.2016
<b>Discussed in committee</b>	25.4.2017                      8.6.2017
<b>Date adopted</b>	8.6.2017
<b>Result of final vote</b>	+:                      38 -:                      2 0:                      0
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Malin Björk, Michał Boni, Caterina Chinnici, Rachida Dati, Monika Flašíková Beňová, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, József Nagy, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
<b>Substitutes present for the final vote</b>	Pál Csáky, Gérard Deprez, Teresa Jiménez-Becerril Barrio, Ska Keller, Andrejs Mamikins, Maite Pagazaurtundúa Ruiz, Barbara Spinelli

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
ALDE Group	Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld
ECR Group	Helga Stevens, Branislav Škripek
GUE/NGL Group	Malin Björk, Barbara Spinelli
PPE Group	Michał Boni, Pál Csáky, Rachida Dati, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, József Nagy, Csaba Sógor, Traian Ungureanu, Tomáš Zdechovský
S&D Group	Caterina Chinnici, Monika Flašíková Beňová, Ana Gomes, Sylvie Guillaume, Cécile Kashetu Kyenge, Dietmar Köster, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
Verts/ALE Group	Jan Philipp Albrecht, Ska Keller, Bodil Valero

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EFDD Group	Kristina Winberg
ENF Group	Auke Zijlstra

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention