



2016/0286(COD)

4.4.2017

AMENDMENTS

163 - 441

Draft report

Evžen Tošenovský
(PE600.889v01-00)

Body of European Regulators for Electronic Communications

Proposal for a regulation
(COM(2016)0591 – C8-0382/2016 – 2016/0286(COD))

Amendment 163
Notis Marias

Draft legislative resolution
Citation 3 a (new)

Draft legislative resolution

Amendment

- *having regard to the Protocol (No 1) of the Treaty on the Functioning of the European Union on the role of national Parliaments in the European Union,*

Or. el

Amendment 164
Notis Marias

Draft legislative resolution
Citation 3 b (new)

Draft legislative resolution

Amendment

- *having regard to the Protocol (No 2) of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality,*

Or. el

Amendment 165
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Draft legislative resolution
Citation 4 a (new)

Draft legislative resolution

Amendment

- *having regard to the reasoned opinion of the Polish Senate,*

Or. it

Amendment 166
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Draft legislative resolution
Citation 4 b (new)

Draft legislative resolution

Amendment

– *having regard to the reasoned opinion of the Senate of the Parliament of the Czech Republic,*

Or. it

Amendment 167
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Draft legislative resolution
Citation 4 c (new)

Draft legislative resolution

Amendment

– *having regard to the reasoned opinion of the Maltese Parliament,*

Or. it

Amendment 168
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Draft legislative resolution
Citation 4 d (new)

Draft legislative resolution

Amendment

– *having regard to the opinion of the German Bundesrat,*

Or. it

Amendment 169

João Ferreira

Draft legislative resolution

Paragraph 1

Draft legislative resolution

1. *Adopts its position at first reading hereinafter set out;*

Amendment

1. *The European Parliament rejects the Commission proposal.*

Or. pt

Amendment 170

João Ferreira

Draft legislative resolution

Paragraph 2

Draft legislative resolution

2. *Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;*

Amendment

deleted

Or. pt

Amendment 171

Krišjānis Kariņš, Pilar del Castillo Vera, Anne Sander, Gunnar Hökmark

Proposal for a regulation

Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Body of European
Regulators for Electronic Communications
(Text with EEA relevance)

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Body of European
Regulators for Electronic Communications
(BEREC) and the BEREC Office
(Text with EEA relevance)

Or. en

Amendment 172
Angelika Niebler, Herbert Reul

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Body of European
Regulators for Electronic Communications
(BEREC) and repealing Regulation
1211/2009

Amendment

Rejects the proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Body of European
Regulators for Electronic Communications
(BEREC) and repealing Regulation
1211/2009.

Or. de

Justification

*It is not necessary to turn BEREC and the BEREC Office into an independent agency.
The structures that are already established should be retained, as they have proved their
worth.*

*It is more important to strengthen the functions and tasks of BEREC and the BEREC Office in
view of the changing technological environment and changing market conditions without
modifying the basic administrative structures.*

Changing the structures would only lead to further unnecessary administrative burdens.

Amendment 173
Notis Marias

Proposal for a regulation
Citation 1 a (new)

Text proposed by the Commission

Amendment

***having regard to the Protocol (No 1) of
the Treaty on the Functioning of the
European Union on the role of national
Parliaments in the European Union,***

Or. el

Amendment 174
Notis Marias

Proposal for a regulation
Citation 1 b (new)

Text proposed by the Commission

Amendment

having regard to the Protocol (No 2) of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality,

Or. el

Amendment 175
Victor Negrescu

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Regulation (EC) No 531/2012 of the European Parliament and of the Council²³ complements and supports, in so far as Union-wide roaming is concerned, the rules provided for by the regulatory framework for electronic communications and establishes certain tasks for BEREC.

(2) Regulation (EC) No 531/2012 of the European Parliament and of the Council²³ complements and supports, in so far as Union-wide roaming is concerned, the rules provided for by the regulatory framework for electronic communications and establishes certain tasks for BEREC. ***The regulatory framework for electronic communications has broadly achieved its general objective of ensuring a competitive sector providing significant end-user benefits.***

²³ Regulation (EC) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p.10).

²³ Regulation (EC) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p.10).

Or. en

Amendment 176
Rolandas Paksas

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Regulation (EU) No 2015/2120 of the European Parliament and of the Council²⁴ *establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users' rights and sets up a new retail pricing mechanism for Union-wide regulated roaming services. This regulation* establishes additional tasks for BEREC, in *particular the issuing of guidelines on the implementation of national regulatory authorities ('NRAs') obligations in relation to open internet access as well as reporting and consultation on draft implementing acts to be adopted by the Commission in relation to Union-wide roaming.*

²⁴ Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (OJ L 310, 26.11.2015, p.1

Amendment

(3) Regulation (EU) No 2015/2120 of the European Parliament and of the Council²⁴ (*'Telecommunications Single Market'*) *moreover* establishes additional tasks for BEREC, in relation to open internet access.

²⁴ Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (OJ L 310, 26.11.2015, p.1

Or. en

Amendment 177
Victor Negrescu

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Regulation (EU) **No 2015/2120** of the European Parliament and of the Council²⁴ establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users' rights and sets up a new retail pricing mechanism for Union-wide regulated roaming services. This regulation establishes additional tasks for BEREC, in particular the issuing of guidelines on the implementation of national regulatory authorities ('NRAs') **obligations** in relation to open internet access as well as reporting and consultation on draft implementing acts to be adopted by the Commission in relation to Union-wide roaming.

²⁴ Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (OJ L 310, 26.11.2015, p.1

Amendment

(3) Regulation (EU) **No 2015/2120** of the European Parliament and of the Council²⁴ establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users' rights and sets up a new retail pricing mechanism for Union-wide regulated roaming services. This regulation establishes additional tasks for BEREC, in particular the issuing of guidelines on the implementation of national regulatory authorities ('NRAs') **commitments** in relation to open internet access as well as reporting and consultation on draft implementing acts to be adopted by the Commission in relation to Union-wide roaming.

²⁴ Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (OJ L 310, 26.11.2015, p.1

Or. en

Amendment 178
Constanze Krehl

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The BEREC final guidelines on the Implementation by NRAs of European Net Neutrality Rules have been highly welcomed as valuable clarifications to guarantee a strong free and open internet

by ensuring a consistent application of the rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users rights.

Or. en

Amendment 179
Notis Marias

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) BEREC and the Office ('BEREC Office') were established by Regulation (EC) No 1211/2009 of the European Parliament and of the Council²⁵. BEREC replaced the European Regulators Group ('ERG')²⁶ and was meant to contribute to the development and better functioning of the internal market for electronic communications networks and services by aiming to ensure a consistent implementation of the regulatory framework for electronic communications. The BEREC Office was established as a Community body with legal personality to carry out the tasks referred to in Regulation (EC) No 1211/2009, in particular the provision of professional and administrative support services to BEREC.

²⁵ Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (OJ L 337, 18.12.2009, p.1).

²⁶ Commission Decision 2002/627/EC of 29 July 2002 establishing the European Regulators Group for Electronic

Amendment

(4) BEREC and the Office ('BEREC Office') were established by Regulation (EC) No 1211/2009 of the European Parliament and of the Council²⁵. BEREC replaced the European Regulators Group ('ERG')²⁶ and was meant to contribute *one the one hand* to the development and *on the other to the* better functioning of the internal market for electronic communications networks and services by aiming to ensure a consistent implementation of the regulatory framework for electronic communications. The BEREC Office was established as a Community body with legal personality to carry out the tasks referred to in Regulation (EC) No 1211/2009, in particular the provision of professional and administrative support services to BEREC.

²⁵ Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (OJ L 337, 18.12.2009, p.1).

²⁶ Commission Decision 2002/627/EC of 29 July 2002 establishing the European Regulators Group for Electronic

Amendment 180
Evžen Tošenovský

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) By Decision 2010/349/EU¹, the Representatives of the Governments of the Member States decided that the BEREC Office would have its headquarters in Riga. The Seat Agreement between the Government of the Republic of Latvia and the BEREC Office was signed on 24 February 2011 and entered into force on 5 August 2011. For the purpose of carrying out the BEREC Office's tasks in an efficient and cost-effective manner, it could be necessary to locate a staff member(s) in another Member State. Experience has shown that in this regard in particular there is a need for one or more liaison officers located in Brussels.

(1) Decision taken by common accord between the Representatives of the Governments of the Member States of 31 May 2010 on the location of the seat of the Office of the Body of European Regulators for Electronic Communications (BEREC) (2010/349/EU) (OJ L 156, 23.6.2010, p.12).

Amendment 181

Notis Marias

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In its Communication of 6 May 2015 entitled ‘A Digital Single Market Strategy for Europe’²⁷, the Commission envisaged presenting proposals in 2016 for an ambitious overhaul of the regulatory framework for electronic communications focusing inter alia on a more effective regulatory institutional framework in order to make the telecoms rules fit for purpose as part of the creation of the right conditions for the digital single market. These include the deployment of very high capacity connectivity networks, more coordinated management of radio spectrum for wireless networks and creating a level playing field for advanced digital networks and innovative services. The Communication pointed out that the changing market and technological environment make it necessary to strengthen the institutional framework by enhancing the role of BEREC.

²⁷ COM(2015) 192 final.

Amendment

(5) In its Communication of 6 May 2015 entitled ‘A Digital Single Market Strategy for Europe’²⁷, the Commission envisaged presenting proposals in 2016 for an ambitious overhaul of the regulatory framework for electronic communications focusing inter alia on a more effective regulatory institutional framework in order to make the telecoms rules fit for purpose as part of the creation of the right conditions for the digital single market. These include *as a minimum* the deployment of very high capacity connectivity networks, more coordinated management of radio spectrum for wireless networks and creating a level playing field for advanced digital networks and innovative services. The Communication pointed out that the changing market and technological environment make it necessary to strengthen the institutional framework by enhancing the role of BEREC.

²⁷ COM(2015) 192 final.

Or. el

Amendment 182

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) In its Resolution of 19 January 2016 ‘Towards a Digital Single Market

Amendment

(6) In its Resolution of 19 January 2016 ‘Towards a Digital Single Market

Act', the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It can do this by strengthening the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, **to enable an efficient oversight of BEREC over the development of the single market** and to help **it** to resolve cross-border disputes. The European Parliament also stresses, in this regard, **the need to improve the financial and human resources and further enhance the governance structure of BEREC.**

Act', the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It can do this by strengthening the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, **in full compliance with the subsidiarity principle**, and to help **BEREC** to resolve cross-border disputes. The European Parliament also stresses, in this regard, **that the necessary financial and human resources should not involve further increases in the Union budget.**

Or. it

Amendment 183 **Constanze Krehl**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) In its Resolution of 19 January 2016 'Towards a Digital Single Market Act', the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It **can do this by strengthening** the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, to enable an efficient oversight of BEREC over the development of the single market and to help it to resolve cross-border disputes. The European Parliament also stresses, in this regard, the need to improve the financial and human resources and

Amendment

(6) In its Resolution of 19 January 2016 'Towards a Digital Single Market Act', the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It **specifically asked the Commission to strengthen** the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, to enable an efficient oversight of BEREC over the development of the single market and to help it to resolve cross-border disputes. The European Parliament also stresses, in this regard, the need to improve the financial and human resources and

further enhance the governance structure of BEREC.

further enhance the governance structure of BEREC.

Or. en

Amendment 184

Notis Marias

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) In its Resolution of 19 January 2016 ‘Towards a Digital Single Market Act’, the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It can do this by strengthening the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, to enable an efficient oversight of BEREC over the development of the single market and to help it to resolve cross-border disputes. The European Parliament also stresses, in this regard, the need to improve the financial and human resources and further enhance the governance structure of BEREC.

Amendment

(6) In its Resolution of 19 January 2016 ‘Towards a Digital Single Market Act’, the European Parliament called on the Commission to integrate further the digital single market by ensuring that a more efficient institutional framework is in place. It can do this by strengthening the role, capacity and decision-making powers of BEREC in order to allow it to foster the consistent implementation of the regulatory framework for electronic communications, to enable an efficient oversight of BEREC over the development of the single market and to help it to resolve cross-border disputes. The European Parliament also stresses, in this regard, the need to improve the financial and human resources and *still* further enhance the governance structure of BEREC.

Or. el

Amendment 185

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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 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 role of BEREC. This also corresponds to the need to reflect the 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.

Or. it

Amendment 186
Constanze Krehl

Proposal for a regulation
Recital 7

Text proposed by the Commission

(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

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, ***for instance in the area of wholesale access products, where BEREC has not provided sufficient guidelines, which is affecting companies doing cross-border business***. 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

market regulation as well as on assignments of rights of use for radio spectrum.

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.

Or. en

Amendment 187
Notis Marias

Proposal for a regulation
Recital 7

Text proposed by the Commission

(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

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 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.

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.

Or. el

Amendment 188
Victor Negrescu

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

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 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

BEREC Office and further develop them into a fully-fledged agency.

into a fully-fledged agency, *ensuring that the new agency provides further added value and is aligned with Union policy priorities, in particular the Digital Single Market Strategy.*

Or. en

Amendment 189

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

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 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 *an* agency *that is independent of the Commission.*

Or. fr

Amendment 190

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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 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.

Or. en

Amendment 191
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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

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 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**.

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 **lend continuity to** the work of BEREC and the BEREC Office and further develop them.

Or. it

Amendment 192

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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')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.

deleted

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

Or. it

Amendment 193

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

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.

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

Amendment

(9) The agency should be governed and operated *fully independently of* the European Commission. 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.

Or. fr

Amendment 194
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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

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 internal market procedures for draft national measures, 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

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.

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, ***BEREC will continue to pool*** expertise from NRAs.

Or. it

Amendment 195

Constanze Krehl

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 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 ***additional tasks, and given the increased weight of content-related tasks vis-à-vis purely administrative ones***, the agency would require adequate financial and human resources and would also continue the pooling of expertise from NRAs.

Amendment 196

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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 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 BEREC Office requires* adequate financial and human resources and would also continue the pooling of expertise from NRAs.

Amendment 197

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Recital 10

Text proposed by the Commission

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 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.

(10) BEREC, as a technical body with expertise on electronic communications and composed of representatives from NRAs, 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.

Or. fr

Amendment 198

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Pavel Telička

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to ensure the consistent application of legislation throughout the Union, a consistency mechanism for cooperation between the national regulatory authorities should be established through BEREC. That mechanism should in particular apply where a national regulatory authority intends to adopt a measure intended to produce legal effects which may create a barrier to the internal market or create a lack of legal certainty on the common

interpretation of Union legislation. It should apply where any national regulatory authority concerned requests that such matter should be handled in the consistency mechanism, in cases of crossborder disputes or on the basis of a complaint by an undertaking operating crossborder and impacted by such measures. That mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.

Or. en

Amendment 199

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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, upon their request or on its own initiative.

Or. en

Amendment 200

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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 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

(11) *In light of the increasing convergence between sectors providing electronic communication services and the horizontal dimension of regulatory issues related to their development*, BEREC should *coordinate the work, and* 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, the European Union Agency for Network and Information Security³², *the Consumer Protection Cooperation Network, and European standardisation organisations*; 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).

repealing Regulation (EC) No 460/2004
(OJ L 165, 18.6.2013, p.41).

Or. en

Amendment 201

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

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

deleted

Or. it

Amendment 202

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) Compared to the situation in the past where both a Board of Regulators

(12) The Management Board *should be responsible* for the *relevant* administrative

and a Management Committee were running in parallel, having a single board giving general orientations for the activities of BEREC, 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 member of the collegiate body, of each NRA, who are protected by dismissal requirements.

and budgetary management matters and should consist, in addition of the Head, or otherwise a member of the collegiate body, of each NRA *and of one representative of the Commission.*

Or. en

Amendment 203

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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

Amendment

(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 BEREC, 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 ***out*** the relevant functions and should consist, of the Head, or otherwise a member of the collegiate body, of each NRA, who are protected by dismissal requirements. ***In addition, the Commission, with two representatives, shall have the right to participate in the activities and meetings of the management board, with voting rights***

restricted to administrative and budgetary management matters.

Or. en

Amendment 204

Jean-Luc Schaffhauser, Nicolas Bay

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

Amendment

(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 BEREC, 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 of the Head, or otherwise a member of the collegiate body, of each NRA, who are protected by dismissal requirements.

Or. fr

Amendment 205

Constanze Krehl

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

Amendment

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

parallel, having a single board giving general orientations for the activities of BEREC, 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 *out* the relevant functions and should consist, in addition of *one representative* of the Commission, of the Head, or otherwise a member of the collegiate body, of each NRA, who are protected by dismissal requirements.

Or. en

Amendment 206
Jean-Luc Schaffhauser, Nicolas Bay

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 *Secretary-General*, 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.

Or. fr

Amendment 207
Victor Negrescu

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 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 ***with an annual evaluation report.***

Or. en

Amendment 208
Notis Marias

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 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, ***the term of office of the Chair and the Vice-Chair shall be two years.***

Or. el

Amendment 209
Notis Marias

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 Management Board should hold meetings ***each month*** and ***provide information about the achievements.***

Or. el

Amendment 210

Notis Marias

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 ***for a term of office of 2.5 years***. 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.

Or. el

Amendment 211

Patrizia Toia

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 in order to guarantee a **rigorous** evaluation of the candidates and a high level of independence. ***The candidate should obtain the consent of the European Parliament to take office.*** 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.

Or. en

Amendment 212
Jean-Luc Schaffhauser, Nicolas Bay

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***

Amendment

(16) The role of the ***Secretary-General***, 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 ***Council in order to confer specific legitimacy on him/her resting on the***

to guarantee a rigorous evaluation of the candidates and a high level of independence. 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.

Member States. It is necessary that the **Secretary-General** has a sufficiently long mandate in order to ensure stability and delivery of a long-term strategy for the agency.

Or. fr

Amendment 213
Victor Negrescu

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 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, **no longer than five years.**

Or. en

Amendment 214
Evžen Tošenovský

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 the agency 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 the **BEREC Office**.

Or. en

Amendment 215 Constanze Krehl

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

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 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

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.

the Executive Director has a sufficiently long mandate in order to ensure stability and delivery of a long-term strategy for the agency.

Or. en

Amendment 216

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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 *its* adequate functioning 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 *NRAs* 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.

Or. it

Amendment 217

Evžen Tošenovský

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 ***Expert*** Working Groups, therefore the ***Board of Regulators*** should be in charge of setting up Working Groups and appointing their ***Co-Chairs***. Lists of qualified experts should be prepared in advance to ensure a quick set-up of certain Working Groups, in particular those related to procedures ***with time limits. Any conflict of interests of the members of Working Groups or observers should be avoided.***

Or. en

Amendment 218

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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

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

spectrum, due to the time limits of those procedures.

procedures. *Lists of qualified expert members of working groups, together with their declaration of interests, should be made publicly available.*

Or. en

Amendment 219
Constanze Krehl

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 *and the equal consideration of all NRAs' views and contributions* 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.

Or. en

Amendment 220
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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, due to the time limits of those procedures.

Or. it

Amendment 221
Victor Negrescu

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

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 **geographically** 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

spectrum, due to the time limits of those procedures.

use for radio spectrum, due to the time limits of those procedures.

Or. en

Amendment 222

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(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 Council³³.

deleted

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).***

Or. en

Amendment 223
Evžen Tošenovský

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(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 Council³³.

deleted

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).

Or. en

Amendment 224
Jean-Luc Schaffhauser, Nicolas Bay, Angelo Ciocca, Lorenzo Fontana

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 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

(18) BEREC is **not** competent for taking decisions with a binding effect.

Or. fr

Amendment 225
Constanze Krehl

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 Council³³.***

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

(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.

Or. en

Amendment 226
Notis Marias

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

Amendment

(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 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).

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 *and should be* 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 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).

Or. el

Amendment 227

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The BEREC Office should have sufficient financial and human resources to carry out its tasks. The increased number of tasks assigned to BEREC and complexity of the tasks requested from the BEREC Office should be duly reflected in resource programming of the BEREC

Office. Furthermore, the BEREC Office's composition of human resources should reflect the need for adequate balance between the temporary agents and external personnel.

Or. en

Amendment 228

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) On 24th February 2011, a Headquarters Agreement ('Seat Agreement') was concluded between the Office of the Body of European Regulators for Electronic Communications (The BEREC Office) and the Government of the Republic of Latvia.

Or. en

Amendment 229

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(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 Agreement on budgetary discipline, on

(20) In order to guarantee **the BEREC Office's** autonomy **and independence**, it should have its own budget, most of which comes essentially from a contribution from the Union. **The Budget should reflect additional tasks assigned and enhanced role of the BEREC Office and BEREC.** The financing of BEREC should be subject to an agreement by the budgetary authority

cooperation in budgetary matters and on sound financial management³⁵ .

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).

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).

Or. en

Amendment 230
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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. ***It should also act as a liaison body for NRAs in order to ensure a long-term legal framework.***

Or. it

Amendment 231
Notis Marias

Proposal for a regulation
Recital 21

Text proposed by the Commission

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.

(Does not affect the English version.)

Or. el

Amendment 232

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(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.

deleted

Or. it

Amendment 233

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(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.

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

Amendment 234
Evžen Tošenovský

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, BEREC *and the BEREC Office* should be open to the participation of *NRAs* of third countries competent in the field of electronic communications, *in particular those* that have entered into agreements with the Union to that effect *as* EEA EFTA States and candidate countries.

Or. en

Amendment 235
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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, 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 EEA EFTA States and candidate countries.

Amendment 236

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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, **it** 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.

Or. en

Amendment 237

Evžen Tošenovský

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

Amendment

(24) BEREC, **supported by the BEREC Office**, should be allowed to engage in communication activities within its field of competence, which should not be detrimental to BEREC's core tasks. **The BEREC Office's communication activities** should be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board. The content and implementation of **BEREC Office's** communication strategy should be coherent, relevant and coordinated with the

order to take into consideration the broader image of the Union.

strategies and activities of the Commission and the other institutions in order to take into consideration the broader image of the Union.

Or. en

Amendment 238
Notis Marias

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 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, **objective**, 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.

Or. el

Amendment 239
Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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.

Amendment

(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, **where necessary to perform its tasks**, other

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.

authorities and undertakings. Requests for information should be proportionate and not impose an undue burden on the addressees. ***For that purpose, BEREC should establish a common information and communication system to avoid duplication of information requests and facilitate communication between all authorities involved.*** 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.

Or. en

Amendment 240

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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,

Or. en

Amendment 241

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

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 BEREC Office, which was established as a Community body with legal personality by Regulation (EC) No 1211/2009, ***should cooperate closely with*** BEREC as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities.

Or. it

Amendment 242
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Body of European Regulators for Electronic Communications ('BEREC') ***and the 'BEREC Office' are*** hereby established.

Or. it

Amendment 243
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

and the BEREC Office are hereby established.

Or. en

Amendment 244

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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).

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

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 any other Union act setting new tasks and powers.**

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).

Or. en

Justification

The addition is of nature to achieve a future proof regulation

Amendment 245

Rolandas Paksas

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

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Amendment

3. BEREC shall ***contribute to the achievement of the objectives*** of national

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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.

regulatory authorities **and other competent authorities** ('NRAs') referred to in Article 3 of the Directive (**'Electronic Communications Code'**). In particular, BEREC shall **cooperate with the NRAs to ensure a consistent regulatory approach for the** 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, **investment in**, 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, **including the long-term interests of consumers and businesses**

Or. en

Amendment 246

Michel Reimon

on behalf of the Verts/ALE Group

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 implementation of the regulatory framework for electronic communications within the scope referred to in paragraph 2 and thereby contribute to the development of the **harmonised** internal market. It shall also promote **non-discriminatory treatment of traffic in the provision of internet access services; open internet access**; 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.

Or. en

Justification

Aligning the current text to the Regulation (EU) No 2015/2120

Amendment 247

Kaja Kallas, Morten Helveg Petersen, Marietje Schaake, Angelika Mlinar, Pavel Telička

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 *as primary objectives* ensure a consistent implementation of the regulatory framework for electronic communications within the scope referred to in paragraph 2 and contribute to the development of the internal market, *thereby contributing to the objectives referred to in Article 3 of the Directive of promoting* 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.

Or. en

Amendment 248

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. BEREK shall carry out its tasks independently, impartially and transparently and shall draw upon the expertise available in the NRAs. Each Member State shall ensure that the NRAs have the adequate financial and human resources required to participate in the work of BEREK, ensuring compulsory presence of their representatives in the meetings organised by BEREK.

Or. en

Justification

For a technical body, independence is required in order to achieve the desired results. The independence cannot be only declarative but also supported by the necessary means.

Amendment 249

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. BEREK shall carry out its tasks independently, impartially and transparently.

Or. en

Amendment 250

Kaja Kallas, Morten Helveg Petersen, Marietje Schaake, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(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

(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 ***provide an opinion or a recommendation***

assist and advise the European Parliament and the *Council* on request;

to the European Parliament, *the Council* and the *Commission* on request *or on its own initiative on any of the issues relating to the purpose for which it has been established* ;

Or. en

Amendment 251

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(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; *promote competition and investments; protect end-users;*

Or. it

Amendment 252

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(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;*

Amendment

(a) assist, advise and cooperate with the Commission, *the European Parliament and the Council* as well as NRAs, on request or on its own initiative, on any technical matter within its mandate;

Or. en

Justification

The co-legislators need equal treatment and access to the same technical expertise

Amendment 253

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) assist, advise and cooperate with the NRAs, on request or on its own initiative, on any technical matter within its mandate, and assist and advise *the Commission*, the European Parliament and the Council on request;

Or. fr

Amendment 254

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) advise the European Parliament, the Council and the Commission, on request or on its own initiative, on the outcome of its analysis of the regulatory impact of any matter regarding the dynamics of the internal market in its areas of competence;

Or. en

Justification

Necessary for ensuring that the decisions taken are based on the proper data and analysis

Amendment 255
Evžen Tošenovský

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

Text proposed by the Commission

Amendment

(aa) advise the European Parliament, the Council and the Commission, on request or on its own initiative, on relevant regulatory impact of any issue concerning the overall digital markets' dynamics;

Or. en

Amendment 256
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 257
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation
Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) assist, advise, including by means of reports, the European Parliament and the Council, following a reasoned request or on its own initiative on any matter

*regarding electronic communications
within its competence;*

Or. en

Amendment 258
Evžen Tošenovský

Proposal for a regulation
Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

*(ab) assist the Commission, as a
consultative body in relation to the
preparation and adoption of legal acts in
the field of electronic communications;*

Or. en

Amendment 259
Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) issue decisions: deleted
*– 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
Directive;*

Or. fr

Amendment 260
Rolandas Paksas

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

- (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 Directive;*

deleted

Or. en

Amendment 261

Kaja Kallas, Morten Helveg Petersen, Marietje Schaake, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 1 – point b – indent 2 a (new)

Text proposed by the Commission

Amendment

- on regulatory issues that may create a barrier to the internal market or subject to divergences in the implementation of the legislative framework referred to in article 1 (2), by the national regulatory authorities or by other competent authorities , only :*
- (a) in cases of crossborder disputes where competent national regulatory authorities have not been able to reach an agreement within a period of 3 months, after the case in question was referred to the last of those regulatory authorities*
 - (b) upon a request from a competent national regulatory authority*
 - (c) upon a complaint lodged by an undertaking providing electronic communications networks or services*
- A decision shall be adopted in the shortest possible time frame and in any case within four months, except in exceptional*

circumstances, from the referral of the subject matter by a two-thirds majority of the members of the Board. The decision referred to in subparagraph 1 shall be reasoned and addressed to the national regulatory authorities concerned and binding on them.

The Chair of the Board shall notify, without undue delay, the decision referred to in subparagraph 1 to the national regulatory authorities. It shall inform the Commission thereof. The decision shall be published on the website of BEREC without delay.

Or. en

Justification

There is for a consistency mechanism to be introduced similar to the one introduced under the General Data protection Regulation to ensure uniform interpretation of Union law and enable a rapid reaction of BEREC where actions taken by national regulatory authorities diverge and negatively affect the functioning of the internal market

Amendment 262
Edouard Martin

Proposal for a regulation
Article 2 – paragraph 1 – point b – indent 2 a (new)

Text proposed by the Commission

Amendment

– on the consolidation of the internal market for electronic communications in accordance with Article 32 of the Directive and on the consistent application of remedies in accordance with Article 33 of the Directive;

Or. en

Justification

In the current system BEREC (more precisely the Board of Regulators) only gives opinions because it doesn't have legal personality and is not a community body (BEREC office is the

community body). If it is to be "enhanced" to a full-fledged agency it thus only makes sense to grant it decision powers in key regulatory matters such as market analysis, SMP designation and remedies. If on the contrary there is no intention to grant it such capacity it is useless to turn it into an agency.

Amendment 263

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(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;

deleted

Or. fr

Amendment 264

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

– on the consistent implementation of the regulatory framework for electronic communications;

Or. en

Justification

As harmonisation is one of the primary goals of the current policies, this part brings more tools to the available toolbox

Amendment 265

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point e – indent 7 a (new)

Text proposed by the Commission

Amendment

– *on non-discriminatory treatment of traffic in the provision of internet access services according to Regulation (EU) No 2015/2120;*

Or. en

Justification

Aligning the text with the Regulation (EU) No 2015/2120

Amendment 266

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(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;

(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, *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;*

Or. en

Justification

The proper and consistent implementation of Regulation No 531/2012 will largely be based on the transparency and evolution of roaming-specific costs. BEREC should therefore ensure that the costs are assessed in a uniform manner across the Union

Amendment 267

Kaja Kallas, Morten Helveg Petersen, Marietje Schaake, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) monitor market developments, evaluate the needs for regulatory innovation and coordinate actions between national regulatory authorities to enable the development of new innovative electronic communication services and ensure convergence, in particular in the area of standardisation, numbering, and spectrum allocation;

Or. en

Justification

Member states are already taking different approaches as regards for instance the allocation of numbering resources or spectrum to enable the Internet of Things, there is therefore a necessity for BEREC to be proactive in monitoring new market developments and coordinate actions

Amendment 268

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point b – indent 1 a (new)

Text proposed by the Commission

Amendment

– on market practices that might lead to a detrimental effect on non-discriminatory internet access, open internet and consumer rights and on abusive practices;

Or. en

Justification

Aligning the text with the Regulation (EU) No 2015/2120

Amendment 269

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point b – indent 3

Text proposed by the Commission

– 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;

Amendment

– 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, **and where necessary, make recommendations to the Commission ;**

Or. en

Amendment 270

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) provide a framework within which national regulatory authorities can cooperate, and promote cooperation between the national regulatory authorities in those areas which are still not harmonised at Union level. BEREC shall take due into account of the outcome of such cooperation when formulating its opinions, recommendations and decisions. Where BEREC considers that binding rules on such cooperation are required, it shall make the appropriate recommendations to the Commission ;

Or. en

Amendment 271

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) tenir un registre:

deleted

– 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;

Or. fr

Amendment 272

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) launch a data innovation initiative to modernise, coordinate and standardise the collection of data by national regulatory authorities. Without prejudice to intellectual property rights and the required level of confidentiality, this data shall be made available to the public in an open, reusable and machine-readable format on the BEREC website and the European data portal ;

Or. en

Justification

Many national regulatory authorities are involved in different mapping initiatives and collecting data to provide knowledge to the public about quality of services, deployment of broadband, spectrum allocation, there is therefore a need to coordinate these initiatives and make them available in an open data format

Amendment 273

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 2 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) cooperate with the Consumer Protection Cooperation Network and relevant national competent authorities, as regards matters related to the provision of electronic communication services which may affect consumers' interests in several Member States ;

Or. en

Amendment 274

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) evaluate the implementation and evolution of the abolishment of roaming charges in the Union, in particular by observing tariff fluctuations in domestic markets after 15 June 2017, in accordance with Regulation (EU) 2017/... [amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets] and Regulation (EU) No 2015/2120;

Amendment 275

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. BEREĆ's tasks shall be published on the website and updated accordingly to new assignments.

Amendment 276

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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** implementation of the regulatory framework for electronic communications within the scope referred to in Article 1(2).

3. Without prejudice to compliance with relevant Union law, NRAs shall take account of **the opinions, guidelines, recommendations** and best **practices** adopted by BEREC with the aim of ensuring **the correct** implementation of the regulatory framework for electronic communications within the scope referred to in Article 1(2).

Amendment 277

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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).

Amendment

3. Without prejudice to compliance with relevant Union law, NRAs shall ***take into*** 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).

Or. en

Amendment 278

Evžen Tošenovský

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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).

Amendment

3. Without prejudice to compliance with relevant Union law, NRAs ***and the Commission shall*** 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).

Or. en

Amendment 279

Patrizia Toia

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. BEREC shall carry out its tasks independently, impartially, transparently

and in a timely manner. BEREC shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular with regard to the results of its work.

Or. en

Amendment 280
Patrizia Toia

Proposal for a regulation
Article 2 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. BEREC shall promote cooperation between NRAs, and between NRAs and the Commission.

Or. en

Amendment 281
Rolandas Paksas

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

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.**

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

Or. en

Amendment 282

Michel Reimon

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

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.

Amendment

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 **Member States**, third countries and/or with **national or** international organisations, in accordance to Article 26.

Or. en

Justification

Eliminating the restrictions for BEREC's cooperation

Amendment 283

Constanze Krehl

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. In so far as is necessary in order to achieve the objectives set out in this regulation and perform its tasks, BEREC **shall** 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.

Or. en

Amendment 284
Rolandas Paksas

Proposal for a regulation
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. BEREC may, where appropriate, consult interested parties and give them the opportunity to comment within a reasonable period. BEREC shall, without prejudice to Article 28, make the results of such consultations publicly available. Such consultations shall take place as early as possible in the decision-making process.

Or. en

Amendment 285
Constanze Krehl

Proposal for a regulation
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. BEREC shall carry out its tasks independently and impartially, without undue delay and ensuring a transparent decision-making process. BEREC shall also ensure that the public and interested parties are given objective, reliable and easily accessible information regarding all stages of BEREC's work process.

Or. en

Amendment 286
Michel Reimon
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. BEREC may, organise public consultation with all interested parties and give them the opportunity to comment within a reasonable period. BEREC shall make the results of such consultations publicly available.

Or. en

Justification

Transparency and proper consultation are preconditions for a good work of BEREC

Amendment 287

Constanze Krehl

Proposal for a regulation

Article 2 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Before adopting decisions, reports or other types of public deliverables, BEREC shall consult interested parties and give them the opportunity to comment within a reasonable period determined by the complexity of the matter and not shorter than 30 days. Without prejudice to Article 28, the results of the consultation procedure shall be published by BEREC.

Or. en

Amendment 288

Constanze Krehl

Proposal for a regulation

Article 2 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. Without prejudice to Articles 21 and following, BEREC shall make use of the expertise available in the NRAs and shall carry out its tasks in cooperation with the NRAs and the Commission. BEREC shall promote cooperation between all NRAs, as well as between NRAs and the Commission.

Or. en

Amendment 289
Evžen Tošenovský

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Organisation of BEREC

BEREC shall consist of:

- (a) Board of Regulators;**
- (b) Contact Network;**
- (c) Expert Working Groups ('Working Groups').**

Or. en

Amendment 290
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Organisation of BEREC

BEREC shall consist of:

- (a) a Board of Regulators;*
- (b) a Contact Network;*
- (c) Working Groups.*

Or. en

Amendment 291
Evžen Tošenovský

Proposal for a regulation
Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2 b

Composition of the Board of Regulators

1. The Board of Regulators shall be composed of one member for each Member State. That person shall be the head or other high-level representative of the NRA established in the Member State with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services.

In Member States with more than one NRA in accordance with Directive [...] ('Electronic Communications Code'), those NRAs shall agree on a common representative and the necessary coordination between the NRAs shall be ensured.

2. When carrying out the tasks conferred upon it by this Regulation, the Board of Regulators shall act independently.

The members of the Board of Regulators shall neither seek nor accept any instruction from any government, from the Commission, or from any other public or private entity.

3. The NRAs shall nominate one high-level alternates as member for each Member State.

4. The Commission shall attend the meetings of the Board of Regulators as an observer and shall be represented at an appropriately high level.

5. The Board of Regulators may invite any person whose opinion may be of interest to attend its meetings on a case-by-case basis as an observer.

Or. en

Justification

(See wording of Article 4(2) of Regulation (EC) No 1211/2009.)

Amendment 292

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2 b

Tasks of BEREC Office

The BEREC Office shall, in particular, have the following tasks:

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

(b) to collect information from NRAs and exchange and transmit information in relation to the tasks of BEREC set out in Article 2;

(c) to disseminate regulatory best practices among NRAs, in accordance with point ad of Article 2(1);

(d) to assist in the preparation of the work and provide other support to ensure the smooth functioning of the Board of

Regulators, the Contact Network and the Working Groups;

(e) to participate in the activities of the Working Groups upon decision by their Co-Chairs;

(f) to assist in the preparation and provide other support to ensure the smooth functioning of the Management Board;

(g) to assist BEREC in public consultations.

Or. en

Amendment 293
Evžen Tošenovský

Proposal for a regulation
Article 2 c (new)

Text proposed by the Commission

Amendment

Article 2 c

Meetings and Voting rules of the Board of Regulators

1. Meetings of the Board of Regulators shall be convened by its Chair and shall occur at least four times a year in ordinary session. Extraordinary meetings shall also be convened at the initiative of the Chair, 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 Chair and shall be made public.

2. Where appropriate to safeguard the independence of BEREC or to avoid any conflict of interests, the Chair may decide that certain items are to be discussed in the absence of the observers.

3. The Board of Regulators shall adopt decisions by a two-thirds majority of its members unless otherwise provided for in this Regulation or in another Union legal

act. Each member or alternate 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.

4. The Board of Regulators shall adopt and make publicly available 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 ensure that the members of the Board of Regulators are 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 a procedure for urgent votes and other practical arrangements for the operation of the Board of Regulators.

Or. en

Justification

(See wording of Article 4(6), Article 4(9) and Article 4(10) of Regulation (EC) No 1211/2009.)

Amendment 294
Evžen Tošenovský

Proposal for a regulation
Article 2 d (new)

Text proposed by the Commission

Amendment

Article 2 d

Tasks of the Board of Regulators

1. The Board of Regulators shall fulfil the tasks of BEREC set out in Article 2 and

shall take all decisions relating to the organisation of the work of BEREC.

2. The Board of Regulators may adopt decisions unanimously on behalf of BEREC whether to take on other specific tasks referred to in Article 2(2a).

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

4. The Board of Regulators shall give guidance to the BEREC Office regarding its professional and administrative support to BEREC.

5. The Board of Regulators shall, after consulting interested parties in accordance with Article 2(4a), adopt BEREC's annual work programme before the end of the year preceding that to which the work programme relates. The Board of Regulators shall transmit the annual work programme to the European Parliament, the Council and to the Commission as soon as it is adopted.

6. The Board of Regulators shall adopt BEREC's annual activity report and shall submit it to the European Parliament, the Council, the Commission, the European Economic and Social Committee by 15 June each year.

7. The European Parliament may invite, while fully respecting his 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 BEREC's activities and answer questions put by the members of the European Parliament.

Or. en

Justification

(See wording of paragraphs 1, 3, 4 and 5 of Article 5 of Regulation (EC) No 1211/2009.)

Amendment 295
Evžen Tošenovský

Proposal for a regulation
Article 2 e (new)

Text proposed by the Commission

Amendment

Article 2 e

Contact Network

- 1. The Contact Network shall be composed of NRA representatives from Member States and the representatives of the Commission, the BEREC Office and third-country regulatory authorities.**
- 2. The Contact Network shall assist the Board of Regulators in the fulfilment of its tasks, particularly by making the necessary preparations for the meetings of the Board of Regulators, such as processing of the documents developed by the Working Groups.**
- 3. The Board of Regulators shall adopt rules of procedure laying down the practical arrangements for the operation of the Contact Network.**

Or. en

Amendment 296
Evžen Tošenovský

Proposal for a regulation
Article 2 f (new)

Text proposed by the Commission

Amendment

Article 2 f

Functioning of the Working Groups

- 1. Where justified and in particular to implement BEREC's annual work**

programme, the Board of Regulators may set up the necessary Working Groups.

2. The members of the Working Groups shall be designated by the NRAs. The representatives of the Commission, the BEREC Office and third-country regulatory authorities shall also participate on the work of the Working Groups.

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.

3. Where appropriate to safeguard the independence of BEREC or to avoid the conflict of interest, the Co-Chairs may decide that certain items are to be discussed in the absence of the experts of the Commission, third-country regulatory authorities and other invited bodies.

4. The Board of Regulators shall appoint two Co-Chairs from different NRAs to each Working Group unless exceptional and temporary circumstances warrant otherwise.

5. The Board of Regulators shall adopt rules of procedure laying down the practical arrangements for the operation of the Working Groups.

Or. en

Justification

(See amendment relating to Article 10 - Working Groups.)

Amendment 297
Evžen Tošenovský

Proposal for a regulation
Article 2 g (new)

Article 2 g

Tasks of the BEREC Office

The BEREC Office shall, in particular, have the following tasks:

- (a) to provide professional and administrative support services to BEREC;***
- (b) to collect information from NRAs and exchange and transmit information in relation to the tasks of BEREC set out in Article 2;***
- (c) based on this data, to produce regular draft reports on specific aspects of developments of the European telecommunications market such as roaming and benchmarking reports, to be submitted to BEREC;***
- (d) to disseminate regulatory best practices among NRAs, in accordance with point ad of Article 2(1);***
- (e) to assist in the preparation of the work and provide other support to ensure the smooth functioning of the of the Board of Regulators, the Contact Network and the Working Groups.***
- (f) to participate in the technical activities of the Working Groups upon decision by their Co-Chairs;***
- (g) to assist in the preparation and provide other support to ensure the smooth functioning of the Management Board;***
- (h) to assist BEREC in public consultations.***

Or. en

Justification

(See wording of Article 6(2) of Regulation (EC) No 1211/2009.)

Amendment 298
Edouard Martin

Proposal for a regulation
Article 3 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 299
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 3 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

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

- *A Secretary-General, which shall exercise the responsibilities set out in Article 9;*

Or. fr

Amendment 300
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 3 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

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

- *a Director, who shall exercise the responsibilities set out in Article 9;*

Or. it

Amendment 301
Edouard Martin

Proposal for a regulation
Article 3 – paragraph 1 – indent 3

Text proposed by the Commission

– Working Groups;

Amendment

– **Expert** Working Groups;

Or. en

Amendment 302
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 3 – paragraph 1 – indent 4

Text proposed by the Commission

– **a Board of Appeal.**

Amendment

deleted

Or. fr

Amendment 303
Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

The Management Board shall be composed of one representative from each Member State, 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. ***The representatives of the Commission shall take part in the deliberations, with the right to vote on administrative matters and without the right to vote on regulatory matters as referred to in Article 2.***

Justification

Guaranteeing the independence of BEREC implies that it neither seeks nor takes instruction from a government or any other executive power. 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 with voting rights limited to administrative matters.

Amendment 304**Edouard Martin****Proposal for a regulation****Article 4 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

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.

Amendment

The Management Board shall be composed of one representative from each Member State and ***one representative*** of the Commission ***without*** voting rights. Each NRA shall be responsible for nominating its respective representative amongst the Head or members of the collegiate body of the NRA. ***The Commission shall be represented at an appropriate level.***

Amendment 305**Jean-Luc Schaffhauser, Nicolas Bay****Proposal for a regulation****Article 4 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

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

Amendment

The Management Board shall be composed of one representative from each Member State, all with voting rights. Each NRA shall be responsible for nominating its respective representative amongst the Head

Head or members of the collegiate body of the NRA.

or members of the collegiate body of the NRA.

Or. fr

Amendment 306
Constanze Krehl

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

The Management Board shall be composed of one representative from each Member State and **one representative** 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.

Or. en

Amendment 307
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

The Management Board shall be composed of one representative from each Member State and **one representative** 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.

Or. en

Amendment 308
Edouard Martin

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. NRAs from European Economic Area (EEA) States and from those States that are candidates for accession to the European Union shall have observer status and shall be represented at an appropriate level. BEREC may invite other experts and observers to attend its meetings.

Or. en

Amendment 309
Constanze Krehl

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

Text proposed by the Commission

Amendment

4a. Members of the management Board shall act on objective grounds, in the interest of the Union and towards reducing market fragmentation aiming at the creation of a the single market for telecommunications.

Or. en

Amendment 310
Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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

Text proposed by the Commission

Amendment

4a. The list of Members of the Management board, together with their declaration of interest, shall be made publicly available.

Or. en

Amendment 311
Constanze Krehl

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Management Board shall:

Amendment

1. ***The Management Board shall be responsible for fulfilling BEREC's tasks as set out in Article 2, and shall do so by taking all necessary decisions and by providing guidance to the Executive Director. In doing so, it shall also rely on the work carried out by the working groups.*** The Management Board shall:

Or. en

Amendment 312
Jean-Luc Schaffhauser, Nicolas Bay

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

Text proposed by the Commission

(a) give the general orientations for BEREC's activities and adopt each year BEREC's single programming document ***by a majority of two-thirds*** of members entitled to vote, taking into account the opinion of the Commission and in accordance with Article 15;

Amendment

(a) give the general orientations for BEREC's activities and adopt each year BEREC's single programming document ***through the unanimous approval*** of members entitled to vote, taking into account the opinion of the Commission and in accordance with Article 15;

Or. fr

Amendment 313

Jean-Luc Schaffhauser, Nicolas Bay

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

(b) adopt, *through the unanimous approval* of members entitled to vote, the annual budget of BEREC and exercise other functions in respect of BEREC's budget pursuant to Chapter III;

Or. fr

Amendment 314

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

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 Executive Director during a public session.* The consolidated annual activity report shall be made public;

Or. en

Amendment 315

Edouard Martin

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

Or. en

Amendment 316
Jean-Luc Schaffhauser, Nicolas Bay

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;

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

Or. fr

Amendment 317
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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;

(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. *The BEREC Office* may appoint the *same* accounting officer as *another Union body*. *The BEREC Office may also agree with the Commission that* the accounting

officer of *the Commission shall also act as Accounting Officer of the BEREC Office*;

Or. en

Amendment 318
Jean-Luc Schaffhauser, Nicolas Bay

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*

Or. fr

Amendment 319
Edouard Martin

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*

Or. en

Amendment 320
Evžen Tošenovský

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

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

3. The term of office of the Chairperson and the Deputy Chairperson shall be ***one year.***

Or. en

Amendment 321 Edouard Martin

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

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

3. The term of office of the Chairperson and the Deputy Chairperson shall be ***one year***, 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 ***six months***. Their term of office may ***not be immediately renewed.***

Or. en

Amendment 322 Constanze Krehl

Proposal for a regulation Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Without prejudice to the powers of the Management Board, the Chairperson and the Deputy Chairperson shall be

independent in the performance of their duties and shall not take instructions from any institution, government, NRA, person or body.

Or. en

Amendment 323
Constanze Krehl

Proposal for a regulation
Article 6 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The Chairperson shall report to the European Parliament on the performance of BEREC when invited to do so.

Or. en

Amendment 324
Edouard Martin

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 325
Jean-Luc Schaffhauser, Nicolas Bay

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 the right to vote.

Amendment

2. The **Secretary-General** of BEREC shall take part in the deliberations, without the right to vote.

Or. fr

Amendment 326

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Without prejudice to Articles 5(1) (a) and (b) and 22(8), the Management Board shall take decisions by **a** majority of **two-thirds of** members with voting rights.

Or. fr

Amendment 327

Edouard Martin

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. The Executive Director shall not take part in the voting.

Amendment

deleted

Or. en

Amendment 328

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The **Executive Director** shall not take part in the voting.

4. The **Secretary-General** shall not take part in the voting.

Or. fr

Amendment 329

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Director shall not take part in the voting.

4. The Director shall not take part in the voting.

Or. it

Amendment 330

Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Angelika Mlinar, Pavel Telička

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Independence

1. Members of the Management Board, when carrying out the tasks conferred upon them, shall act independently and objectively in the interest of the Union as a whole, regardless of national or personal interest.

2. Without prejudice to the powers of the Commission or national regulatory authorities, Members of the Management board shall not seek or take instructions from the institutions or bodies of the Union, from any government of a Member State or from any other public or

private body. Members of the Board shall, in particular, carry out the tasks conferred upon them free from undue political influence and from commercial interference that would affect their personal independence.

Or. en

Amendment 331
Edouard Martin

Proposal for a regulation
Chapter 2 – section 2 – title

Text proposed by the Commission

executive director

Amendment

Administrative Committee

Or. en

Amendment 332
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Chapter 2 – section 2 – title

Text proposed by the Commission

executive director

Amendment

Secretary-General

Or. fr

Amendment 333
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Chapter 2 – section 2 – title

Text proposed by the Commission

EXECUTIVE DIRECTOR

Amendment

DIRECTOR

(This amendment replaces the term 'Executive Director' with 'Director' throughout the text).

Or. it

Amendment 334
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

Responsibilities of the *Executive Director*

Responsibilities of the *Secretary-General*

Or. fr

Amendment 335
Edouard Martin

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

Responsibilities of the *Executive Director*

Tasks of the *Administrative Committee*

Or. en

Amendment 336
Edouard Martin

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. The Executive Director shall manage BEREC. The Executive Director shall be accountable to the Management Board.

deleted

Amendment 337
Constanze Krehl

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall *manage BEREC*. The Executive Director shall be accountable to the Management Board.

Amendment

1. The Executive Director shall *be in charge of the management of the agency and shall assist in preparing the work of the Management Board*. The Executive Director shall be accountable to the Management Board.

Or. en

Amendment 338
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The *Executive Director* shall *manage* BEREC. The *Executive Director* shall be accountable to the Management Board.

Amendment

1. The *Secretary-General* shall *take care of the administrative management of* BEREC. The *Secretary-General* shall be accountable to the Management Board.

Or. fr

Amendment 339
Edouard Martin

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Administrative Committee shall mutatis mutandis take the follow-up of BEREK Office. Under the guidance of the Management Board, the Administrative Committee shall provide administrative and support services to BEREK, as defined in paragraph 5 of this Article.

Or. en

Amendment 340
Edouard Martin

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the powers of the Commission and the Management Board, the *Executive Director* shall be independent in the performance of *his/her* duties and shall neither seek nor take instructions from any government, institution, person or body.

Amendment

2. Without prejudice to the powers of the Commission and the Management Board, the *Administrative Committee and particularly its head* shall be independent in the performance of *its* duties and shall neither seek nor take instructions from any government, institution, person or body.

Or. en

Amendment 341
Constanze Krehl

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his/her duties and shall *neither seek nor* take instructions from any government, *institution*, person or body.

Amendment

2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his/her duties and shall *not* take instructions from any *institution*, government, *NRA*, person or body.

Amendment 342
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the powers of *the Commission and* the Management Board, the *Executive Director* shall be independent in the performance of his/her duties and shall neither seek nor take instructions from any government, institution, person or body.

Amendment

2. Without prejudice to the powers of the Management Board, the *Secretary-General* shall be independent in the performance of his/her duties and shall neither seek nor take instructions from any government, institution, person or body.

Or. fr

Amendment 343
Edouard Martin

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

deleted

Or. en

Amendment 344
Constanze Krehl

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 ***and the Council*** on the performance of ***BEREC*** when invited to do so.

Or. en

Amendment 345

Jean-Luc Schaffhauser, Nicolas Bay

**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 ***Secretary-General*** shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the ***Secretary-General*** to report on the performance of his/her duties.

Or. fr

Amendment 346

Edouard Martin

**Proposal for a regulation
Article 9 – paragraph 4**

Text proposed by the Commission

4. ***The Executive Director shall be the legal representative of BEREC.***

Amendment

deleted

Or. en

Amendment 347

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Executive Director shall be the legal representative of BEREC.* *deleted*

Or. it

Amendment 348

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The *Executive Director* shall be the legal representative of BEREC.
4. The *Secretary-General* shall be the legal representative of BEREC.

Or. fr

Amendment 349

Evžen Tošenovský

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The *Executive Director* shall be the legal representative of BEREC.
4. The Director shall be the legal representative of BEREC *Office*.

Or. en

Amendment 350

Constanze Krehl

Proposal for a regulation

Article 9 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Executive Director shall be responsible for the implementation of BEREC's tasks. In particular, the Executive Director shall be responsible for:

Amendment

5. The Executive Director shall be responsible for the implementation of BEREC's tasks ***following the guidance provided by the Management Board***. In particular, the Executive Director shall be responsible for:

Or. en

Amendment 351 Edouard Martin

Proposal for a regulation Article 9 – paragraph 5 – introductory part

Text proposed by the Commission

5. The ***Executive Director*** shall be responsible for the implementation of BEREC's tasks. In particular, ***the Executive Director*** shall be responsible for:

Amendment

5. The ***Administrative Committee*** shall be responsible for the ***administrative preparation and*** implementation of BEREC's tasks. In particular, ***it*** shall be responsible for:

Or. en

Amendment 352 Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation Article 9 – paragraph 5 – introductory part

Text proposed by the Commission

5. The ***Executive Director*** shall be responsible for the implementation of BEREC's tasks. In particular, the ***Executive Director*** shall be responsible for:

Amendment

5. The ***Secretary-General*** shall be responsible for the implementation of BEREC's tasks. In particular, the ***Secretary-General*** shall be responsible for:

Or. fr

Amendment 353

Jean-Luc Schaffhauser, Lorenzo Fontana, Angelo Ciocca, Nicolas Bay

Proposal for a regulation

Article 9 – paragraph 5 – point c

Text proposed by the Commission

(c) preparing the single programming document and submitting it to the Management Board;

Amendment

(c) preparing, ***in coordination with the NRAs***, the single programming document and submitting it to the Management Board;

Or. fr

Amendment 354

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

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 and*** regularly to the Management Board;

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 regularly to the Management Board;

Or. fr

Amendment 355

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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

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 *twice* a year to the Commission and regularly to the Management Board;

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;

Or. en

Amendment 356

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 9 – paragraph 5 – point g

Text proposed by the Commission

(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;*

Amendment

(g) *applying* preventive measures against fraud, corruption and any other illegal activities, carrying out effective checks, and, if irregularities are detected, recovering amounts wrongly paid;

Or. fr

Amendment 357

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. *The Executive Director shall also be responsible for deciding whether it is necessary for the purpose of carrying out BERECS tasks in an efficient and effective manner to locate one or more staff in one or more Member States. The decision to establish a local office requires the prior consent of the*

Amendment

deleted

Commission, the Management Board and the Member State(s) concerned. 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 BEREC.

Or. fr

Amendment 358
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Executive Director shall also be responsible for deciding whether it is necessary for the purpose of carrying out BEREC’s tasks in an efficient and effective manner to locate one or more staff in one or more Member States. The decision to establish a local office requires the prior consent of the Commission, the Management Board and the Member State(s) concerned. 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 BEREC.* **deleted**

Or. it

Amendment 359
Evžen Tošenovský

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. The *Executive* Director shall also be responsible for deciding whether it is necessary for the purpose of carrying out *BEREC's* tasks in an efficient and effective manner to locate one or more staff in one or more Member States. The decision to establish a local office requires the prior consent of the *Commission, the Management Board* and the Member State(s) concerned. 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 BEREC.

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 decision to establish a local office requires the prior consent of the Management Board and the Member State(s) concerned. 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 BEREC. *Any such decision shall require prior inclusion of the impact of such a decision in terms of staff allocation and budget in a multi-annual plan.*

Or. en

Amendment 360
Edouard Martin

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission

6. The *Executive Director* shall also be responsible for *deciding whether it is necessary* for the purpose of carrying out BEREC's tasks in an efficient and effective manner *to locate one or more staff in one or more Member States*. The decision to establish a local office requires the prior consent of the Commission, the Management Board and the Member State(s) concerned. 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 BEREC.

Amendment

6. The *Administrative Committee* shall also be responsible for *proposing to locate one or more staff in one or more Member States*, for the purpose of carrying out BEREC's tasks in an efficient and effective manner. The decision to establish a local office requires the prior consent of the Commission, the Management Board and the Member State(s) concerned. 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 BEREC.

Or. en

Amendment 361
Edouard Martin

Proposal for a regulation
Chapter 2 – section 3 – title

Text proposed by the Commission

working groups

Amendment

Expert working groups

Or. en

Amendment 362
Edouard Martin

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 363
Edouard Martin

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

Amendment 364
Jean-Luc Schaffhauser, Nicolas Bay

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

Or. fr

Amendment 365
Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation
Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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 Director*.

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.

Or. fr

Amendment 366
Edouard Martin

Proposal for a regulation
Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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 Director*.

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 and the *Commission*.

Or. en

Amendment 367

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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*.

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.

Or. fr

Amendment 368

Edouard Martin

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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

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.

experts provided by the NRAs *and the Executive Director*.

Or. en

Amendment 369

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

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.

Amendment

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

Or. fr

Amendment 370

Constanze Krehl

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

5. BEREC shall provide support to the working groups.

Amendment

5. BEREC shall provide *both administrative and content-related* support to the working groups.

Or. en

Amendment 371

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Establishment and composition of the Board of Appeal

- 1. BEREC shall establish one Board of Appeal.***
- 2. The Board of Appeal shall be composed of a Chairperson and two other members. Each member of the Board of Appeal shall have an alternate. The alternate shall represent the member in his/her absence.***
- 3. The Management Board shall appoint the Chairperson, the other members and their alternates from a list of qualified candidates established by the Commission.***
- 4. Where the Board of Appeal considers that the nature of the appeal so requires, it may request the Management Board to appoint two additional members and their alternates from the list referred to in paragraph 3.***
- 5. On the proposal of BEREC, the Commission shall establish the rules of procedure of the Board of Appeal, after having consulted the Management Board and in accordance with the procedure referred to in Article 36(2).***

Or. fr

Amendment 372

Constanze Krehl

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The Management Board shall appoint the Chairperson, the other members and their alternates from a list of

3. The Management Board shall appoint the Chairperson, the other members and their alternates from a list of

qualified candidates *established* by the *Commission*.

qualified candidates *proposed* by the *Chairperson of the Management Board*.

Or. en

Amendment 373
Constanze Krehl

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. *On the proposal of BEREC, the Commission shall establish the rules of procedure of the Board of Appeal, after having consulted the Management Board and in accordance with the procedure referred to in Article 36(2).*

Amendment

5. *The Management Board shall establish the rules of procedure of the Board of Appeal.*

Or. en

Amendment 374
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 12

Text proposed by the Commission

Article 12

Members of the Board of Appeal

1. The term of office of the members and alternates of the Board of Appeal shall be four years. Their term of office may be extended by the Management Board for additional four-year periods acting on a proposal from the Commission.

2. The members of the Board of Appeal shall be independent and shall not perform any other duties within BEREC. In making their decisions they shall

Amendment

deleted

neither seek nor take instructions from any government or from any other body.

3. The members of the Board of Appeal shall not be removed from office or from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the Management Board takes a decision to that effect, acting on a proposal from the Commission.

Or. fr

Amendment 375

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Exclusion and objection

1. The members of the Board of Appeal shall not take part in any appeal proceedings if they have any personal interest in the proceedings, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the adoption of the decision under appeal.

2. If, for one of the reasons listed in paragraph 1 or for any other reason, a member of a Board of Appeal considers that he/she should not take part in any appeal proceeding, he/she shall inform the Board of Appeal accordingly.

3. Any party to the appeal proceedings may object to any member of a Board of Appeal on any of the grounds given in paragraph 1, or if the member is suspected of partiality. Any such objection shall not be admissible if, while being aware of a reason for objecting, the party

to the appeal proceedings has taken a procedural step. No objection may be based on the nationality of members.

4. The Board of Appeal shall decide as to the action to be taken in the cases specified in paragraphs 2 and 3 without the participation of the member concerned. For the purposes of taking that decision, the member concerned shall be replaced on the Board of Appeal by his/her alternate.

Or. fr

Amendment 376

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Decisions subject to appeal

1.

An appeal may be brought before the Board of Appeal against decisions taken by BEREK pursuant to Articles 2(1)(b).

Any natural or legal person, including NRAs, may appeal against a decision referred to in this paragraph which is addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to that person.

2. An appeal brought pursuant to paragraph 1 shall not have a suspensory effect. The Board of Appeal may, however, suspend the application of the decision against which the appeal has been brought.

Amendment 377

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Chapter 3 – title

Text proposed by the Commission

Amendment

ESTABLISHMENT AND STRUCTURE
OF THE BUDGET

ESTABLISHMENT AND STRUCTURE
OF THE BUDGET **OF THE BERIC
OFFICE**

Or. en

Amendment 378

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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 Commission*³⁸.

Each year, the *Secretary-General* shall draw up a draft programming document containing annual and multiannual programming ('single programming document').

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).

Or. fr

Amendment 379

Jean-Luc Schaffhauser, Angelo Ciocca, Lorenzo Fontana, Nicolas Bay

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

Or. fr

Amendment 380

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.

Amendment

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the ***BEREC's annual work programme as referred to in Article 2e(5) and with the*** multi-annual work programme referred to in paragraph 4. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. ***Any additional tasks shall be assessed in light of the available resources.***

Or. en

Amendment 381

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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 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.

Or. en

Amendment 382

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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

deleted

Or. en

Amendment 383

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

3. The draft estimate of BEREC's revenue and expenditure shall be sent by

Amendment

3. The draft estimate of BEREC's 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.

the *Secretary-General to the Council and the Member States* 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.

Or. fr

Amendment 384

Jean-Luc Schaffhauser, Nicolas Bay, Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation Article 16 – paragraph 4

Text proposed by the Commission

4. The *Commission* shall send the draft estimate to the budgetary authority together with the draft general budget of the Union.

Amendment

4. The *Council* shall send the draft estimate to the budgetary authority together with the draft general budget of the Union.

Or. fr

Amendment 385

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The *Executive Director* shall implement BEREC's budget.

Amendment

1. The *Secretary-General* shall implement BEREC's budget.

Or. fr

Amendment 386

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Each year the **Executive Director** shall send to the budgetary authority all information relevant to the findings of evaluation procedures.

Amendment

2. Each year the **Secretary-General** shall send to the budgetary authority all information relevant to the findings of evaluation procedures.

Or. fr

Amendment 387

Jean-Luc Schaffhauser, Nicolas Bay

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

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 **Secretary-General** shall submit the final accounts to the Management Board for an opinion.

Or. fr

Amendment 388

Jean-Luc Schaffhauser, Nicolas Bay

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 **Secretary-General** 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 389

Jean-Luc Schaffhauser, Nicolas Bay

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 **Secretary-General** shall send the Court of Auditors a reply to its observations by 30 September. The **Secretary-General** shall also send this reply to the Management Board.

Amendment 390

Jean-Luc Schaffhauser, Nicolas Bay

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 Regulation ³⁹.

Amendment

8. The **Secretary-General** 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 Regulation ³⁹.

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).

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 391

Jean-Luc Schaffhauser, Nicolas Bay, Angelo Ciocca, Lorenzo Fontana

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 BEREC shall be adopted by the Management Board.

Or. fr

Amendment 392

Edouard Martin

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 Commission, following an open and transparent selection procedure.

For the purpose of concluding the contract with the Executive Director,

Amendment

deleted

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 Executive Director on the basis of a

two-thirds majority of its members with voting rights.

Or. en

Amendment 393
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. The *Secretary-General* shall be engaged as a temporary agent of BEREC in accordance with Article 2(a) of the Conditions of Employment of Other servants.

Or. fr

Amendment 394
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.*

Amendment

The *Secretary-General* shall be appointed by the Management Board, from a list of candidates proposed by the *Council*, *by unanimous decision.*

Or. fr

Amendment 395
Constanze Krehl

Proposal for a regulation
Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 396

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

For the purpose of concluding the contract with the **Secretary-General**, BEREC shall be represented by the Chairperson of the Management Board.

Or. fr

Amendment 397

Constanze Krehl

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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.

Or. en

Amendment 398
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

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**.

Amendment

3. The term of office of the **Secretary-General** shall be five years. By the end of that period, the **Management Board** shall **submit** an evaluation of the **Secretary-General's** performance. **This evaluation shall be forwarded to the Council and the European Parliament.**

Or. fr

Amendment 399
Constanze Krehl

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 400
Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

Amendment

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.

4. The Management Board, ***following consultation of the European Parliament and the Council, and taking*** into account the assessment referred to in paragraph 3, may extend the term of office of the ***Secretary-General*** once, for no more than five years.

Or. fr

Amendment 401
Constanze Krehl

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. The Management Board, acting on a proposal from the ***Chairperson*** 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.

Or. en

Amendment 402
Jean-Luc Schaffhauser, Nicolas Bay

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 ***European Parliament and the Council shall have two months from the date of receipt of the evaluation referred to in paragraph 3 in which to give their opinion. By default, it will be deemed positive.*** The ***Secretary-General*** may be invited to make a statement before the competent committee of the Parliament and

to answer questions put by its members
within this period.

Or. fr

Amendment 403

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission

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.

Amendment

6. An *Secretary-General* 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.

Or. fr

Amendment 404

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 22 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The *Secretary-General* may be removed from office only upon a decision of the Management Board acting on a proposal from the *Council or the European Parliament*.

Or. fr

Amendment 405

Constanze Krehl

Proposal for a regulation

Article 22 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 406

Jean-Luc Schaffhauser, Nicolas Bay

**Proposal for a regulation
Article 22 – paragraph 8**

Text proposed by the Commission

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.

Amendment

8. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the ***Secretary-General by the unanimous approval*** of its members with voting rights.

Or. fr

Amendment 407

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

**Proposal for a regulation
Article 24 – paragraph 1**

Text proposed by the Commission

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

Amendment

deleted

Or. it

Amendment 408

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

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

Amendment

1. *The BEREC Office* shall be *an official* body of the Union. It shall have legal personality.

Or. en

Amendment 409 Edouard Martin

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 410 Constanze Krehl

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. BEREC shall be represented by the Executive Director.

Amendment

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

Or. en

Amendment 411 Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

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

Amendment

3. BEREC shall be represented by the *Secretary-General*.

Or. fr

Amendment 412

Jean-Luc Schaffhauser, Nicolas Bay

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

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

Or. fr

Amendment 413

Evžen Tošenovský

Proposal for a regulation

Article 26 – paragraph 2 – subparagraph 1

Text proposed by the Commission

BEREC shall 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.

Amendment

BEREC *and the BEREC Office* shall 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.

Or. en

Amendment 414

Evžen Tošenovský

Proposal for a regulation

Article 26 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Under the relevant provisions of these agreements, arrangements shall be developed specifying, in particular, the nature, extent and manner in which those regulatory authorities of the third countries concerned will participate in the work of BEREC, including provisions relating to participation in the initiatives undertaken by BEREC, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.

Amendment

Under the relevant provisions of these agreements, arrangements shall be developed specifying, in particular, the nature, extent and manner in which those regulatory authorities of the third countries concerned will participate in the work of **BEREC and the BEREC Office**, including **representation of the third countries in the Board of Regulators, Management Board and other organisational bodies of both BEREC and BEREC Office**, as well as provisions relating to participation in the initiatives undertaken by **the BEREC Office**, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.

Or. en

Amendment 415

Evžen Tošenovský

Proposal for a regulation

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Transparency and communication

1. 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 their tasks and the results of their work.

2. BEREC, supported by the BEREC Office, may engage in communication activities on their own initiative within their field of competence. The allocation of resources within the BEREC Office's budget to communication activities shall not be detrimental to the effective exercise of the BEREC's tasks referred to in Article 2.

Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Or. en

Justification

(See amendment relating to Article 27(3). The wording of the text proposed by the Commission has been slightly modified.)

Amendment 416

Jean-Luc Schaffhauser, Nicolas Bay

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

Amendment

2. Members of the Management Board, the ***Secretary-General***, other staff not employed by the BEREC Office and experts participating in working groups shall comply with the confidentiality requirements under Article 339 of the Treaty, even after their duties have ceased.

Or. fr

Amendment 417

Jean-Luc Schaffhauser, Nicolas Bay, Angelo Ciocca, Lorenzo Fontana

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 would prove more efficient and less burdensome, BEREC may address a duly justified and reasoned request to other authorities, *with the prior agreement of the NRA of the country in question.*

Or. fr

Amendment 418
Jean-Luc Schaffhauser, Nicolas Bay

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

deleted

Or. fr

Amendment 419
Kaja Kallas, Marietje Schaake, Morten Helveg Petersen, Pavel Telička

Proposal for a regulation
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. BEREC shall establish and manage an information and communications system with at least the following one-stop-shop functions:

(a) a single entry point through which a undertaking subject to general authorisation shall submit its application ;

(b) a common information-exchange platform, providing BEREC, the Commission and national regulatory authorities with the necessary information for the common implementation of Union legislation ;

(c) an early-warning system able to identify at an early stage the needs for coordination between decisions to be taken by national regulatory authorities.

The Management Board shall adopt the technical and functional specifications and a plan to establish this system. It shall be developed without prejudice to the intellectual property rights and the required confidentiality level.

This information and communication systems shall be operational at the latest one year after the entry into force of this Regulation.

Or. en

Amendment 420
Edouard Martin

Proposal for a regulation
Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30 a

Cooperation mechanism

1. NRAs shall apply the cross-border elements of the Directive and Regulation 2015/2120 in close cooperation.

2. NRAs shall share in due time information related to the implementation of the cross-border elements of the

*Directive and of the rules laid down
Articles 3 to 5 of Regulation 2015/2120.*

3. To that end, an NRA which considers issuing a formal position related to the abovementioned fields shall inform BEREC in due course before issuing this position. It shall provide BEREC with a summary of the case and, to the extent possible at the time, indicate the possible regulatory options.

4. On this basis, BEREC shall ensure that NRAs acting on the same type of practice, carry out their tasks in close cooperation. The BEREC Office shall provide all necessary assistance in order to facilitate this cooperation.

5. NRAs may exchange between themselves and with the Commission the information necessary for the assessment of a case that they are dealing with under the scope referred to in paragraph 2.

Or. en

Amendment 421
Evžen Tošenovský

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

Or. en

Amendment 422

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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 *and their alternates* of the Management Board *and the Board of Regulators, 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.

Or. en

Amendment 423

Jean-Luc Schaffhauser, Nicolas Bay

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 Management Board, the *Secretary-General*, 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.

Or. fr

Amendment 424

Jean-Luc Schaffhauser, Nicolas Bay

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 *Secretary-General* shall be made public.

Or. fr

Amendment 425
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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 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

2. Members *and their alternates* of the Management Board *and of the Board of Regulators, 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.

Or. en

Amendment 426
Jean-Luc Schaffhauser, Nicolas Bay

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 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

2. Members of the Management Board, the ***Secretary-General***, 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 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.

Or. fr

Amendment 427

Jean-Luc Schaffhauser, Nicolas Bay

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

Or. fr

Amendment 428
Constanze Krehl

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

Amendment

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. *deleted*

Or. en

Amendment 429
Constanze Krehl

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 430
Constanze Krehl

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the opinion of the committee is to be obtained by a written procedure, the procedure shall be terminated without result when, within *deleted*

*the time limit for delivery of the opinion,
the chair of the committee so decides.*

Or. en

Amendment 431

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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.*

Amendment

1. The necessary arrangements concerning the accommodation to be 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 host Member State;*

Or. en

Amendment 432

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. The necessary arrangements concerning the accommodation to be provided for BEREC in the host Member State and the facilities to be made available

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.

by that Member State as well as the specific rules applicable in the host Member State to the *Secretary-General*, 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.

Or. fr

Amendment 433
Edouard Martin

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

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.

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 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.

Or. en

Amendment 434
Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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, **Latvia**, 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.

Or. en

Amendment 435

Jean-Luc Schaffhauser, Nicolas Bay, Angelo Ciocca, Lorenzo Fontana

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 financial implications of any such modification.

Amendment

1. No later than five years from the day of entry into force of this regulation, and every five years thereafter, the **Management Board shall forward an evaluation report to the Council and the European Parliament** 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 financial implications of any such modification.

Or. fr

Amendment 436

Jean-Luc Schaffhauser, Nicolas Bay

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 *European Parliament or the Council consider* that the continuation of BEREC is no longer justified with regard to its assigned objectives, mandate and tasks, *they* may propose that this regulation be amended accordingly or repealed.

Or. fr

Amendment 437

Jean-Luc Schaffhauser, Nicolas Bay

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

3. *The Commission shall report to the European Parliament, the Council and the Management Board on the findings of the evaluation. The findings of the evaluation shall be made public.*

Amendment

deleted

Or. fr

Amendment 438

Krišjānis Kariņš, Pilar del Castillo Vera, Gunnar Hökmark, Anne Sander

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

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 439**Jean-Luc Schaffhauser, Nicolas Bay****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 **Secretary-General** 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 **Secretary-General** with the functions provided for in this regulation. The other conditions of the Administrative Manager's contract shall remain unchanged.

Or. fr

Amendment 440**Jean-Luc Schaffhauser, Nicolas Bay****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 **Secretary-General**, 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.

Or. fr

Amendment 441

Jean-Luc Schaffhauser, Nicolas Bay

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 the end of his/her term of office or the day when the ***Secretary-General*** takes up his/her duties following his/her appointment by the Management Board in accordance with Article 22, whichever is the earlier.

Or. fr