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*Plenary sitting*

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**A9-0123/2022**

7.4.2022

# REPORT

on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2020  
(2021/2117(DEC))

Committee on Budgetary Control

Rapporteur: Lefteris Christoforou

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2020 (2021/2117(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022– C9-0072/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009<sup>4</sup>, and in particular Article 28 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>5</sup>, and in particular Article 105 thereof,

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<sup>1</sup> OJ C 439, 29.10.2021, p. 3.

<sup>2</sup> OJ C 439, 29.10.2021, p. 3.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 321, 17.12.2018, p. 1.

<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control (A9-0123/2022),
- 1. Grants the Director of the Agency for Support for BEREC (BEREC Office) discharge in respect of the implementation of the Agency's budget for the financial year 2020;
- 2. Sets out its observations in the resolution below;
- 3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Director of the Agency for Support for BEREC (BEREC Office), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

## 2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the closure of the accounts of the Agency for Support for BEREC (BEREC Office)  
for the financial year 2020  
(2021/2117(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022– C9-0072/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009<sup>4</sup>, and in particular Article 28 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>5</sup>, and in particular Article 105 thereof,

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<sup>1</sup> OJ C 439, 29.10.2021, p. 3.

<sup>2</sup> OJ C 439, 29.10.2021, p. 3.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 321, 17.12.2018, p. 1.

<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A9-0123/2022),
1. Approves the closure of the accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2020;
  2. Instructs its President to forward this decision to the Director of the Agency for Support for BEREC (BEREC Office), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

### 3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2020 (2021/2117(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2020,
  - having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A9-0123/2022),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the Agency for Support for BEREC (the ‘BEREC Office’) for the financial year 2020 was EUR 7 233 653, representing an increase of 27,96 % compared to 2019, which mainly represents an increase in staff and operational expenditure; whereas the inflation rate was 0,7 % in the Union in 2020; whereas the budget of the BEREC Office derives from the Union budget and third countries’ contributions;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the BEREC Office’s annual accounts for the financial year 2020 (the ‘Court’s report’), states that the Court has obtained reasonable assurances that the BEREC Office’s annual accounts are reliable and that the underlying transactions are legal and regular;

#### ***Budget and financial management***

1. Notes with satisfaction that budget monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 99,07 %, representing a decrease of 0,86 % compared to 2019; notes that the payment appropriations execution rate was 61,14 %, representing a decrease of 20,85 % compared to 2019;

#### ***Performance***

2. Notes with satisfaction that the BEREC Office uses certain measures as key performance indicators to assess the added value provided by its activities and other measures to improve its budget management, such as the BEREC Office’s timely response to user requests, the number of data protection policies in place compared to the number of identified processing operations, and the minimization of hours of continuous downtime of its systems;
3. Welcomes the fact that the BEREC Office has found some synergies with other agencies in common areas and currently cooperates in the development of a new corporate website with the European Union Intellectual Property Office and in the use of IT infrastructure and online platforms with the European Food Safety Authority;

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<sup>1</sup> OJ C 114, 31.3.2021, p. 174

further notes that the BEREC Office uses to the maximum extent possible services offered by the Commission and other institutions and bodies of the Union, which concern internal control systems; calls on the BEREC Office to report to the discharge authority on the developments in this regard;

4. Notes, regarding follow-up actions to observations in the discharge authority's 2019 discharge, that in 2021 the BEREC Office created a local security officer post within the limits of its existing temporary agent posts, and hired an interim internal control coordinator for six months ; acknowledges that those solutions do not constitute sustainable solutions for the BEREC Office's issues related to staffing;

### ***Staff policy***

5. Notes that, on 31 December 2020, the establishment plan was 87,50 % implemented, with 14 temporary agents appointed out of 16 temporary agents authorised under the Union budget (compared with 16 authorised posts in 2019); notes that, in addition, 22 contract agents and 9 seconded national experts worked for the BEREC Office in 2020;
6. Reiterates its concern about the lack of gender balance within the BEREC Office's senior and middle management, with three out of four men (75 %), and the BEREC Office's management board, with 23 out of 29 men (79,31 %); notes the better gender balance among the BEREC Office's overall staff, with 24 out of 42 (57,14 %) men; reiterates its call on the BEREC Office to take measures to achieve gender balance as soon as possible; reiterates its call on the Commission and the Member States to take the importance of ensuring gender balance into account when nominating their members to the management board of the BEREC Office;
7. Is concerned about the large size of the BEREC Office's management board, which makes decision-making difficult and generates considerable administrative costs;
8. Notes, from the BEREC Office's follow-up actions to the observations in the discharge authority's 2019 discharge, that the BEREC Office is still dependent on external resources, and on one company in particular, for various types of services (such as clerical and secretarial support, organisation of events and the wellbeing and integration of staff), which creates a risk to business continuity;
9. Notes, from the BEREC Office's follow-up actions to the observations of the discharge authority's 2019 discharge, that the BEREC Office struggles to attract and retain professionals; acknowledges that the BEREC Office is continuously working towards improving the employment conditions for its staff and applies other mitigation measures and calls on the BEREC Office to report to the discharge authority on the progress made in this regard;
10. Welcomes the efforts made in staff policy to promote teleworking and healthy life and continues to encourage the BEREC Office to pursue the development of a long term human resources policy framework that addresses work-life balance, lifelong guidance and career development, gender balance, teleworking, geographical balance and the recruitment and integration of people with disabilities;

### ***Procurement***



11. Notes from the Court's report, that the BEREC Office signed a framework contract with one company for the provision of secretarial support services, which did not comply with Union social and employment rules, exposing the BEREC Office to legal and reputational risks; notes that, regarding temporary work, there is a case pending before the Court of Justice; further notes that the Court will refrain from making any observations on the regularity of the BEREC Office's approach concerning this matter until the Court of Justice has issued a final ruling in that case;
12. Notes from the Court's report that the BEREC Office finished a procurement procedure and signed a contract before evaluating all of the offers it had received; notes that the BEREC Office misplaced an offer submitted by a person who declared a potential conflict of interest, and did not evaluate that offer; notes that the evaluation report for this procedure did not explain how the BEREC Office had concluded whether or not the offers it received complied with the eligibility criteria; notes that, in this regard, the Court considered the contract to be irregular; notes from the BEREC Office's reply to the 2019 discharge observations that the procurement procedure in question took place when the BEREC Office used the decentralised procurement model, while from 1 July 2019 a centralised procurement procedure was established; calls on the BEREC Office to report to the discharge authority on the developments concerning this topic;

### ***Prevention and management of conflicts of interest and transparency***

13. Notes the BEREC Office's existing measures and ongoing efforts to secure transparency and prevention and management of conflicts of interest; acknowledges that CVs of most of the board members are published on its website and that the BEREC Office is making progress on CVs collection practices; notes that the BEREC Office sends reminders to individual members and participants who have not yet submitted their documents and requests for documents to all newly appointed Members, so as to collect CVs and the declarations of interest of all board members; notes that the BEREC Office also reminds its Members about the obligations to publish CVs and declarations during the plenary meetings;

### ***Internal control***

14. Notes that the Commission's internal audit service (IAS) performed a full risk assessment at the BEREC Office in order to establish its strategic internal audit plan for the upcoming period 2021-2023; notes that the IAS has not identified critical risks; further notes that, at the end of 2020, the IAS closed all its recommendations for the BEREC Office' audits of previous years;

### ***COVID-19 response and business continuity***

15. Notes that due to the COVID-19 pandemic the BEREC Office cancelled most of the planned physical events and organised them successfully by means of videoconferencing instead; notes that, as a result, the BEREC Office did not need to cover travel expenses of its representatives, which resulted in a reduction in its costs and in a better environmental performance;
16. Notes that due to COVID-19 the BEREC Office has taken steps to reinforce its IT services to better meet the increased need for virtual collaboration with completion of the development and delivery of a new videostreaming and recording platform, with

cognitive capabilities (translations and captions for live and recorded digital events), the purchase of core infrastructure hardware (servers) and the upgrade of the videoconference facilities and services at the facilities at the BEREC Office's disposal in Brussels;

### *Other comments*

17. Points out that the BEREC Office is developing a new website to ensure access to persons with disabilities; notes that the project is expected to run between 2021 and 2023; further notes that the technical specifications will include the accessibility requirements and the relevant groups will be involved in the project, to ensure high level of accessibility; calls on the BEREC Office to report to the discharge authority on the developments in this regard;
18. Recalls the importance of increasing the digitalisation of the BEREC Office in terms of internal operation and management but also in order to speed up the digitalisation of procedures; stresses the need for the BEREC Office to continue to be proactive in this regard in order to avoid a digital gap between the agencies at all costs; draws attention, however, to the need to take all the necessary security measures to avoid any risk to the online security of the information processed; calls on the BEREC Office to speed up the development of its cybersecurity policy and to inform the discharge authority on its completion;
19. Calls on the BEREC Office to focus on disseminating the results of its research to the public; notes that all of the BEREC Office's activities are reflected in its single programming documents; notes that the provision of communication and visibility of the BEREC Office is included in the new headquarters agreement, which provides for the planning of concrete activities and much closer cooperation between the BEREC Office and the host Member State (Latvia) in the coming years;  

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20. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of [...] 2022 <sup>2</sup> on the performance, financial management and control of the agencies.

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<sup>2</sup> Texts adopted, P9\_TA(2022)0000.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	31.3.2022
<b>Result of final vote</b>	+ : 26 - : 3 0 : 1
<b>Members present for the final vote</b>	Matteo Adinolfi, Gilles Boyer, Olivier Chastel, Caterina Chinnici, Lefteris Christoforou, Corina Crețu, Ryszard Czarnecki, José Manuel Fernandes, Raffaele Fitto, Luke Ming Flanagan, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, Pierre Karleskind, Mislav Kolakušić, Joachim Kuhs, Ryszard Antoni Legutko, Claudiu Manda, Alin Mituța, Jan Olbrycht, Younous Omarjee, Markus Pieper, Michèle Rivasi, Petri Sarvamaa, Angelika Winzig, Lara Wolters, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Bas Eickhout, Tsvetelina Penkova, Viola Von Cramon-Taubadel

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

26	+
ECR	Ryszard Czarnecki, Raffaele Fitto, Ryszard Antoni Legutko
PPE	Lefteris Christoforou, José Manuel Fernandes, Monika Hohlmeier, Jan Olbrycht, Markus Pieper, Petri Sarvamaa, Angelika Winzig, Tomáš Zdechovský
Renew	Gilles Boyer, Olivier Chastel, Pierre Karleskind, Alin Mituța
S&D	Caterina Chinnici, Corina Crețu, Isabel García Muñoz, Claudiu Manda, Tsvetelina Penkova, Lara Wolters
The Left	Luke Ming Flanagan, Younous Omarjee
Vers/ALE	Bas Eickhout, Michèle Rivasi, Viola Von Cramon-Taubadel

3	-
ID	Matteo Adinolfi, Jean-François Jalkh, Joachim Kuhs

1	0
NI	Mislav Kolakušić

Key to symbols:

+ : in favour

- : against

0 : abstention