



Plenary sitting

A9-0123/2024

14.3.2024

REPORT

on discharge in respect of the implementation of the budget of the Agency for
Support for BEREC (BEREC Office) for the financial year 2022
(2023/2141(DEC))

Committee on Budgetary Control

Rapporteur: Petri Sarvamaa

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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 2022 (2023/2141(DEC))

The European Parliament,

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2022,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2022, together with the agencies' replies¹,
- having regard to the statement of assurance² 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 2022, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 22 February 2024 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2022 (00000/2024 – C9-0000/2024),
- 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 966/2012³, 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 1211/2009⁴, 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 Council⁵, and in particular Article 105 thereof,

¹ OJ C, C/2023/594, 27.10.2023.

² OJ C, C/2023/112, 12.10.2023.

³ OJ L 193, 30.7.2018, p. 1.

⁴ OJ L 321, 17.12.2018, p. 1.

⁵ 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 (A9-0123/2024),
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 2022;
 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 2022
(2023/2141(DEC))**

The European Parliament,

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2022,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2022, together with the agencies' replies¹,
- having regard to the statement of assurance² 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 2022, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 22 February 2024 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2022 (00000/2024 – C9-0000/2024),
- 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 966/2012³, 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 1211/2009⁴, 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 Council⁵, and in particular Article 105 thereof,

¹ OJ C, C/2023/594, 27.10.2023.

² OJ C, C/2023/112, 12.10.2023.

³ OJ L 193, 30.7.2018, p. 1.

⁴ OJ L 321, 17.12.2018, p. 1.

⁵ 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 (A9-0123/2024),
1. Approves the closure of the accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2022;
 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 2022 (2023/2141(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 (the ‘Agency’) for the financial year 2022,
 - 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 (A9-0123/2024),
- A. whereas, according to its statement of revenue and expenditure¹, the final adopted budget of the Agency for the financial year 2022 was EUR 7 428 456, representing an increase of 1,19 % compared to 2021; whereas the budget of the Agency derives mainly from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the Agency’s annual accounts for the financial year 2022 (the ‘Court’s report’), states that the Court has obtained reasonable assurances that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular;
- C. whereas with regard to the Agency’s procurement sector, no issues requiring corrective actions were reported for 2022, nor are there ongoing or outstanding corrective actions from previous years’ audits and assessments;
- D. whereas with regard to the Agency’s internal control systems, no issues requiring corrective actions were reported for 2022, nor are there ongoing or outstanding corrective actions from previous years’ audits and assessments;

Budget and financial management

1. Notes with appreciation that budget monitoring efforts during the financial year 2022 resulted in a budget implementation rate of 99,99 % for the commitment appropriations of the final adopted budget for the year, representing an increase of 0,02 % compared to 2021; welcomes that the budget implementation rate is within the threshold of above 95 % established by the management board; notes that the current year’s payment appropriations execution rate was 82,78 %, representing an increase of 13,44 % compared to 2021;

Performance

2. Notes that the Agency uses key performance indicators (KPIs) to assess the results achieved in respect of its objectives, including among others on support to working groups, communications activities, centralised finance and procurement and human

¹ OJ C 119, 31.3.2023, p. 11.

resources management; notes that most objectives have been achieved, however recommends to address the KPIs that remain unfulfilled or are progressing slower than expected (e.g. Improvement of reimbursement process through the advanced gateway for meetings (AGM) tool, signature of contract in support to the development of “BEREC ICT strategy 2022-2025”); recommends that the Agency fine tune KPIs on a regular basis in order to optimise its performance;

3. Welcomes that Agency continued to provide high-quality administrative and professional support to the BEREC Board of Regulators, the BEREC Contact Network, the Public debriefings, the BEREC Working Groups, including the Ad Hoc Working Groups and the BEREC Office Advisory Group;
4. Welcomes the fact that Ukraine's telecoms regulator NCEC was taken on board of the Agency as a member without voting rights;

Efficiency and gains

5. Notes that the actions for achieving efficiency gains in 2022 were aimed at the following main areas: centralisation of some functions, procurement, efficiency gains achieved through the increased use of Commission IT applications or the introduction of new ones and use of external resources to compensate lacking human resources capacity or for tasks of a technical and auxiliary nature;
6. Notes that in the field of procurement in 2022 the Agency continued the use of interinstitutional procurement procedures and joined seven interinstitutional procurement procedures, which resulted in the conclusion of six framework contracts during the reporting period;
7. Welcomes the efficiency gains achieved via the higher use or introduction of additional Commission IT applications; notes that in particular, in 2022 the Agency had fully on-boarded and actively used all Sysper2 basic modules, e.g. identity management, organisation management, personal data management, working conditions, talent management and document management and three from the optional set of modules, e.g. flexitime, teleworking, and individual rights;
8. Notes that the Agency has been operating since its establishment with lacking human resources capacity for certain posts; takes note that the Agency compensates some capacity constraints, where feasible, prioritizes the use of services offered by the Commission and other Union agencies as a primary solution; observes that this approach includes leveraging services provided by the Commission Office for the administration and payment of individual entitlements (PMO) and the computer emergency response team for the Union's institutions, bodies and agencies (CERT-EU) for IT and security service; welcomes that the Agency has a very successful cooperation with the European Union Intellectual Property Office in the area of IT, which includes hosting, IT development, disaster recovery, development of the new design of the Agency's web site, and other IT services;
9. Recalls the importance to increase the digitalisation of the agency in terms of internal operation and management but also in order to speed up the digitalisation of procedures; stresses the need for the agency to continue to be proactive in this regard in order to avoid a digital gap between the agencies; 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, insist on the need to step up action against cyberattacks or infiltration attempts particularly originating from Russia or China;

Staff policy

10. Notes that on 31 December 2022, the establishment plan consisted of 16 temporary agents authorised under the Union budget (the same number of authorised posts as in 2021); notes that, in addition, 19 contract agents, 8 seconded national experts and 10 interim staff and consultants worked for the Agency in 2022;
11. Welcomes the efforts of the Agency to align its operation with the principles of the Joint Statement of the European Parliament, the Council of the EU and the European Commission of 19 July 2012 on decentralized agencies, including the expected minimum critical size;
12. Observes that the main challenge in the staff area policy was the high staff turnover, which in 2022 went up to 16,3 % in comparison to 4,6 % for 2021 and 5,4 % in 2020; takes note that the sharp increase of the staff turnover particularly affected the administration and finance unit; notes that to fill in the posts becoming vacant and to ensure staff with new competences needed for the Agency and its administration in 2022 the Agency launched selection procedures in order to fill in five vacant posts (one temporary agents and four contract agents) for which it did not have suitable reserve lists in place while for remaining three posts which became vacant, the Agency ensured fast recruitment from its active reserve lists; asks however, the Agency to analyse the reasons for the high staff turnover and make the necessary steps to avoid it in the future and report back to the discharge authority;
13. Commends the Agency's initiatives to enhance staff members' work-life conditions, including legal advice for private matters, financial support for kindergarten, tuition fees for international schools, language courses, a VAT-exempt goods for Seconded National experts, an induction program for newcomers, and assistance for family members settling in Latvia, some in collaboration with Latvian authorities;
14. Welcomes that in 2022 as well as in 2021 gender balance was achieved overall within the staff, with 52 % female and 48 % male; insists on intensifying the efforts to maintain a reasonable gender balance among Agency's staff; acknowledges that the Agency has only three middle management positions and that an acceptable gender balance was also achieved in middle management, with one woman and two men;
15. Notes that the Agency has a policy on protecting the dignity of the person and preventing psychological and sexual harassment, and that the Agency is part of the interagency task force of confidential counsellors; looks forward to receiving their report and recommendations; notes that there were no reported cases of harassment in 2022 and encourages the Agency to continue and develop the work to prevent cases in the future as well;
16. Regrets that the Agency has not adopted the "Charter on diversity and inclusion" which aims to promote equal treatment and opportunities, irrespective of any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth,

disability, age or sexual orientation; recalls that one of the objectives of charter consists in achieving the goal of at least 40 % of underrepresented gender in middle management on short- to mid-term basis; takes note of the Agency reply to the discharge standardised questionnaire; considers that having an odd number for both senior manager and middle manager post category doesn't prevent from the adoption of the charter; encourages the Agency to adopt the charter and actively participate in initiatives that promote diversity and inclusion in the workplace;

17. Welcomes that the Agency continued its traineeship programme during 2022; notes that in total 7 trainees joined the Agency and 15 trainees participated in the Agency's traineeship programme;

Prevention and management of conflicts of interest and transparency

18. Notes that the Agency publishes on its website the CVs and declarations of conflicts of interest of its management board members;
19. Takes note of the fact that prior to commencing their roles at the Agency, statutory staff, seconded national experts, trainees, and interim workers are required to submit a declaration of interest, which is then reviewed by the appointing authority or director before assignment approval; notes furthermore that staff must regularly update this declaration during employment to address any ad-hoc conflict of interest situations and must proactively inform the Agency of any external activities, professional undertakings during personal leave, gift retention, spousal employment, and potential conflicts through publications or speeches; notes that, upon service termination, statutory staff and trainees are required to disclose their planned future professional engagements to the Agency within a specified timeframe post-employment;
20. Takes note of the fact that the Agency's Director adopted a Note to manage staff members' conflicts of interest (CoI) during selection and recruitment, requiring to declare any professional/personal relationships with applicants irrespective of whether this relation constitutes a conflict of interest or not; notes furthermore the staff members should also state whether they can or cannot maintain impartiality; notes that once the applicant names are disclosed, selection committee members must submit a CoI declaration in line with the aforementioned note as well as with the guidelines on prevention and management of conflicts of interest concerning staff members involved in selection, recruitment or reclassification procedures at the Agency;
21. Notes that the management board adopted the Agency's anti-fraud strategy 2023-2025 that aims at improving the detection, sanctioning and prevention of fraud and counteract any other illegal activities that may affect its financial interest; welcomes that the Agency deployed in production the ethics modules in Sysper, which covers the conflict of interest declaration, gift or hospitality declaration, publication declaration, request for authorisation of outside activity, request for outside activity while on leave on personal grounds, spouse employment declaration;
22. Recalls the importance for the Agency to develop greater visibility in the media, internet, and social media in order to make its work known to the citizens;

Other comments

23. Notes that as of February 2022 the Agency started the use of the Commission services Public Procurement Management Tool (PPMT), which has further streamlined its public procurement processes and ensures the use of the latest Commission templates and best practices in each step of the process;
24. Acknowledges that in order to increase the cyber security and protection of the digital records in its possession the Agency makes use of two-factor authentication, web application firewalls, automated backups, applied encryption (where applicable/possible) and regular recovery tests of business-critical systems; notes furthermore that additionally, the Agency is using software-based protection for end user devices such as laptops and mobile phones, and the ICT-security services provided by CERT-EU;
25. Welcomes the efforts of the Agency to treat the new legislation laying down measures on cybersecurity at the institutions, bodies, offices and agencies of the Union with priority; notes with concern the potential disproportionate burden of the cybersecurity regulation on small size agencies, like the BEREC Office, that might put the compliance at risk; calls the Commission to take this into consideration in next years' programming cycles;
26. Welcomes the fact that the Agency's management board has set up the EMAS certification as a target for the next 3 years; is aware that the Agency has started internal preparation for the certification, which includes further updates on the agency's carbon footprint calculation, participation in the twinning exercise of the greening network of the EU Agencies Network and others;
27. Welcomes with appreciation the Ukrainian national regulatory authority's participation in the Agency's daily operations; applauds the Agency and its members for establishing a collaborative framework to address connectivity challenges and pave the way for harmonizing Ukrainian electronic communications regulations with the European telecoms framework; further appreciates that based on data gathered by the Agency from Union and Ukrainian operators about the applied retail measures a Joint Statement was agreed, which established a stable framework to help people fleeing the war in Ukraine to stay connected with their families and friends back home and maintain access to information;
28. Commends the Agency's efforts in 2022 to increase public awareness of its mandate and work in Latvia through small-scale communication initiatives, like as for example hosting visit from Riga Stradiņš University students, fostering a partnership that enhances their understanding of EU agencies, particularly in Latvia, taking part in the livestreamed event to celebrate Europe Day in Latvia, organized by the European Commission's representation in that country and other events; calls on the Agency to keep working on increasing the visibility of the Agency, especially in the host Member State;
29. Welcomes the fact that the local offices of Parliament and the Commission in Riga and the Agency have joined their efforts to work together to establish a joint House of Europe, which will be the "home" of all Union Institutions and the Agency in Latvia;

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30. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of ...² on the performance, financial management and control of the agencies.

² Texts adopted, P9_TA(2024)0000.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	4.3.2024
Result of final vote	+: 21 -: 2 0: 0
Members present for the final vote	Dominique Bilde, Gilles Boyer, Olivier Chastel, Caterina Chinnici, Carlos Coelho, Daniel Freund, Isabel García Muñoz, Monika Hohlmeier, Joachim Kuhs, Markus Pieper, Petri Sarvamaa, François Thiollet
Substitutes present for the final vote	Katalin Cseh, Bas Eickhout, Hannes Heide, Sabrina Pignedoli, Wolfram Pirchner
Substitutes under Rule 209(7) present for the final vote	Malin Björk, Marc Botenga, Michael Gahler, César Luena, Matjaž Nemec, Barbara Thaler

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

21	+
NI	Sabrina Pignedoli
PPE	Caterina Chinnici, Carlos Coelho, Michael Gahler, Monika Hohlmeier, Markus Pieper, Wolfram Pirchner, Petri Sarvamaa, Barbara Thaler
Renew	Gilles Boyer, Olivier Chastel, Katalin Cseh
S&D	Isabel García Muñoz, Hannes Heide, César Luena, Matjaž Nemec
The Left	Malin Björk, Marc Botenga
Vers/ALE	Bas Eickhout, Daniel Freund, François Thiollet

2	-
ID	Dominique Bilde, Joachim Kuhs

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention