Study on the Evaluation of BEREC and the BEREC Office

Workshop Presentation

Brussels, 8th October 2012
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<th>Agenda</th>
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<td>1</td>
<td>General introduction <em>(European Commission)</em></td>
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<td>Presentation of the study and key findings <em>(PwC)</em></td>
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<td>Case Study - The Article 7/7a procedure <em>(N. Boeger, Bristol Uni.)</em></td>
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<td>5</td>
<td>Discussion on the study findings and recommendations</td>
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<td>6</td>
<td>Closing</td>
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General introduction
General introduction
Introduction from DG CONNECT

General presentation of the evaluation study and the workshop:

• The evaluation process conducted
• Overall objective the present workshop
Presentation of the study and key findings
Presentation of the study and key findings

Our evaluation study conducted from March to October 2012
**Our evaluation study**

Who is who

- **The Steering Committee:**
  - The European Commission: Vesa Terävä, Pilar de la Barcena Angulo, Nicoletta Falcone
  - BEREC: Marianne Kracht (OPTA)
  - ETNA: Erzsebet Fitori, Frederico Poggi
  - ECTO: Daniel Pataki
  - BEUC: Kostas Rossoglou

- **The Evaluation Team (PwC):**
  - Philippe Pierre
  - Serge Hanssens
  - Krisztina Szenci
  - Alain Kauffmann

- **Case Study experts:**
  - Seamus Simpson (University of Salford)
  - Nina Boeger (Bristol University)
  - Joseph Corkin (Middlesex University)
Our evaluation study
Study objective and scope

• **Objective** :
  – Provide an independent assessment of the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Office

• **Scope**:
  – Achievements and added value of BEREC
  – Governance, organisational structures, management and working methods of BEREC and of the BEREC Office
  – Consider the variety of views: 35 countries acting for the internal market of the European Union
Our evaluation study
Three main study challenges

1. Balancing diverse opinions

2. Assessing two complementary but distinct entities...

3. ... only at early implementation stages

- Diversity of stakeholders, expectations but common willingness to make it a success

- BEREC: a platform of regulators with no legal personality
- The BEREC Office: an EU body with legal personality for support

- BEREC: created on January 2010 with ERG’s heritage
  - The BEREC Office: new entity operational since October 2011
Presentation of the study and key findings

An introduction to BEREC
An introduction to BEREC
Background and context of BEREC

• Evolution of the European Regulators Group (ERG) after the review of the 2002 telecoms regulatory framework

<table>
<thead>
<tr>
<th>BEREC’s role:</th>
<th>BEREC’s tasks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Contribute to the development of the internal market for electronic communications networks and services</td>
<td>1. Delivers opinions</td>
</tr>
<tr>
<td>• Support NRAs in their own work</td>
<td>2. Is consulted on draft recommendations and draft measures</td>
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<tr>
<td>• Contribute to EU citizens protection and consumer empowerment</td>
<td>3. Provides assistance to NRAs</td>
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<td>4. Provides assistance to the Commission</td>
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<td></td>
<td>5. Monitors and reports on the electronic communications sector, and publishes an Annual Report on developments in that sector</td>
</tr>
</tbody>
</table>
An introduction to BEREC
The BEREC Office in the BEREC environment

• Provides professional and administrative support services to BEREC

• Obtained its organisational and financial autonomy in September 2011

• Recruitment started in 2010, is still in progress and will be completed by the end of 2012 (28 staff in total)
An introduction to BEREC
BEREC and the BEREC Office’s governance

- BEREC has a balanced organisational structure with three levels of decision with representatives of NRAs at each level

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC

8th October 2012
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Presentation of the study and key findings

Our methodological approach
**Our methodological approach**

Three evaluations

Our study assesses:

- the **achievements and value added** of BEREC
- the **governance, organisational structure and management** of BEREC
- the **structure and working methods** of the BEREC Office:
  - Views and opinions from people not working within the Office
  - PwC evaluation of internal processes of the Office
Methodology - A four-phased approach
Design of the methodological approach & research strategy

Our methodological approach to perform the study was based on the following four phases:

- **Phase 1:** Define the list of required data and information
- **Phase 2:** Identify the data sources needed: literature review, interviews, online survey
- **Phase 3:** Collect data and conduct case studies
- **Phase 4:** Analyse data, draw conclusions and propose recommendations
**Methodology - Phase 1**

**Define**

**BEREC & BEREC Office evaluation criteria**

- Relevance
- Value Added
- Effectiveness
- Efficiency
- Impact
- Coherence

**BEREC Office additional dimensions (internal processes)**

- Processes
- Organisation & Human Resources
- Infrastructures & Information System
Methodology - Phase 2
Identify - tools

Data sources:
• Literature and documentation
• Interviews
• Online survey
• Case studies on:
  1. The Article 7/7a procedure
  2. Next Generation Access Networks and BEREC
**Methodology - Phase 3**

**Collect - Interviews**

**Approach**

- Face-to-face interviews:
  - During the CN meeting on May 2012
  - With former and current BoR Chair
  - With industry and DG CONNECT representatives
- Field visit at the BEREC Office in Riga
- Interviews to substantiate case studies

- **22 face-to-face interviews**
- **14 phone interviews**
- **14 countries covered**
## Methodology - Phase 3
### Collect - Interviews

<table>
<thead>
<tr>
<th>Stakeholder groups</th>
<th>Stakeholders consulted</th>
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<tbody>
<tr>
<td><strong>DG CONNECT</strong></td>
<td></td>
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<tr>
<td></td>
<td>• Robert Madelin, Director General for Communications Networks, Content and Technology</td>
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<tr>
<td></td>
<td>• Vesa Terävä (interview, Workshop I and II)</td>
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<tr>
<td></td>
<td>• Pilar De La Barcena Angulo (Workshop I and II)</td>
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<tr>
<td></td>
<td>• Nicoletta Falcone (Workshop I and II)</td>
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<tr>
<td><strong>BEREC Board of Regulators/ Management Committee &amp; observers</strong></td>
<td></td>
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<tr>
<td></td>
<td>• George Serentschy, BEREC Chair and Head of the Austrian NRA, RTR</td>
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<td></td>
<td>• Chris Fonteijn, BEREC former Chair and Head of the Dutch NRA, OPTA</td>
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<td></td>
<td>• Asta Sihvonen-Punkka, Head of the Finish NRA, FICORA</td>
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<tr>
<td><strong>BEREC Contact Network (CN)</strong></td>
<td>Face-to-face interview during the Contact Network Meeting with different Member States’ NRAs:</td>
</tr>
<tr>
<td></td>
<td>• Anne Lenfant (ARCEP)</td>
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<td></td>
<td>• Annegret Groebel (BNetzA)</td>
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<td></td>
<td>• Antonio de Tommaso (AGCOM)</td>
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<td></td>
<td>• Bobby Hannan (COMREG)</td>
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<td></td>
<td>• Guido Pouillon (BIPT). Also interviewed as the former responsible for the co-ordination of Article 7 procedures under the previous situation involving E/IRG</td>
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<td></td>
<td>• Dieter Staudacher (RTR)</td>
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<td></td>
<td>• Minas Karatzoglou (EETT)</td>
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<td></td>
<td>• Ola Bergstöm (PTS)</td>
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<td></td>
<td>• Päivi-Maria Virta (FICORA)</td>
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<td></td>
<td>• Pedro Ferreira (ANACOM)</td>
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<td></td>
<td>• Sven Gschweitl (RTR)</td>
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<td></td>
<td>• Viktória Jónás (TU SR) Phone interview a few days after the CN meeting</td>
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</table>
# Methodology - Phase 3
Collect - Interviews

<table>
<thead>
<tr>
<th>Stakeholder groups</th>
<th>Stakeholders consulted</th>
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<tbody>
<tr>
<td>BERECE Expert Working Groups (EWGs)</td>
<td>• From Article 7/7a working groups:</td>
</tr>
<tr>
<td></td>
<td>- Alain Meton, Rapporteur on case NL/2012/1299, expert at BIPT (Belgium)</td>
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<tr>
<td></td>
<td>- Andrea Coscelli, Rapporteur on cases NL/2012/1284 and NL/2012/1285, and economist at Ofcom (United Kingdom)</td>
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<tr>
<td></td>
<td>• From the Next Generation Networks working group:</td>
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<tr>
<td></td>
<td>- Cara Schwarz-Schilling, NGN-NGA Expert Working Group Chair for 2012, expert at BnetzA (Bundesnetzagentur) (Germany)</td>
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<tr>
<td></td>
<td>• From the Remedies Monitoring working group:</td>
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<tr>
<td></td>
<td>- Lara Stoimenova, Remedies Monitoring Working Group Chair for 2012, expert at Ofcom (UK)</td>
</tr>
<tr>
<td></td>
<td>• From the BERECE and BERECE Office Evaluation Working Group:</td>
</tr>
<tr>
<td></td>
<td>- Marianne Kracht, BERECE and BERECE Office Evaluation Working Group Chair for 2012, expert at OPTA (Netherlands)</td>
</tr>
<tr>
<td>NRA experts on Article 7/7a Case Study</td>
<td>• Ellen Optmann, responsible for cases NL/2012/1298 and 1299 on behalf of OPTA, the Dutch regulator</td>
</tr>
<tr>
<td></td>
<td>• Martijn Wolthoff, responsible for cases NL/2012/1298 and 1299 on behalf of OPTA, the Dutch regulator</td>
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<td></td>
<td>• Jim Niblett, formerly of the UK regulator Ofcom</td>
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<tr>
<td>BERECE Office</td>
<td>• Ando Rehemaa: Administrative Manager</td>
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<td></td>
<td>• Isaac Jimenez Carvajal: former Head of Administration and Finance/Accounting Officer</td>
</tr>
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<td></td>
<td>• Ritva Suurnäkki: Head of Programme Management Unit</td>
</tr>
<tr>
<td></td>
<td>• Dr. Dirk Walpuski: Senior Programme Manager (main responsible for Article 7/7a procedures at the BERECE Office)</td>
</tr>
<tr>
<td></td>
<td>• Antonio Manganelli, Rapporteur on case NL/2012/1298 at the BERECE Office</td>
</tr>
<tr>
<td>Representatives of the industry</td>
<td>• British Telcom: Adrian Whitchurch, Vice President European Affairs, Head of Brussels BT Group (face-to-face interview)</td>
</tr>
<tr>
<td></td>
<td>• KPN: Jos Huigen, Director Regulatory and European Affairs (phone interview)</td>
</tr>
<tr>
<td></td>
<td>• Verizon: Fiona Taylor, Director, European Affairs and Global Internet Strategy and Rob Rosendaal, Director European Regulatory Affairs at Verizon Business (face-to-face interview)</td>
</tr>
</tbody>
</table>
Methodology - Phase 3
Collect - Online survey

3 stakeholder groups
227 questions
129 answers

Approach

• 3 stakeholder groups:
  – EUI representatives
  – Members of NRAs and of the BERECA Office
  – Industry and association representatives

• 6 weeks to answer

• Equal representation of each NRA (>90% of the NRAs responded)
Methodology - Phase 3
Data collection results - Main figures

33 countries

Answers from
112 NRAs
11 Industry
4 EUI
1 BEREC Office
1 IRG

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC
**Methodology - Phase 4**

Analyse - Triangulation and validation of findings

**Triangulation**

- *Raison d’être*: evaluation results and conclusions depend more on the views and opinions gathered during data collection and less on clear and fixed judgment criteria or target levels

- Implementation: findings are supported by evidence from three different data sources

**Test and validation**

- Conclusions are drawn and recommendations are proposed based on the triangulation of views/opinions

- Results on BEREC and the BEREC Office derive from the online survey

- Comments provided by the Steering Committee; including the EC, BEREC and industry representatives (ETNO, ECTA)

*Source: PwC*

BEREC Evaluation - Workshop Presentation

PwC 8th October 2012  
Slide 24
Presentation of the study and key findings

Our findings
Our findings

Achievements and value added of BEREC
Our findings
Achievements and value added of BEREC

BEREC’s objectives

- BEREC is a new structure and has created a lot of expectations since its inception in 2010. Overall, its objectives have been fulfilled:

![Bar chart showing satisfaction levels for different objectives of BEREC.]

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC
**Our findings**

Achievements and value added of BEREC

**Advisory role**

- Despite a clear statement in BEREC Regulation: “BEREC shall advise the Commission, and upon request, the European Parliament and the Council”, BEREC’s advisory role is not explained in detail

- BEREC takes very seriously its advisory role but both EC and some NRAs representatives would prefer that BEREC further enhances its advisory role to the EUI on telecoms issues: concrete recommendations and guidelines on key existing and emerging topics

- The large number of BEREC outputs are to a certain extent advisory documents, such as reports and opinions

⇒ Underlining question: *what do stakeholders understand as “advisory role”*?
Our findings
Achievements and value added of BEREC

Independence and accountability

• BEREC is fully independent from EU institutions and needs to be more focussed on the internal market:

  ⇒ If most of the objectives of NRAs and BEREC are aligned, BEREC, as a single entity, has to think at the internal market level

• No accountability system or measures to ensure that the platform fulfils the objectives set in the regulatory framework and/or the ones set in the Work Programme (WP)

  ⇒ Being more accountable would reinforce the independent character of BEREC and improve its transparency
**Our findings**
Achievements and value added of BEREC

**Coordination with the European Commission**

• Coordination with the European Commission has improved significantly since the predecessor ERG structure

• There is nonetheless **room for improvement:**
  – Clear priorities should be defined in the Annual Work Programme
  – Room for *ad hoc* requests should be left at the beginning of the year in the Work Programme
  – Timeframes are challenging (e.g. for *ad hoc* requests and Article 7/7a procedures)
Our findings
Achievements and value added of BEREC

BEREC Work Programme and outputs

- **BEREC Work Programme** is very heavy and its topics are not enough prioritised: many respondents advised to focus on fewer topics and giving more space for *ad hoc* requests.

- The **Article 7/7a procedure** is the innovation that brought most value to BEREC’s role.

- The **quality and consistency of BEREC’s documents** are to be improved: consistency, editorial style and language.

*Source: PwC*

BEREC Evaluation - Workshop Presentation

PwC
**Our findings**

Achievements and value added of BEREC

**BEREC and the telecoms industry**

- Despite the importance given by BEREC to transparency and dialogue with industry representatives, the latter feel that their voice is not heard by BEREC (little feedback on their comments)

*Does BEREC really take into consideration the opinion of market players?*

<table>
<thead>
<tr>
<th>Importance of consideration</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Next Generation Networks Access</td>
<td>89%</td>
<td>11%</td>
</tr>
<tr>
<td>International roaming</td>
<td>78%</td>
<td>22%</td>
</tr>
<tr>
<td>Other</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>Net neutrality</td>
<td>56%</td>
<td>44%</td>
</tr>
<tr>
<td>Termination rates</td>
<td>44%</td>
<td>56%</td>
</tr>
</tbody>
</table>

*Source: PwC*
Our findings
BEREC Profile

Achievements and value added of BEREC

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC
8th October 2012
Slide 33
Our findings

Governance, organisational structure and management of BEREC
Our findings
Governance, structure and management of BEREC

BEREC’s overall structure

• The three levels of competences are relevant and well-defined. The ladder process is considered as efficient

• Leadership of the Chair of the Board of Regulators (BoR) is important. The troika is a relevant working method that ensures continuity in BEREC work and smooth transitions between Chairs

• The Contact Network (CN) has a significant role within the BEREC structure. It could be further enhanced and lead to a more effective BEREC structure, as a whole

• The functioning of the Expert Working Groups (EWGs) is generally satisfactory but some groups are more effective than others
Our findings
Governance, structure and management of BEREC

EWGs, prioritisation and internal functioning

• Some EWGs are considered as more useful than others

⇒ The raison d’être and internal functioning of EWGs could be considered every year. EWGs could be built in task forces

Please specify which Expert Working Groups are relevant for you

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC

8th October 2012
Slide 36
**Our findings**
Governance, structure and management of BEREC

**Internal communication and work with the BEREC Office**

- The **flow of information** between the three levels of the structure has to improve.
- The **CN** should be more involved in monitoring the drafting of outputs and their setting-up on the agenda of BoR Plenary Meetings.
- BEREC requires a **clearer top-down approach** in its decision-making; from the BoR to EWGs.
- The **BEREC Office** could be better used when supporting EWGs in their everyday work. Coordination between Chairs of EWGs and the BEREC Office should be improved. The role of the Office should be clearly established among NRAs.
Our findings
Governance, structure and management of BEREC

External communication

• BEREC requires clear communication among Heads of NRAs to define the actions and decisions the Chair can make

⇒ Present BEREC internal methods of operation and the role of the BEREC Office to the industry in a pedagogic way. It would prevent BEREC from being considered as a “black box”
Our findings
BEREC Profile

Governance, organisational structure and management of BEREC

Source: PwC
Our findings
Summary of BEREC profiles

BEREC is overall a success. It is currently the most adaptable and balanced organisational structure to regulate the electronic communications market in the EU.

BEREC Profile - Achievements & Value-Added

BEREC Profile - Governance, organisational structure and management

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC
Our findings

The structure and working methods of the BEREC Office
Our findings
Structure and working methods of the BEREC Office

External evaluation - Work with the BEREC platform

• The general structure of the BEREC Office - the MC, the AM and the staff - convenes to all stakeholders

• The most effective activity of the BEREC Office is its involvement in Phase II cases of Article 7/7a procedures

• Issues:
  – No clear vision on the use of the Office as a professional support
  – No optimal use of the BEREC Office staff: little involvement in the substance of BEREC documents in comparison to the time and resources devoted to comply with administrative requirement
Our findings
Structure and working methods of the BEREC Office

External evaluation - External vision on the Office

• The Administrative Manager is perceived as efficient on the administrative tasks. He nonetheless needs to have a stronger managerial role within the Office to decrease the fluctuation of staff and discuss more with the BoR on key topics, especially to better align BEREC WP and BEREC Office WP.

• The presence of the BEREC Office in Riga obliges it to focus on activities that do not require physical meetings with BEREC members.

• Some basic topics took time: launch of BEREC webpage in Aug. 2012

⇒ “Structure is less relevant to reach objectives than the motivation of BEREC's members to participate and make the most of it [BEREC Office]” (CN member, online survey, 2012)
Our findings
Structure and working methods of the BEREC Office

Internal evaluation - Field visit in Riga (June 2012)

• NRAs’ expectations towards the Office differ: lack of confidence

• The Office supports EWGs in establishing and coordinating Art. 7/7a ad hoc Expert Working Groups and upon request of the BoR reporting the outcome of Art. 7 cases and the observations on the notified national measures after agreement within the BoR

• 2011-2012: staff members recruitment, acquisition of work tools (ICT, furniture), preparation of the premises and facilities, set-up of the administrative and financial systems

• The Office is lacking supporting tools/infrastructure to be fully operational

• Reporting and monitoring of KPIs need further improvement
Our findings
Structure and working methods of the BEREC Office

Report of the European Court of Auditors (ECA)

• ECA focused on: financial management, correctness of accounts and procurement and recruitment procedures. Audit period: only 4 months in 2011 (Office autonomy: Sept. 2011). **2012 will be the first year** for a full audit year of ECA on the Office

• BEREC Office’s response to the ECA observations: all the necessary changes will be implemented and improved as from year 2012

**ECA’s preliminary observations (12 June 2012)**

<table>
<thead>
<tr>
<th>Opinions</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>Opinion on the “reliability of the account”</strong></td>
<td>Satisfactory</td>
</tr>
<tr>
<td><strong>Opinion on the “legality and regularity of the transactions”</strong></td>
<td>Satisfactory</td>
</tr>
<tr>
<td><strong>Comments on “budgetary and financial management”</strong></td>
<td>Needs to be improved (e.g. all commitments must be legally binding)</td>
</tr>
<tr>
<td><strong>Comments on “key controls of the Office Supervisory and Control System”</strong></td>
<td>Needs to be improved (e.g. adopt all control standards)</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td>Recruitment procedures need to be more transparent</td>
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</table>
Our findings
BEREC Office profiles

The BEREC Office is in a learning curve and needs to improve its internal processes.

BEREC Office Profile - External evaluation of the structure and working methods

BEREC Office Profile - Internal evaluation of the structure and working methods

Source: PwC
BEREC Evaluation - Workshop Presentation
PwC

8th October 2012
Slide 46
Case Study - The Article 7/7a procedure
Case Study - Nina Boeger University of Bristol Law School

The Article 7/7a procedure

• Research Criteria
  – Relevance / Added Value / Governance

• Methodology
  – Online survey / Interviews / Primary documentation
  – Case Study NL/2012/1298 & 99

• Conclusions

• Recommendations
**Case Study**

Conclusions

**Relevance**

- More Phase II than expected
- Generally good performance:
  - On time / high quality in face of tight resources and deadlines
- Generally endorses Commission’s serious doubt
  - Though sometimes applying different reasoning
- Contributing to consistent regulatory practice:
  - Impact on notifying NRA but also: EWG engagement / guide for future best practice / encouraging common approach
Case Study
Conclusions

Added value

• BERECP is more effective than ERG in diffusing best practices and applying peer pressure under Article 7/7a

• BERECP Opinions of comparable quality to ERG opinions, but speed has improved

• Previous procedure worked well but would not have withstood the current volume of cases arising

• BERECP Office provides more comprehensive support than single NRA coordinator under the previous regime possibly could
Case Study
Conclusions

Governance

• BEREC and the Office have demonstrated strong commitment to Article 7/7a:
  – Seeking to improve working methods wherever possible
  – But still on a learning curve

• Resources will remain stretched, at least in the short term:
  – Increasing the need to ensure efficient and effective working methods

• BEREC ability to address controversial cases requiring lengthy discussion in the EWG and within the BoR?
Case Study
Recommendations

• Enforce effective forward-planning
• Manage expert database
• Align Article 7 and 7a procedures
• Revise (extend) time limits
• Expedite and improve EWG selection
• Refine Rapporteurs’ role
• Review cooperation with the European Commission / the Office
Case Study
Recommendations

- Monitor BEREC Opinions
- Commit BEREC to detail
- Emphasise language support
- Organise translations
- Manage resources
  - Enforce Article 3 FWD / economise procedure / re-iterate the Office support function
- Encourage flexibility on location
- Regularise reviews
Study conclusions and recommendations
Study conclusions
12 main conclusions

• In comparison with the ERG and a theoretical more centralised EU-wide regulatory authority, BEREC is more relevant.

• EC is expecting more from BEREC as advisor
  • BEREC’s mission differs from NRAs’ national mission. This difference should be clearer.

• Independence of BEREC has to be considered towards EUIs and NRAs. This one is complex to ensure as NRAs are the strength of BEREC.

• BEREC should be able to say what it is accountable for. To do so, it should define clear priorities.

• BEREC WP is heavy and the platform is willing to pay more attention to *ad hoc* requests. Greater flexibility is required.

• BEREC has no responsibility in the DAE but it is in its MT Strategy. Clarity is required, along with on-going review of the topics to address.

1 The structure of BEREC is overall relevant and efficient

2 The advisory role of BEREC is not sufficiently defined

3 The independence of BEREC could be improved

4 The accountability of BEREC is complicated to consider

5 The review of the BEREC Work Programme could be enhanced

6 The role of BEREC towards some topics should be clarified and its WP prioritised
Study conclusions
12 main conclusions

• Most of BEREC outputs are considered of good quality but consistency and editorial style are to improve; with the Office’s support.

• Article 7/7a procedures are successful: good cooperation within BEREC and with the EC and the Office. But the workload is an issue.

• Some tasks (as support in relation with third parties) have not been fully conducted yet.

• Relations with the industry should be improved: it is unclear to know whom to contact and who is in charge of BEREC communication.

• The BoR should focus on strategy. The CN should focus on coordination. Operations and deliverables in EWGs lack consistency.

• The Office provides few professional support (Art. 7/7a), despite its expertise. BEREC should decide how to better use the Office.

7 The quality of BEREC work varies according to the topic addressed

8 Resource and time management during the Article 7/7a procedure is challenging

9 Some of BEREC’s tasks have not been conducted yet or are still to be clarified

10 Roles related to external communication should be clarified

11 The internal organisation of BEREC needs to be improved

12 The use of the BEREC Office needs to be clarified and improved
**BEREC SWOT**  
Key strengths, a few weaknesses and threats

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Knowledge</strong> and technical expertise</td>
<td><strong>Accountability</strong> (priorities for the Single Market)</td>
</tr>
<tr>
<td>Solutions proposed are <strong>adapted to each national market</strong></td>
<td><strong>National thinking</strong> compared to harmonisation</td>
</tr>
<tr>
<td><strong>Economies of scale</strong> and resource saving</td>
<td>Active <strong>participation concentrated</strong> on a few NRAs despite the willingness of all NRAs to participate to all EWGs</td>
</tr>
<tr>
<td>Strong <strong>mobilisation</strong> of people and strong <strong>willingness</strong> to provide documents with high quality, sometimes in a very short timeframe</td>
<td><strong>Decision-making process</strong> (bottom-up, depending on the EWG Chair management, no clear agenda-setting)</td>
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<td></td>
<td><strong>Internal organisation</strong> and communication</td>
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<td></td>
<td>Role given to the <strong>BEREC Office</strong> (distrust)</td>
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</tbody>
</table>

<table>
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<tr>
<th>Opportunities</th>
<th>Threats</th>
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<tbody>
<tr>
<td>The <strong>BEREC Office</strong> (expertise, point of contact)</td>
<td><strong>Number of EWGs</strong> and their <strong>internal governance</strong> (too numerous, lack of consistency)</td>
</tr>
<tr>
<td>The <strong>Mid-Term Strategy</strong> (prioritisation and smooth continuity between Chairs)</td>
<td><strong>Search for consensus</strong> (risk of minimum Common Positions)</td>
</tr>
<tr>
<td>The <strong>Article 7/7a procedure</strong> (discussion among NRAs that leads to decisions)</td>
<td><strong>Misuse or non-use of the BEREC Office</strong> (lack of trust)</td>
</tr>
</tbody>
</table>
Study recommendations
Short, medium and long-term recommendations

Short-term
2013 Work Programme

Medium-term
2014 Work Programme

Long-term
Next Mid-Term Strategy
**Study recommendations**

**Short-term recommendations - For 2013 WP**

1. Better define the tasks within the BEREC organisation and improve internal communication

   • Emphasise the role of the BoR as the decision-making body of BEREC.
   • The CN should ensure that topics discussed at Head level are priority.

2. Better prioritise the tasks to be conducted and reduce the number of EWGs

   • Reduce the WP since many topics are considered secondary: the Mid-Term Strategy should become the starting point.
   • More time should be given to *ad hoc* requests. EWGs should be discussed every year.
Study recommendations
Short-term recommendations - For 2013 WP

3

- The EC should proactively inform BEREC of the *ad hoc* requests it intends/expects to submit.
- It would impact BEREC WP, the availability of experts and the quality of BEREC outputs.

3

- The European Commission should provide clearer visibility regarding *ad hoc* requests.

4

- Clearer communication towards the industry is needed: BEREC should indicate how consultations influence its reports.
- The Chair should have a clear mandate for communicating in the name of BEREC.
- BEREC internal procedures and the role of the BEREC Office could be presented in a pedagogic way to industry representatives.

4

Roles and responsibilities for external communication should be clarified.
Study recommendations
Medium-term recommendations - For 2014 WP

1. BEREC is currently working with a bottom-up approach: starting from EWGs.
2. The heavy agenda of Plenary Meetings prevents the BoR from discussing strategic issues.
3. BEREC requires a top-down approach: fewer issues should be addressed during Plenary Meetings (more discussion).

The decision-making process should be more top-down and provide more room to the BoR to take strategic decisions.

1. BEREC should be organised in task forces:
   - Each EWG define the tasks (WP & MTS)
   - A task force is defined with a clear scope
   - The EWG Chair names experts
2. At the beginning of each year / ad hoc request / BEREC own initiative.
3. Systematise existing drafting teams for consistency in outputs and management.

EWGs should be organised into task forces.
Study recommendations
Medium-term recommendations - For 2014 WP

1. By better prioritising its tasks, BEREC would be more accountable when recommending a regulatory approach or when defining its WP.
2. BEREC could indicate in each WP the orientation chosen for the year with Key Performance Indicators: BEREC would assess its progress, illustrate the impact of its outputs and legitimate its choices.

3. Better ensure the accountability of BEREC towards its own objectives

   • It is the responsibility of BEREC to best utilise the BEREC Office for both administrative and professional purposes.
   • It requires a change in BEREC’s consideration for the Office.
   • BEREC should also provide yearly feedback to the Office on its performance: opportunity for discussing next year goals.

4. NRAs should agree all together on the balance between administrative and professional support that the Office has to provide to BEREC
**Study recommendations**
Long-term recommendations - Next Mid-Term Strategy

- The EC expects BEREC to provide a clear EU vision on the future of the market.
- In the remit defined by BEREC Regulation, the platform should choose topics to tackle and recommend solutions to the EUIs.
- Based on its KPIs results, BEREC should define its mid- and long-term objectives.
- Use the preparation phase of the new programming period 2014-2020 to reconsider its mission statement and communicate on it internally and externally.

1. Consider emerging issues and recommendations to face them

2. Leverage off progress data to define the future of BEREC

3. Another evaluation of BEREC and the BEREC Office should be planned in 2016
Discussion on the study findings and recommendations
Discussion with the audience

• Questions
• Queries
• Need for complementary elements
Closing
Thank you for your attention

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Study on the Evaluation of BEREC and the BEREC Office

Workshop Presentation

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