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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

Evaluation of BEREC and the BEREC Office

{SWD(2026) 17 final}

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Evaluation of BEREC and the BEREC Office

1. INTRODUCTION

This report to the European Parliament, the Council and the Management Board outlines the Commission's main findings of the evaluation of the performance of BEREC and the BEREC Office, in accordance with Article 48 of 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)¹, hereinafter the 'BEREC Regulation'. The accompanying staff working document contains more detailed evidence and analysis supporting these findings.

2. METHOD

The evaluation was carried out in compliance with the Commission Better Regulation Guidelines² and builds on the study supporting the evaluation of BEREC and the BEREC Office prepared for the Commission³. While in principle it encompassed the period from 2019 to 2023, most relevant developments up to December 2025 are also covered. This report assessed the performance of BEREC and the BEREC Office across the following evaluation criteria: effectiveness, efficiency, relevance, coherence, and EU value added.

The evaluation support study used several methods of data collection and analysis, including inter alia: desk research, document analysis, surveys for national regulatory authorities (NRAs) and for external stakeholders, as well as an interview programme with representatives from stakeholders categories.

In its evaluation, the Commission has also taken into consideration BEREC own initiative input to the Commission on the functioning of BEREC and the BEREC Office in view of the evaluation under Article 48 of the BEREC Regulation⁴.

3. BEREC AND THE BEREC OFFICE UNDER REGULATION (EU) 2018/1971

The Body of European Regulators for Electronic Communications as it exists today was established by the BEREC Regulation, together with the Agency for the Support for BEREC.

¹ 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, OJ L 321, 17.12.2018, p. 1–35.

² Commission Staff Working Document: Better Regulation Guidelines, 03.11.2021, SWD(2021) 305 final.

³ Study supporting the Evaluation of BEREC and the BEREC Office, December 2023 by PPMI and PwC, not yet published.

⁴ [BEREC input to the European Commission on the functioning of BEREC and the BEREC Office, BoR \(23\)](#)
[114](#)

They succeeded the original BEREC and its office, set up by Regulation (EC) No 1211/2009, as part of the 2009 telecoms reforms package, in order to ensure greater harmonisation of practices among the national regulatory authorities (NRAs), promote an effective internal market in this sector, and act as an exclusive forum for cooperation among NRAs, and between the Commission and NRAs. In 2018, following the evaluation undertaken under Regulation (EC) No 1211/2009⁵, BEREC's role was further strengthened by the BEREC Regulation and by Directive (EU) 2018/1972 establishing the European Electronic Communications Code⁶ (EECC).

BEREC's mandate was notably expanded to issue several guidelines to facilitate the harmonised implementation of the EECC, as well as to establish and maintain specific databases, for instance on numbering and general authorisations.

The two-tier structure of BEREC and the BEREC Office was maintained in 2018 by the co-legislators, while the Commission had initially proposed in 2016 to expand BEREC on the model of a decentralised agency. As a result, only the BEREC Office, which succeeded the Office, is a decentralised EU Agency dedicated to delivering professional and administrative support to BEREC, the body gathering NRAs. The BEREC Office possesses a legal personality and maintains legal, administrative, and financial autonomy.

Like Member States, including NRAs, as well as the Commission and the Radio Spectrum Policy Group (RSPG), BEREC is pursuing the general objectives set out in Article 3 of the EECC, that is: promoting connectivity and access to very high capacity networks (VHCN); promoting competition and efficient investment; contributing to the development of the internal market; promoting the interests of the citizens of the Union. The objective of promoting connectivity was added in the EECC as electronic communications were becoming essential for the economy and the society overall.

Additionally, BEREC must, according to Article 3 of the BEREC Regulation, ensure - in particular - a consistent implementation of the regulatory framework for electronic communications (EECC, Roaming Regulation⁷ and Open Internet Regulation⁸).

4. MAIN FINDINGS

4.1. Effectiveness

In general, over the period assessed, **BEREC** has been effective in delivering on its main objectives, i.e. promoting connectivity and access to VHCN; promoting competition and

⁵ SWD(2013) 152 final Commission Staff Working Document on the Evaluation Report of the Body of European Regulators for Electronic Communications (BEREC) and its office. Brussels, 23.4.2013.

⁶ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, OJ L 321, 17.12.2018, p. 36–214.

⁷ Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union, OJ L 115, 13.4.2022, p. 1–37, which repealed Regulation (EU) No 531/2012 referred to in the BEREC Regulation.

⁸ Regulation (EU) 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 and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1–18.

efficient investment; contributing to the development of the internal market; promoting the interests of the citizens of the Union (Article 3 EECC).

Under the EECC, BEREC has been tasked with elaboration of 11 set of guidelines⁹, on complex technical, economic and legal aspects, aiming to provide guidance to NRAs for harmonised implementation of the EECC. BEREC devoted significant resources and expertise in elaboration of the guidelines, which in general are perceived as important advice supporting NRAs' common approaches. Yet, those guidelines alone were not sufficient to create a European Single Market in the electronic communications sector, as, by their nature, they are not legally binding and they always adhere to the principle of NRA flexibility. In this context, safeguarding BEREC and NRAs' independence from political influences and from other stakeholders, has been and remains an important determinant of their effectiveness in implementing the regulatory framework.

During the period analysed, more complex and interrelated digital markets have led to the enactment of new rules in the digital ecosystem in recent years, e.g. the Digital Services Act¹⁰, the Digital Markets Act¹¹, the Data Act¹² and Data Governance Act¹³ and the AI Act¹⁴. This resulted in new responsibilities assigned to national competent authorities in these digital markets. However, in these new fields as well as in cybersecurity or spectrum, the competent authorities designated by Member States are not necessarily NRAs and these new areas are often not reflected in BEREC's mandate. Moreover, since these new responsibilities are not necessarily granted nationally to NRAs, BEREC cannot always rely on the experience of all of its members when implementing (new) tasks entrusted to it or, acting on its own initiative in cases where the new tasks were not entrusted to BEREC and its members, through providing advice or input on these new aspects.¹⁵ Therefore, better cooperation with competent authorities other than the NRAs in the field of electronic communications, as well as upskilling of the NRAs, are becoming even more important as digital regulation is extending beyond the traditional telecommunications sector.

⁹ https://www.berec.europa.eu/en/tasks/european-electronic-communications-code?language_content_entity=en

¹⁰ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1–102.

¹¹ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, p. 1–66.

¹² Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act), OJ L, 2023/2854, 22.12.2023.

¹³ Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act), OJ L 152, 3.6.2022, p. 1–44.

¹⁴ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, OJ L, 2024/1689.

¹⁵ E.g. BEREC participates in the High-Level Group established under Article 40 of the DMA, alongside other bodies such as European Competition Network, Consumer Protection Cooperation Network, EDPS and EDPB. High Level Group provides advice and expertise to the Commission to ensure that DMA and other sectoral regulations applicable to gatekeepers are implemented in a coherent way. Similarly, certain provisions of the Data Act, namely those related to cloud switching (articles 23 to 31, and articles 34-35) should be enforced by competent authorities with experience in the field of data and electronic communications services; it is to be expected that many BEREC members may be assigned with such competences.

Moreover, as also recognised by BEREC¹⁶ and as indicated in the Commission's White Paper 'How to master Europe's digital infrastructure needs?', a virtualisation and softwarisation of electronic communications networks is ongoing, as well as a shifting of network functions to the cloud or the edge¹⁷. The convergence of electronic communications networks and services and cloud infrastructures does not only concern the infrastructure layer, but also the service operations. Furthermore, in the last years AI-based applications have profoundly changed the way of life and affected all economic sectors. It is important for BEREC to be able to respond to the convergence of the traditional telecoms market and the wider digital ecosystem to fulfil its role, including the increasingly supranational scope of connectivity markets. Moreover, the European dimension of the sector is further developing, and with it, the scope and objectives of the regulatory framework, including the regulatory issues such as authorisation, ensuring the better functioning of a broader connectivity ecosystem and - very importantly - resilience and sustainability. A more EU-focused governance setup should also be considered.

When it comes to **the BEREC Office**, generally speaking, it has been successfully providing support to BEREC, even during periods of increased workload or when having to adapt to significant global events, such as the Russia war of aggression on Ukraine. Nevertheless, the Commission shares the view of many NRAs that the BEREC Office should not only provide administrative support but also additional professional support and, in particular, play a more central role in data collection and analysis. This could be an important development in the BEREC Office's role, as demand for data analytics, and better understanding of technological trends and their determinants are essential for BEREC to fulfil its role, now and in the foreseeable future. Strengthening the BEREC Office so that it can support BEREC also on substance will allow BEREC deliverables to take an EU perspective more into account and to better align with EU-level policies.

4.2. Efficiency

BEREC is generally considered by the stakeholders as an organisation with a clear and straightforward setup, governance and procedures, yet relatively flexible.¹⁸ Nevertheless, the frequent reliance on the bigger NRAs for leading BEREC working groups, the mentioned asymmetry in the NRAs' competences or their related limited knowledge in specific areas might challenge the representativeness of specific BEREC outputs. While the current mandate of the BEREC Office might not provide much margin of manoeuvre, requesting more content-related support from the BEREC Office could improve the situation.

Moreover, the number of BEREC Working Groups and the delineation of their tasks should be assessed to ensure that developments in the sector are addressed while avoiding possible overlaps or inconsistencies. Finally, as also raised by NRAs/BEREC, better coordination and

¹⁶ BEREC submission to the White Paper, p. 8 (https://www.berec.europa.eu/system/files/2024-07/BoR%20%2824%29%20100_1_%20BEREC%20Input_White%20Paper_final.pdf).

¹⁷ That is, the ability to process and transport large amounts of data across the entire global Internet has led to the remote storage and processing of data in the cloud, between the cloud and the end-user through Content Delivery Networks (CDNs), and close to the end-user (edge computing). Cf. White Paper, p. 5.

¹⁸ Study supporting the Evaluation of BEREC and the BEREC Office, December 2023 by PPMI and PwC, not yet published; section 5.1.4.

planning with the EU institutions could enable more effective task delivery regarding ad hoc work requested from BEREC.

Being among the smallest EU agencies, **the BEREC Office** strives to provide support to BEREC as efficiently as possible within its budgetary constraints. The BEREC Office – and this finding also applies to its Management Board – is, however, regularly exceeds the maximum FTEs as approved by the budgetary authority. At the same time, there is currently a relatively high rate of staff turnover at the BEREC Office, mostly visible for external staff dealing with administrative tasks. This turnover leads to continuity issues, including retaining knowledge.

The BEREC Office should address these issues in order to be more efficient. This could be done through reorganisation of functions inside the Agency, as well as closer collaboration with Commission services or other decentralised agencies. As a matter of fact, providing more content-related support, e.g. on data analysis and report drafting, could make the overall balance between operational and administrative support tasks more appropriate. This could make the BEREC Office a more attractive employer. Furthermore, the BEREC Office's IT tools could be further improved to make them more straightforward to use, and secure in view of persistent cybersecurity threats (both to the BEREC Office itself, in view of its location, as well as a compromise vector towards EU telecoms operators). In any event, it will be important that the BEREC Management Board addresses human and financial resources issues in accordance with the overall framework for European agencies and uses the resources efficiently.

4.3. Coherence

More coordination and exchange of information at EU and/or national level, between the NRAs and other competent authorities, or the direct involvement of other competent authorities in BEREC's work for which NRAs are not all in charge at the national level, would also foster the coherence of certain BEREC outputs. In the Commission's view, BEREC should in any event adapt its outputs and expertise to relevant emerging topics such as AI, cybersecurity, and other digital matters, and very importantly sustainability and resilience of networks, which are addressed in different EU policies and legal instruments.

Specific reference should also be made to spectrum matters in this context. While a significant number of BEREC members are responsible for spectrum matters at national level, and both BEREC and the BEREC Office are addressing authorisation issues in a number of ways, they are involved in spectrum matters only in limited instances so far, such as via participation in RSPG peer reviews. Recent developments in the area of satellite-based applications particularly calls for strengthened involvement of BEREC and the BEREC Office in the field of spectrum and much closer collaboration with RSPG, in view of the inherently pan-European nature of satellite-based services.

4.4. EU added value

By bringing together expertise from 27 NRAs, **BEREC** plays a pivotal role in the implementation of the electronic communications' regulatory framework, in particular for the NRAs and the EU institutions. The governance set up of BEREC and BEREC office, is unique and different from usual model of EU decentralised Agencies used in other regulated sectors (eg. energy, banking, medicine, aviation safety). This set up implements a deliberate

separation of regulatory functions from administrative support, in view of the need to ensure the independence of NRAs, also at the EU level. Unlike other Agencies (eg. ACER, EASA, EMA) BEREC does not have a legal personality, nor it can adopt binding regulatory decisions, but its main role is to be an high-level expert body, providing guidelines, common positions, issuing opinions and elaborating soft-law instruments to harmonise the regulatory approaches of its members. Despite some limitations (complex structure, lack of direct regulatory powers vested in an EU body), the current structure worked well in contributing to the overall convergence of regulatory approaches within the EU.

BEREC's contribution to fostering regulatory consistency, hence the internal market for electronic communications and end-users, should be further encouraged. In particular, BEREC could play a more active role in promoting a harmonised approach to the implementation of the European regulatory framework for electronic communications in line with Article 3 of the BEREC Regulation, notably through its guidelines. During the evaluation period, BEREC guidelines were instrumental in supporting the harmonisation of NRAs' approaches but were not sufficient, among also many other factors not directly related to BEREC, to ultimately lead to the creation of European Single Market for electronic communications. Nevertheless, while BEREC can adopt its opinions by simple majority, in practice it strives to achieve consensus/unanimity and common ground among all involved NRAs. In practice, this significantly limits BEREC ability to act with focus on pan-European interests, as opposed to national views sometimes more conservative and 'naturally' more focused on local specificities.

BEREC's opinions generally provide valuable inputs to the NRAs and the EU policy process. However, those issued on its own initiative and/or during inter-institutional negotiations could be better coordinated with the Commission and co-legislators to ensure their usefulness in the policymaking process. This would plead for finding the appropriate ways and timing for the Commission or other institutions to collect BEREC's views, and to clarify BEREC's current mandate to provide input in relation to the preparation of legislative proposals in the field of electronic communications.

Moreover, BEREC's expertise needs to be sustained, deepened and broadened, in view of the rapidly evolving electronic communications and digital markets, and this, despite any diverging powers of its members at national level. In that regard, in its response¹⁹ to the Call for Evidence BEREC states that it is keen to assume new institutional responsibilities in view of further strengthening the Single Market dimension and broader digital policy perspective, while such expansion can also work well within its current two-tier structure. Further, BEREC stresses the need to clearly delineate the areas of responsibilities and accountability among various institutional actors, and acknowledges the growing need for structured cooperation with other EU-level bodies overseeing interrelated areas of digital policy, such as data governance, digital services, cybersecurity, and AI.

Finally, the increasing number of participants from third country NRAs, while helping to promote the EU electronic communications markets and exchange of views and learning from each other, implies reflecting on the respective role, capacities to make decisions and organisation of BEREC work.

¹⁹ <https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-input-to-the-european-commissions-call-for-evidence-on-the-digital-networks-act>

4.5. Relevance

Asymmetries in NRAs' competences in Member States may influence the relevance of BEREC's work for certain NRAs. This is prompting the question how BEREC could best 'contribute to the regulatory environment fit for the digital age in the run-up to 2030', as BEREC puts it in its own input to the evaluation.

Also in the field of electronic communications, the tasks that were entrusted to BEREC and the BEREC Office had been limited as the current governance structure have been conceived for markets which are national in scope, with not so many aspects related to harmonisation and the Single Market dimension and with significant focus on *ex ante* regulation as the main tool in the regulatory toolbox. This is changing, since the European dimension of the sector has been developing in some areas, while competitive conditions have evolved.

Recent technological changes create various opportunities and challenges for the sector, as indicated in the Commission White Paper on digital infrastructure needs, and in recent feedback in the Call for evidence accompanying the legislative process for the Digital Networks Act. The recently adopted BEREC Strategy 2026-30 recognises the profound changes of the digital technologies and the intertwined/reciprocal nature of electronic communications and digital technologies (AI, data processing, virtualisation, cloud and edge computing).²⁰ In order to ensure its relevance in the coming years BEREC identifies key priorities, which besides its current focus (connectivity, competition, end user interests), also put emphasis on environmental sustainability, cybersecurity and resilience.

The current setup of BEREC and tasks entrusted to it might not be sufficient and appropriate to cope with this evolution. Furthermore, the regulatory toolbox might need to be modernised to address the market and technological changes, with possible broader use of harmonised tools (for example access product) and its most rarely (if ever) used tools, such as resolution of cross-border aspects, may gain prominence. In this respect, the question arises as to how the role and mandate of BEREC and the BEREC Office should evolve and possibly be strengthened to adapt to new responsibilities and tasks.

The current setup also challenges the relevance of BEREC's work on digital markets for certain industry and consumer representatives. External stakeholders want to engage more with BEREC in virtual events or public consultations, often ask for more time to respond to consultations, and for more transparency on upcoming initiatives. In that regard, during 2024 and 2025 BEREC has put significant emphasis on improving its effective communication with stakeholders, to ensure transparency, build trust and engage with stakeholders, ensuring that all its outputs remain relevant. This has been underlined as one of the aspects of strengthening BEREC capabilities in its Strategy for years the 2026-2030, which aims to set BEREC priorities for the upcoming 5 years.

5. CONCLUSIONS

This report, and its accompanying Staff Working Document, mainly look backwards, into the performance of BEREC and the BEREC Office over the period 2019-2023, while also taking into account main developments until December 2025. This report draws a number of lessons

²⁰ BEREC Strategy 2026-30, December 2025, <https://www.berec.europa.eu/en/all-documents/berec/berec-strategies-and-work-programmes/berec-strategy-2026-2030>.

from this analysis, including on the mandate and the organisation of BEREC and the BEREC Office.

Overall, BEREC and the BEREC Office have proven to be quite effective in delivering on their main objectives. The contribution of independent NRAs, which share the same objectives, is essential in this respect.

However, the situation has been developing over the reporting period and continues to evolve significantly. More complex and interrelated digital markets have led to the enactment of new rules and new tasks granted to many BEREC members in e.g. digital markets, cybersecurity, spectrum, data, AI, which are not always reflected in BEREC's mandate. This is increasing the asymmetry between NRAs' responsibilities at national level, as well as between NRAs' responsibilities and BEREC's mandate. Moreover, recent market and technological changes are creating opportunities and challenges for the sector, as indicated in the Commission's White Paper on digital infrastructure needs.

These developments are pleading for more coordination and exchange of information at national level or the direct involvement of other competent authorities in the work of BEREC, which could improve its effectiveness. Moreover, changes occur in the electronic communications sector itself, with evolving competitive conditions and blurring delineation between different aspects of digital networks and electronic communications and digital services. These developments are calling for sustaining and broadening BEREC's role and expertise, as also recognised by BEREC itself, while underlining the need for a clear delineation of new responsibilities and accountability of various institutional actors, and preserving BEREC's and NRAs' independence.