

Brussels, 29 January 2026  
(OR. en)

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**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 21 January 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: SWD(2026) 17 final

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Subject: COMMISSION STAFF WORKING DOCUMENT EVALUATION  
Accompanying the document REPORT FROM THE COMMISSION TO  
THE EUROPEAN PARLIAMENT AND THE COUNCIL Evaluation of  
BEREC and the BEREC Office

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Delegations will find attached document SWD(2026) 17 final.

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Encl.: SWD(2026) 17 final



Brussels, 21.1.2026  
SWD(2026) 17 final

**COMMISSION STAFF WORKING DOCUMENT**

**EVALUATION**

*Accompanying the document*

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

**Evaluation of BEREC and the BEREC Office**

{COM(2026) 34 final}

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## Glossary

<i>Term or acronym</i>	<i>Meaning or definition</i>
BEREC	Body of European Regulators for Electronic Communications
BEREC Office	Agency for Support for BEREC
CAPs	Content and application providers
CPC	Consumer Protection Cooperation Network
Commission	European Commission
DG CONNECT	The Directorate-General for Communications Networks, Content and Technology
DMA	Digital Markets Act
DSA	Digital Services Act
EBMS	European Board for Media Services
ECN	European Competition Network
EDPB	European Data Protection Board
EDPS	European Data Protection Supervisor
EECC	European Electronic Communications Code
ENISA	European Union Agency for Cybersecurity
ERGA	European Regulators Group for Audiovisual Media Regulators
EU	European Union
ITU	International Telecommunication Union
FTE	Full time equivalent
IMCO Committee	Committee on Internal Market and Consumer Protection
ITRE Committee	Committee on Industry, Research and Energy
LEO satellite	Low Earth Orbit satellite
NRAs	national regulatory authorities
RSPG	Radio Spectrum Policy Group
SWD	Staff Working Document
TTE Council	The Transport, Telecommunications and Energy Council
VHCN	Very High Capacity Networks
WG	working group

## 1. Introduction

### 1.1 Purpose and scope of the evaluation/fitness check

Pursuant to Article 48 of the BEREC Regulation<sup>1</sup> establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office) the Commission must in compliance with the Commission's Better Regulation Guidelines assess BEREC's and the BEREC Office's performance in relation to their objectives, mandate, tasks and location (BEREC Office is located in Riga, Latvia<sup>2</sup>). The Commission is obliged to report to the European Parliament, the Council and the BEREC Office Management Board on the findings of its evaluation and to make those findings public. The evaluation must address any potential need to modify the structure or mandate of BEREC and the BEREC Office, and the financial implications of any such modification, especially in view of possible changes to the BEREC mandate, addition of tasks and any other factors impacting the functioning and responsibilities of BEREC and the BEREC Office.

This Staff Working Document builds on the study supporting the evaluation of BEREC and the BEREC Office prepared for the Commission by PPMI and PWC<sup>3</sup>. This study encompasses the period from 2019 to 2023, inclusive. It provides a comprehensive overview of the performance of BEREC and the BEREC Office across the following key criteria: task implementation, effectiveness, efficiency, relevance, coherence, and EU value added. The evaluation support study used several methods of data collection and analysis (for more details please see Annex II). These methods included desk research, document analysis, two surveys – one for national regulatory authorities (NRAs) and one for external stakeholders – an extensive interview programme with representatives from all stakeholder categories, case studies and participant observation serving as a supplementary tool<sup>4</sup>. As part of the evaluation study participant observations were carried out for the three virtual workshops of BEREC. While in principle the evaluation covers period 2019-2023, most relevant developments up to December 2025 are also covered.

The main stakeholders' categories surveyed by the consultants are presented on the figure below.

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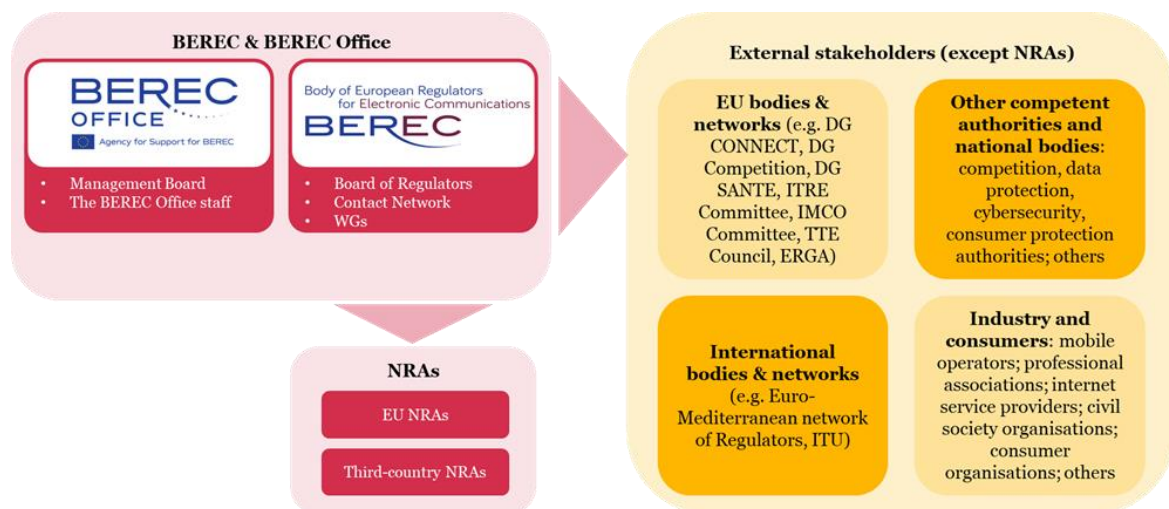
<sup>1</sup> [EUR-Lex - 32018R1971 - EN - EUR-Lex \(europa.eu\)](#)

<sup>2</sup> By Decision 2010/349/EU, the Representatives of the Governments of the Member States decided that the Office would have its seat in Riga. The Seat Agreement between the Government of the Republic of Latvia and the Office entered into force on 5 August 2011.

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

<sup>4</sup> Participant observation is a qualitative data collection method used by researchers to collect data by observing human behaviour in a certain context by immersing themselves in that context.

Figure 1. Main categories of stakeholders surveyed within the study supporting the evaluation of BEREC and the BEREC Office



The list of stakeholders surveyed and interviewed in the scope of the study is available as part of Annex 4 of the external study supporting the BEREC evaluation. The executive summary, final report and annexes will also be made public.<sup>5</sup>

Note that BEREC has developed on its own initiative input to the European Commission on the functioning of BEREC and the BEREC Office in view of the evaluation under Article 48 of the BEREC Regulation, which has been taken into consideration in this SWD<sup>6</sup>.

## 2. What was the expected outcome of the intervention?

### 2.1 Description of the intervention and its objectives

The Body of European Regulators for Electronic Communications (BEREC) as it exists today was established by BEREC Regulation (EU) No 2018/1971 (BEREC Regulation), together with the Agency for the Support for BEREC (BEREC Office).

They succeeded the original BEREC organisation and the Office. The latter two-tier structure had been set up by Regulation (EC) No 1211/2009<sup>7</sup>, as part of the 2009 Telecoms Reforms package, in order to ensure greater harmonisation of practices among the NRAs,

<sup>5</sup> Not yet published at the time of the adoption of the BEREC Review Report and the SWD.

<sup>6</sup> [BoR \(23\) 114 BEREC input to the European Commission on the functioning of BEREC and the BEREC Office.pdf \(europa.eu\)](#)

<sup>7</sup> Regulation (EC) 1211/2009 set up BEREC (Art. 1, BEREC shall contribute to the development and better functioning of the internal market for electronic communications networks and services, by aiming to ensure a consistent application of the EU regulatory framework for electronic communications) and the Office (Art. 6, to provide professional and administrative support services to BEREC, collect information from NRAs and exchange and transmit information in relation to the relevant roles and tasks, disseminate regulatory best practices among NRAs, assist the Chair in the preparation of the work of the Board of Regulators, and set up Expert Working Groups, upon request of the Board of Regulators, and provide support to ensure the smooth functioning of those Groups)

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 order to contribute more to the development and better functioning of the internal market for electronic communications networks and services, BEREC had been tasked in 2009 to aim to ensure a consistent application of the EU regulatory framework for electronic communications. For this reason, BEREC was tasked, in particular, to contribute to the development and better functioning of the internal market for electronic communications networks and services, by aiming to ensure a consistent application of the EU regulatory framework for electronic communications. Moreover, BEREC was formally recognised as an exclusive forum for cooperation among NRAs, and between the Commission and NRAs.

The previous evaluation of the performances of BEREC and the BEREC Office undertaken under Regulation (EC) 1211/2009<sup>8</sup> recognised BEREC's considerable role in improving the harmonisation of practices between the Member States. However, it underscored the need for greater independence of BEREC from the influence of individual NRAs and for cultivating a more unified approach to improving the internal market for electronic communications. In a similar vein, the 'Impact Assessment Accompanying Proposals for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) and a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications'<sup>9</sup> (henceforth, the Impact Assessment), reported that BEREC, due to its institutional set-up, tended to prioritise greater flexibility or a lower common denominator, rather than striving for a more harmonised application of the European regulatory framework, in particular as concerns the access-related regulatory intervention.

In 2018, BEREC's role was strengthened by the BEREC Regulation and Directive (EU) 2018/1972, also known as the European Electronic Communications Code (EECC), the successor of the 2009 Telecoms Reforms Package. BEREC's mandate was notably expanded to include issuing several guidelines on a number of subjects with a view to facilitate the harmonised implementation of the EECC, as well as establishing and maintaining specific databases, for instance on numbering and general authorisations. Collectively, these developments confirmed BEREC's role as one of the key players in the EU regulatory framework for electronic communications. The two-tier structure of BEREC and the BEREC Office was maintained by the co-legislators, while the Commission had initially proposed to expand BEREC on the model of a decentralised agency.

Like Member States, the 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 European Electronic Communications Code, that is: promoting connectivity and access to Very High-Capacity Networks (VHCN); promoting competition and efficient investment;

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<sup>8</sup> 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.

<sup>9</sup> SWD/2016/0303 final/2 - 2016/0288 (COD), Commission Staff Working Document Impact Assessment Accompanying the document Proposals for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) and a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications.

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 Regulation and Open Internet Regulation).

The resulting 2018 organisational structure of BEREC can be summarised as follows. The Board of Regulators consists of the heads of NRAs from each EU Member State and participating NRAs from specific third countries, as well as the Commission. The Contact Network serves as a coordinating entity, bringing together senior representatives from those NRAs and the Commission. BEREC's daily work is organised into working groups dedicated to specific topics outlined in the work programme. These WGs comprise experts from different NRAs and are guided by two co-Chairs elected for a two-year term.

The BEREC Office is a decentralised EU Agency dedicated to delivering professional and administrative support to BEREC. The BEREC Office possesses a legal personality and maintains legal, administrative, and financial autonomy. Its main role is to facilitate the functioning of BEREC by providing professional and administrative support. Its administrative support services encompass a wide array of responsibilities, including but not limited to organising meetings and events and managing documents and archives. The BEREC Office is also tasked with providing professional expertise and contributing to BEREC's regulatory work.

The organisational structure of the BEREC Office comprises the Management Board, composed of the members from the Board of Regulators and a high-level Commission representative, and a director in charge of the administrative management of the BEREC Office.

In line with the previous reviews and reforms (2009, 2018), should BEREC's overall set of tasks and responsibilities change, this should be reflected in corresponding changes to the BEREC Office, in terms of human and financial resources, in order to enable it to continue supporting BEREC.

## 2.2 BEREC and the BEREC Office's intervention logic

The intervention logic of BEREC and the BEREC Office developed for the purpose of the current evaluation study is shown below. The intervention logic begins with the needs underpinning the establishment of BEREC and the BEREC Office and is reconstructed from the four general objectives of BEREC outlined in Article 3 of the EECC. Next, the intervention logic continues with BEREC's specific objective, which is to ensure consistent implementation of the European regulatory framework.

Regulatory tasks of BEREC are listed in Article 4 of the BEREC Regulation. These activities contribute to specific BEREC results and contribute to the achievement of specific BEREC objectives. BEREC's regulatory tasks consist foremost of assisting and advising the NRAs, the EU institutions, and being a forum for cooperation between NRAs themselves and the Commission. In particular, BEREC tasks include issuing opinions on many regulatory decisions (e.g., on resolution of cross border disputes, on draft national market regulatory measures, on determination of single maximum termination rates, on national implementation and functioning of general authorisation. Moreover, BEREC is tasked with issuing guidelines on a range of specific, often complex legal, technical or

economic issues, as well as monitoring and collecting market information and disseminating it to the public and may also issue other guidelines ensuring consistent implementation of the regulatory framework (at own initiative, or at the request of NRAs, European Parliament, the Council or the Commission). Overall, BEREC tasks are to contribute to more consistent implementation of the European regulatory framework for electronic communications and therefore to a better functioning of the EU internal market for electronic communications and to increased innovation in the electronic communications sector.

The BEREC Office's tasks are listed in Article 5 of the BEREC Regulation. Those are mainly to provide professional and administrative support services to BEREC, collect, process and disseminate information, assist in establishing and maintaining registries and databases, assist in preparation of work and administrative and content-related support to ensure the functioning of BEREC governing body (Board of Regulators) and the working groups.

Given the separate legal set-up of the BEREC Office and that its main tasks relate to its supportive role vis a vis BEREC in achieving its regulatory tasks, the intervention logic indicates the BEREC Office as one of the inputs to BEREC. Other BEREC inputs include the human resources contributed to BEREC by the NRAs (and the Commission). The intervention logic also lists external factors that affect the achievement of the objectives and influence BEREC's activities, such as international developments in the regulation of electronic communications<sup>10</sup>.

### 3. How has the situation evolved over the evaluation period?

In keeping with its enhanced role, BEREC dedicated much attention at the beginning of the reporting period (2019-2020) to the development of several sets of technical guidelines related to the implementation of the EECC in particular, which NRAs would have to take into account. This covered a broad range of topics such as network termination points, VHCN, geographical surveys, co-investments, as well open internet access. BEREC also started to establish databases dealing with e.g. authorisations and numbering, as provided for in the EECC.

In total BEREC issued 10 guidelines in accordance with the EECC, on: Minimum Criteria for a Reference Offer; General Authorisation Notifications; Network Termination Point; Geographical Surveys of Network Deployments; Numbering Resources for non-ECN/non-ECS; Quality of Service; Public Warning Systems; Very High Capacity Networks; Symmetric Access Obligations; Co-Investment Criteria<sup>11</sup>. While all those guidelines are high quality, very informative, elaborated with significant effort and preceded by public consultations and assessment of stakeholders inputs, they are ultimately drafted in a way to ensure NRAs flexibility. BEREC strives to reach consensus and accommodate national approaches, albeit formally the voting rules provide for simple majority (exceptionally for

<sup>10</sup> An interactive version of the intervention logic is available at: [https://lucid.app/lucidspark/ddde6a03-3dc1-40fb-8834-ccce2e632e25/edit?invitationId=inv\\_392d65a7-0dd8-4044-80b0-141ffb77d433](https://lucid.app/lucidspark/ddde6a03-3dc1-40fb-8834-ccce2e632e25/edit?invitationId=inv_392d65a7-0dd8-4044-80b0-141ffb77d433)

<sup>11</sup> For presentation of all BEREC Guidelines following from the EECC see: [https://www.berec.europa.eu/en/tasks/european-electronic-communications-code?language\\_content\\_entity=en](https://www.berec.europa.eu/en/tasks/european-electronic-communications-code?language_content_entity=en). The BEREC Guidelines on Intra-EU communications (updated) stem from Article 5a of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015, introduced by an amendment through the BEREC Regulation.

qualified majority) and allow to indicate reservations/dissent. By way of example, important Guidelines on the Co-Investment Criteria<sup>12</sup> are very detailed on the various elements of assessment (e.g., models of co-investment, timing, openness of the offer, lifetime of the network), but they do not provide a response as to how exactly various criteria will be assessed by NRAs. Therefore, they left uncertainty for operators how to structure and design potential co-investment offers. Similarly, more technical Guidelines on the Network Termination Point<sup>13</sup>, delimiting the boundary of public networks, provide guidance as to aspects and elements to assess in such determination, leaving flexibility as to the actual choice among various options. Also, the very detailed and technically sophisticated Guidelines on Geographical Surveys of Network Deployments<sup>14</sup>, while very useful in terms of aligning the approaches and methodologies, ultimately did not lead to uniform availability of information about fixed and mobile network deployment and quality, and do not allow for comparability across Member States. Overall, BEREC devoted significant resources and expertise in elaboration of the guidelines, which in general are perceived as important advice supporting NRAs common approaches. Nevertheless, while very helpful and informative, the guidelines alone were not sufficient to create a European single market in the communications sector.

Like many organisations, the COVID-19 pandemic prompted BEREC and the BEREC Office to move most activities online, which they did quite effectively and efficiently. Moreover, BEREC was asked additionally by the Commission to ensure regular oversight of the Internet traffic situation in each Member State to be able to respond swiftly to any capacity issues (which in the end did not occur), and to regularly report to the Commission.

BEREC international cooperation overall has gained in importance over the reporting period. Western Balkans NRAs were invited to take part in the works of BEREC and the BEREC Office, in accordance with Article 35 of the BEREC Regulation. The same goes for the Ukrainian NRA since 2022 and Moldovan NRA since 2025. BEREC was also asked to collect and report data related to the Joint Statement by EU and Ukrainian mobile operators aimed at helping refugees from Ukraine stay connected<sup>15</sup>.

Gradually, BEREC has paid attention to digital platforms and the digital economy more widely, including following its appointment as a member of the Digital Markets Act (DMA) High-level group in 2022, and the appointment of several NRAs as Digital Services Coordinators in the context of the Digital Services Act (DSA). Cybersecurity has been another priority, in particular since the development of the 5G cybersecurity Toolbox. Moreover, BEREC is dedicated to fostering new technological advancements, and recognises its potential role under the Data Act, in particular with regard to the implementation of cloud switching provisions, where it can be expected that at least some

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<sup>12</sup> BEREC Guidelines to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76 (1) and Annex IV EECC), BoR (20) 232

<sup>13</sup> BEREC Guidelines on Common Approaches to the Identification of the Network Termination Point in different Network Topologies, BoR (20) 46

<sup>14</sup> BEREC Guidelines to assist NRAs on the consistent application of Geographical surveys of network deployments, BoR (20) 42

<sup>15</sup> Joint Statement initially signed in April 2022, subsequently prolonged until 31 December 2025, <https://digital-strategy.ec.europa.eu/en/library/joint-statement-eu-and-ukrainian-operators-help-refugees-ukraine-stay-connected>

NRAs could be appointed as competent authorities<sup>16</sup>. BEREC has also recognised the rapid advancements of AI. In March 2024 BEREC adopted its High-Level position on Artificial Intelligence and virtual worlds underlining the importance of very high capacity networks and the fact that cloud services and edge computing are increasingly intertwined with ECN/ECS, requiring a holistic approach and promoting responsible AI development and regulation. BEREC also elaborated several reports on the impact of AI on the telecoms sector. However, in these new fields, as well as in cybersecurity or spectrum, the competent authorities designated by Member States are not necessarily NRAs, and such new areas are often not reflected in the BEREC mandate at the EU level.

Furthermore, the digital sector has been evolving significantly over the reporting period, and new players are entering telecoms or adjacent markets, as evidenced by the Commission's 2023 exploratory consultation on the future of the electronic communications sector and its infrastructure<sup>17</sup> and the responses to the Commission White Paper<sup>18</sup>.

First, as also recognised in the BEREC input to the White Paper<sup>19</sup>, new technologies such as network virtualisation, edge cloud, artificial intelligence and open networks have significant impact on the electronic communications sector. Also copper networks – initially designed for telephone calls – will have to give way to new infrastructures capable of transmitting gigabits and soon terabits of data per second. The sector is moving towards new software-based, highly programmable, cloud-native networks. This transformation will have a significant impact on business and regulatory models, skills, infrastructures, security of vendors and, of course, investments. Other profound market changes observed by BEREC relate to emerging competition from other actors in the internet ecosystem (e.g., CAPs) and their investments in communication infrastructures (fixed cables, LEO satellite networks, and 5G private networks for businesses).

Lastly, the study identifies areas where BEREC and its Office can play a key role in the implementation of the Digital Networks Act, by taking on more responsibilities in the framework of a new BEREC Regulation.

#### 4. Evaluation findings (analytical part)

The findings below mainly build on the support study commissioned by the Commission. They also take into account BEREC's own initiative input to the Commission on the functioning of BEREC and the BEREC Office in view of the evaluation under Article 48

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<sup>16</sup> Data Act foresees that competent authorities for the implementation of cloud switching provisions should have experience in the field of data and electronic communications services.

<sup>17</sup> <https://digital-strategy.ec.europa.eu/en/library/results-exploratory-consultation-future-electronic-communications-sector-and-its-infrastructure>

<sup>18</sup> <https://digital-strategy.ec.europa.eu/en/library/white-paper-how-master-europes-digital-infrastructure-needs>

<sup>19</sup> BEREC's input to the EC public consultation on the White Paper "How to master Europe's digital infrastructure needs?", BoR (24) 100

of the BEREC Regulation<sup>20</sup>. The Commission's conclusions and lessons learned are provided in Section 5 of the present Staff Working Document.

#### 4.1 To what extent was the intervention successful and why?

*[Related criteria to assess: effectiveness, efficiency, coherence]*

Generally speaking and based on evidence gathered in the context of the support study, one can say that BEREC has successfully carried out the tasks assigned to it, and in accordance with the applicable legal framework. In particular, BEREC has developed the opinions, guidelines, databases and monitoring reports as required in the EECC and relevant Regulations, in particular the Roaming Regulation and the Open Internet Regulation.

An evaluation methodology was developed and used during the study. The methodology was structured around five main components, listed below (including the high level characteristics for each component).

*Desk research*, where the following documents were encoded and analysed: BEREC Work Programmes for 2019-2023, documents shared by BEREC Office and/or published covering administrative and monitoring data, keyword-based analysis of proposals for legislative acts between 2019 and 2023 (for the European Commission), scanning adopted European Parliament texts with references to BEREC, and likewise for the Council.

A number of *interviews* (57) were conducted with pertinent partners and stakeholders: 22 NRAs, 9 with the BEREC Office, 9 with EU institutions, 4 with international bodies and networks, 2 with other related competent authorities and 11 with Industry and Consumer Organisations (including BEUC and European Disability Forum).

*Surveys* were also used, targeted at NRAs and stakeholders, respectively. The first was structured in seven blocks: (1) an introductory section asking for the NRA's information, (2) a section on BEREC's achievement of objectives, (3) a block on BEREC's efficiency, (4) a section on BEREC's impacts and added value, and, similarly, (5) a block on the BEREC Office's achievement of objectives, (6) a section on the BEREC Office's efficiency, and a final block on (7) the BEREC Office's added value. The second was structured in three blocks: (1) an introductory section asking for the respondents' information, (2) a section on the achievement of BEREC's objectives, and a third one on (3) BEREC's impact and added value. The two surveys were disseminated to 38 NRAs and 194 other stakeholders, where the latter were specifically 82 industry and consumers organisations, 21 international bodies and networks, 85 other national competent authorities, and 6 representatives of EU bodies. In total, 66 replies were received: 28 from NRAs, 19 from Industry and Consumers, 2 from International bodies and networks, 14 from other competent authorities and 3 from individual respondents and/or individuals.

To supplement the findings of the study, *Participant observation* was also used, where some external BEREC events (virtual workshops) were observed: workshop on international submarine connectivity in the EU, workshop on switching and

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<sup>20</sup> [BoR \(23\) 114 BEREC input to the European Commission on the functioning of BEREC and the BEREC Office.pdf \(europa.eu\)](#)

interoperability of data processing services, and workshop on end-users in the context of the Digital Markets Act (DMA).

Finally, five *Case studies* were developed for the explicit purpose of the study supporting the evaluation, and followed the data collection through desk research, interviews and surveys: BEREC’s work on the Open Internet Regulation guidelines, BEREC’s ad hoc work to support the Ukrainian NRA, BEREC’s work on cybersecurity and fruitful collaboration with ENISA, BEREC’s work on sustainability and BEREC’s role in Phase II process in line with Articles 32-33 of the EECC.

According to the evaluation study, BEREC’s implementation support scoring is as follows:

Regulatory output	Completeness	Effectiveness
Guidelines	4	3
Peer review contributions	5	4
Recommendations, common positions, methodologies and dissemination of best practices	4	4
Databases	4	2

The same goes for the BEREC Office that, throughout the period analysed, provided administrative support to BEREC. The sections below provide an overview of the performance of BEREC and the BEREC Office across the better regulation evaluation criteria: effectiveness, efficiency, relevance, coherence, and EU value added.

a) Effectiveness

BEREC

Overall, stakeholders point to the consistently high quality of BEREC’s outputs. Its guidelines are effectively aimed at supporting the implementation of the regulatory framework for electronic communications. Moreover, BEREC is, in general, able to facilitate and coordinate a comprehensive data collection effort from the NRAs. Stakeholders perceive BEREC’s outputs as authoritative sources of information. Stakeholders, especially NRAs, also note the significance of BEREC’s role as a key forum for the exchange of best practices among NRAs.

Evidence gathered in the support study shows that, overall, BEREC has effectively contributed to fulfilling its tasks and meeting its objectives on a consistent basis over the reporting period. In terms of output, BEREC has developed a number of guidelines necessary for the implementation of EU instruments, as mentioned before. These guidelines are contributing to the four general objectives of the EECC and to the specific objective for BEREC to ensure consistent implementation of the relevant provisions by the NRAs. According to the support study and interviews with stakeholders, BEREC’s recommendations and common positions are generally well received, as well as its regular exchanges and dissemination of best practices. The same was considered by respondents as concerns BEREC participation in peer review meetings established by the RSPG (note the partial membership overlap between RSPG and BEREC on these issues), which have

allowed the relevant authorities to discuss with their peer spectrum assignments planned in their country. However, in practice BEREC played limited role in the peer review process.

Stakeholders are positive as regards the objective of promoting connectivity and access to VHCNs. This is predominantly attributed to the role of BEREC in supporting the implementation of EU legislation, such as the delivery of the BEREC guidelines on VHCN, which has facilitated the establishment of a common understanding and coordinates deployment of VHCNs across the EU.

BEREC's contribution to the promotion of competition and investment is also judged positively, not least via its advisory role to the Commission and the NRAs in the process of ex ante regulation of the electronic communications market as outlined in Art. 32-33 of the EECC. BEREC also published reports analysing the latest developments in the electronic communications market that may have an effect on its competition dynamics<sup>21</sup>. The picture is less positive regarding BEREC's contribution to investment in connectivity, as a number of industry representatives consider that BEREC takes an overly pro-regulatory approach in its opinions and guidelines, which, in their view, slows down the pace of private investment in connectivity on a European scale.

While BEREC's work, especially its guidelines and opinions, is also considered to have contributed to the development of the internal market, according to NRAs in particular, while some external stakeholders express reservations about BEREC's effectiveness in achieving a unified single market for electronic communications. According to some of the interviewed stakeholders and survey participants, BEREC's guidelines should be improved in terms of both quality, relevance, and scope. Industry representatives, as well as some interviewed NRAs and Commission officials, state that some of BEREC's outputs seem to be aimed more at reconciling the national practices and circumstances of Member States, rather than pursuing Union-level positions on regulatory harmonisation. This is putting a limit to BEREC's track record on its specific objective to aim to ensure a consistent implementation of the relevant provisions by the NRA.

NRAs tend to praise BEREC's role in promoting the interests of the citizens of the Union, not least in the case of roaming or open internet, against just over one-third of external stakeholders stating that BEREC has fulfilled this objective either completely or to a large extent. One prominent example of BEREC positive contribution to the interests of EU citizens is its role in monitoring and guiding stakeholders in the harmonised implementation of the Roaming Regulation.

BEREC is, in general, able to facilitate and coordinate a comprehensive data collection effort from the NRAs. Nevertheless, in some cases – such as in the case of the database on access to emergency services – seems to be less consistent. Partially due to different competences at national level, according to which NRAs are not necessarily competent for the matter of emergency services, the quality of the database is suboptimal and the inputs gathered at national level are not necessarily consistent, to the ultimate detriment of end-users. In turn, this has an impact on the contribution of BEREC to a consistent implementation of the regulatory framework.

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<sup>21</sup> [BEREC Report on the Internet Ecosystem: BEREC Report on the ex-ante regulation of digital gatekeepers.](#)

BEREC's effectiveness builds on several strengths, e.g., its independence and fact-based decision-making. Regarding independence, NRAs point out that their own independence regarding financial and human resources has been and remains a crucial aspect for the smooth and coherent work of BEREC as it affects the share of resources NRAs can allocate to BEREC in addition to national work. Safeguarding NRAs' independence at the national level is an important determinant of BEREC's effectiveness.

On the other hand, BEREC's effectiveness might be limited by other factors. According to Article 5 of the BEREC Regulation, BEREC is composed of NRAs, while not all the tasks entrusted to BEREC are within the responsibilities of its member NRAs at the national level (e.g., emergency communications, public warning systems, spectrum management, management of numbering resources, infrastructure mapping, or cybersecurity). Moreover, since new responsibilities from outside the EECC and BEREC Regulation are not necessarily granted to NRAs, BEREC cannot always rely on the experience and expertise of all of its members when implementing (new) tasks entrusted to it<sup>22</sup>. This specific situation – which requires coordination between the NRA and the national competent authority – has led to shortcomings in some cases, as in the case of emergency communications database. Hence, it is increasingly crucial to enhance collaboration with knowledgeable authorities outside of NRAs in the electronic communications field and to improve the skills of NRAs. This is particularly important as digital regulation currently expands beyond the traditional telecommunications sector, and some but not all NRAs might have competences under the Data Act (implementation of cloud switching), DMA, or be designated authority under DSA. Enhancing coordination and sharing information between NRAs and other competent authorities, or involving the latter in BEREC's work, would enhance its effectiveness.

The developments in the digital sector are prompting BEREC and its members at national level to be increasingly involved in areas at the margins of traditional telecommunications. At the same time, not all NRAs are tasked with new responsibilities in areas such as cybersecurity or digital markets and services. This may result in multiple national authorities operating in areas of interest for BEREC, which might undermine BEREC's effectiveness in spite of coordination at national level.

In its self-assessment, BEREC confirms that constraints like differences in competences at NRAs' level as well as available resources can affect BEREC's capacity *'to foster regulatory consistency throughout the subjects covered by the EECC, to the detriment of the internal market for electronic communications and users' rights'*. Moreover, evidence suggests that BEREC's sometimes relative adaptability to the convergence of the traditional telecommunications market and the larger digital ecosystem may impact its effectiveness. For instance, evidence gathered in the support study suggests that in some areas related to the regulation of digital markets, BEREC has taken a more traditional telecoms market view (e.g., BEREC's opinion on the Gigabit Recommendation and BEREC's preliminary assessment of the underlying assumptions of payments by large

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<sup>22</sup> Eg. BEREC participates in the High-Level Group established under Art.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 (art. 23 to 31, and art.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.

CAPs to ISPs), driven also in part by the different competences in different NRAs, which in turn does not allow BEREC to adapt to changes in the digital market in a quick way.

On the other hand, BEREC had been able to quickly adjust and take upon new tasks in view of external developments. External factors like the COVID-19 pandemic, Russia's full-scale invasion of Ukraine, or Brexit at the time, have had an impact on BEREC's work. COVID-19 did not only disrupt the organisation's day-to-day activities and functionality moving most activities online. During the COVID-19 pandemic, the Commission services also asked BEREC to monitor market developments, address network congestion, and provide weekly reports on the internet capacity status<sup>23</sup>. This effective monitoring allowed for responding quickly to any capacity issues, which, in the end, did not prove necessary.

In relation to Ukraine, BEREC was also engaged, on request of the Commission, in collecting and reporting data on the measures taken in line with the framework of the Joint Statement by EU and Ukrainian operators aimed at helping refugees from Ukraine stay connected. This should also be underlined as an example of flexibility and effectiveness of BEREC.

### BEREC Office

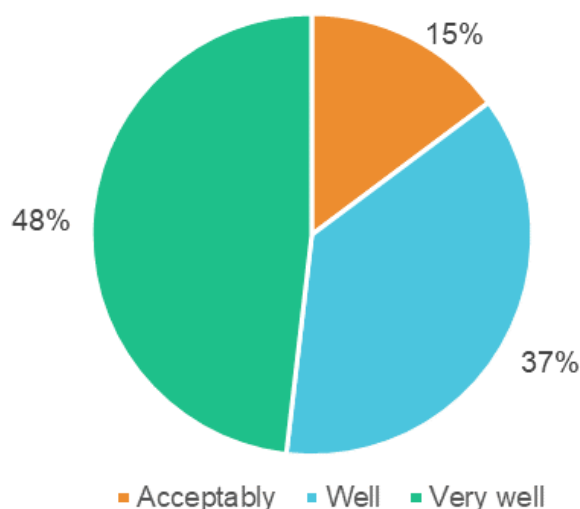
Evidence gathered in the support study generally shows that the BEREC Office has been effective in providing support to BEREC, particularly by supporting NRAs in their roles as WGs co-chairs, organising BEREC's internal and external events as well as supporting the preparation of BEREC's data collection activities. According to consulted NRAs participating in BEREC, which are the main beneficiary of the BEREC Office's support services, the Agency is well organised and is able to provide high-quality administrative support, including to the Contact Network and the Board of Regulators.

The figure below shows NRAs' views on how well the BEREC Office responded to the needs of BEREC and their NRAs.

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<sup>23</sup> See for example: <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-summary-report-on-the-status-of-internet-capacity-in-light-of-the-covid-19-crisis-3>

Figure 2. NRAs' views on how well the BEREC Office responded to the needs of BEREC and their NRAs



Being a small agency, the question of balancing administrative tasks with other more substance tasks remains a challenge, including coping with requests for more data management and data analysis. According to data shared by the BEREC Office, over 40% of the BEREC Office's workload was dedicated to horizontal activities associated with the management, staffing, procurement and ICT-related aspects of the BEREC Office.

In increasingly important areas such as data collection and analysis, there is a BEREC demand for additional professional support to be provided by the BEREC Office.

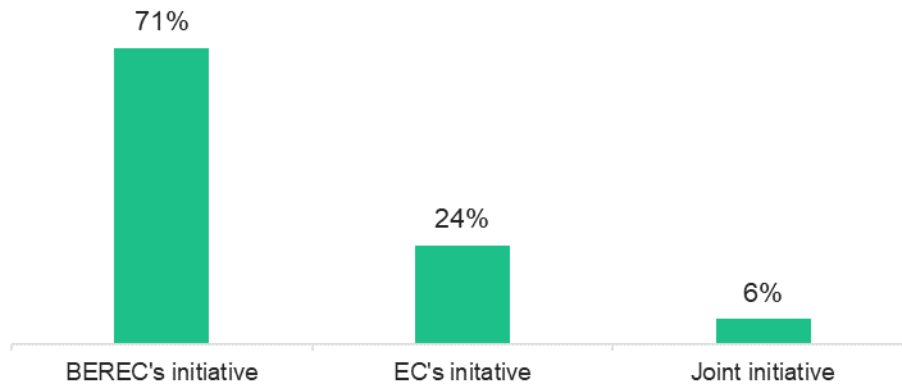
Having demonstrated resilience and adaptability to new tasks, the BEREC Office has shown that, with added support, it could well take on more tasks.

#### b) Efficiency

##### BEREC

According to the support study, with its organisational structure (regular meetings of the Board of Regulators, Contact Network, working groups), its rules of procedures, its multiannual strategies, its annual work programmes and project requirements documents, BEREC is considered by stakeholders as a body with relatively clear and straightforward organisation, governance and procedures. Yet it allows for flexibility when necessary. This was effectively needed, for instance, to deal with periods of high workload such as the 2019-2020 period following the adoption of the EECC when BEREC had to develop a number of guidelines to facilitate the implementation of the EECC – or unexpected work such as during Covid-19 pandemic. Also, in the 2019-2022 period, around one-fourth of the tasks were related to assisting and advising the European Commission on new initiatives like the Roaming Regulation or the Digital Markets Act, while a big majority of tasks (70%) were on BEREC's own initiative. This has led to re-prioritisation of work and delay of less urgent tasks such as non-mandatory, prospective reports, with no significant impact on the quality of outputs.

Figure 3. Share of BEREC ad hoc tasks by the initiative side for 2019-2022

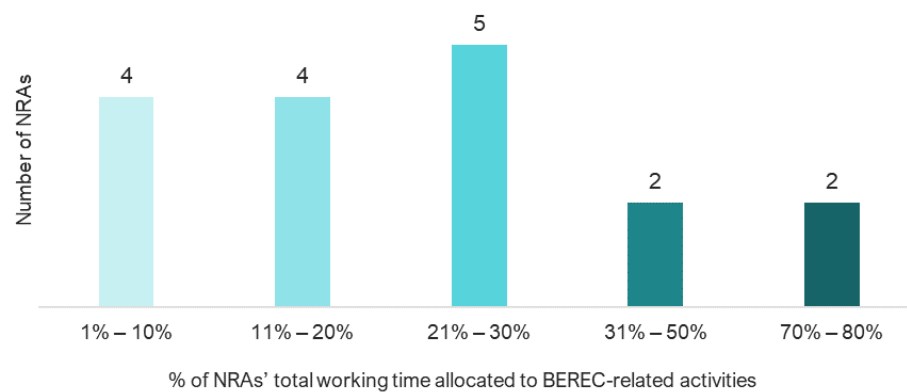


Moreover, BEREC and the BEREC Office have rearranged or created working groups to deal with new developments, for instance to deal with digital markets or sustainability issues. However, the respective workload of the various working groups is not always balanced.

Collaboration between working groups and the implementation of bottom-up processes, whereby NRAs can set up ad hoc working groups, or develop ad hoc work within existing working groups, are overall viewed as efficient and flexible. Nevertheless, industry representatives sometimes emphasised discrepancies in BEREC's work. Examples provided by respondents include the preliminary assessment of the underlying assumptions regarding payments from large CAPs to internet service providers and the Report on the Internet ecosystem, both published at the end of 2022. While the working groups preparing them could have benefitted from cooperation and synergy since they were covering overlapping themes, the reports did not appear to take each other's conclusions into account and most of this work was done in parallel.

It is worth noting that BEREC's efficacy is heavily reliant on NRAs' resources, while NRAs from larger and smaller countries differ in terms of resources that they are able to mobilise for planned or unexpected work. NRAs tend to allocate, on average, around 4-6 FTEs to activities related to BEREC. However, this can range from 1 FTE in small countries or during calmer summer periods to around 7-10 FTEs for some NRAs during busier periods. The total working time allocated to BEREC activities by the NRAs is presented below:

Figure 4. Total working time allocated by the NRAs to BEREC activities



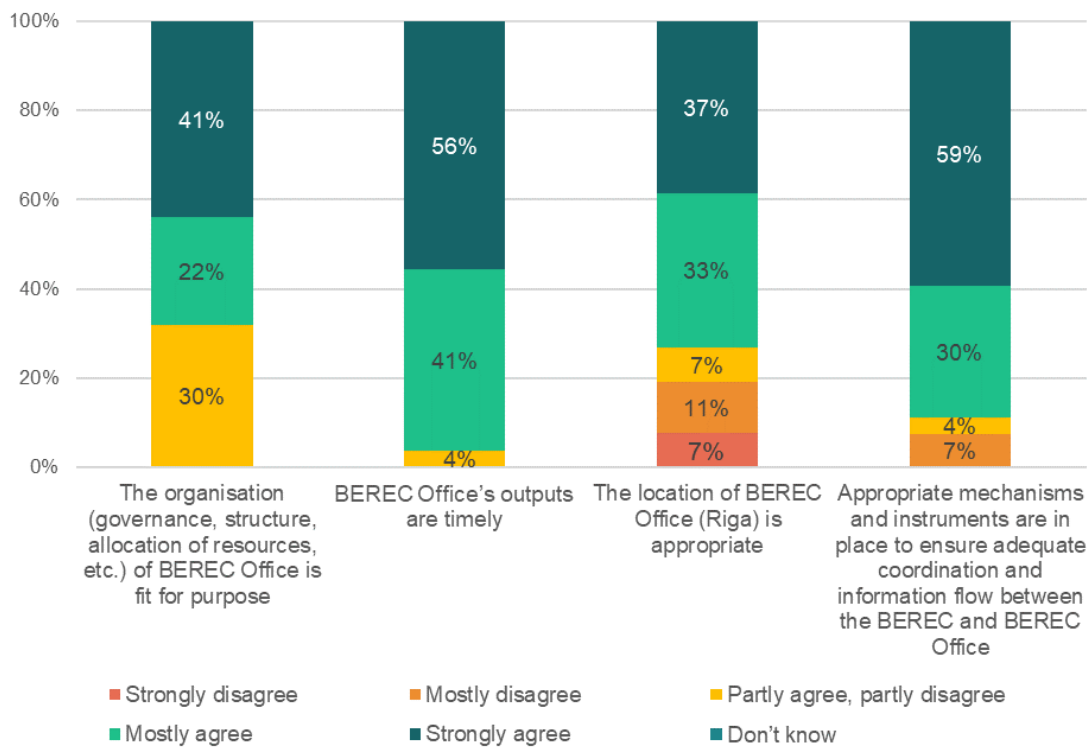
Moreover, NRAs' varying competences including on cybersecurity, digital markets, radio spectrum and consumer-related issues, are affecting BEREC's efficacy (cf. effectiveness) despite the requirement to coordinate (Article 5 EECC). This situation, despite being admittedly difficult to address from the EU-level perspective, remains a significant challenge for BEREC, which, with new competences in new fields, needs to be addressed.

#### BEREC Office

Being among the smallest EU agencies, the BEREC Office strives to provide support to BEREC as efficiently as possible within its budgetary and human resources limits. According to the evaluation study findings, the BEREC Office achieved most of its assigned objectives on time and with high efficiency, which is reflected in the study survey by the fact that 96% of surveyed NRAs believe that the BEREC Office's outputs are timely.

The NRAs' perceptions on various aspects linked to the efficiency of the BEREC Office are presented on the figure below.

Figure 5. NRAs' perceptions on various aspects linked to the efficiency of the BEREC Office



In its own assessment, BEREC points out two main constraints: high staff turnover (over 16% in 2022) and resourcing of the BEREC Office. To ensure efficient delivery and to address its capacity constraints, the BEREC Office uses several approaches. It includes both external staff (contract staff and seconded national experts) and outsourcing the provision of several services to Commission services and to a ‘Liaison Office’ established with the Latvian government. Commission services have, on a regular basis, raised the inconsistency of some of these practices, including in its opinion(s) on the BEREC draft Single Programming Document(s).

c) Coherence

Stakeholders and the partner DG (DG Connect) in their responses for the purpose of the support study are satisfied overall with existing coordination mechanisms and the delineation between BEREC, the BEREC Office, and the European Commission.

BEREC operates in synergy with other European agencies and EU bodies. For example, BEREC collaborates with the RSPG through the Peer Review Forum, albeit in practice only in a limited extent. Given market and regulatory developments, BEREC has also increasingly been cooperating with, and supporting, the European Union Agency for Cybersecurity (ENISA) on issues related to the cybersecurity of electronic communications networks. In contrast, while BEREC may carry out its tasks as necessary in cooperation with any other Union bodies, agencies, offices and advisory groups, it has not developed so far much cooperation with bodies like the European Data Protection Board (EDPB) or the European Regulators Group for Audiovisual Media Services (ERGA).

In 2022, BEREC has been designated as a member of the Digital Markets Act High Level Group<sup>24</sup> established pursuant to the DMA. This High-Level Group, which also comprises EBMS, ECN, CPC Network, EDPS and the EDPB, and provides the Commission with advice and expertise to ensure that the DMA and other sectoral regulations applicable to gatekeepers are implemented in a coherent and complementary manner.

In situations when overlaps exist, they are mainly justified by cooperative work and synergies between the organisations in question. Potential overlaps between BEREC and other organisations are generally well addressed; this is done, for instance, via the appointment of contact points for liaising with other bodies.

Against this background, one issue (already flagged above) is the relative mismatch between the tasks of the NRAs and the tasks of BEREC, where BEREC is expected to issue opinions or advice in areas for which not all its NRA members are competent, or, reversely, where BEREC would not have any coordination role regarding matters addressed by a significant portion of its members.

No overlaps between other EU bodies and organisations and the BEREC Office have been identified, as its primary purpose is essentially to provide professional and administrative support to BEREC.

Moreover, concerning spectrum management, although a considerable portion of BEREC members handle spectrum issues at the national level, both BEREC and the BEREC Office are tackling authorisation matters in various ways. However, their involvement in spectrum issues has been limited thus far, such as through participation in RSPG peer reviews, mainly due to limited use of the peer reviews.

Should these tasks (spectrum authorisation) be internalised in a new BEREC/BEREC Office structure, the resources should be increased accordingly.

#### 4.2 How did the EU intervention make a difference and to whom?

*[Related criterion to assess: EU added value]*

According to the support study, BEREC is an essential player in the implementation of the electronic communications market, not least because it brings together expertise from 27 NRAs. A majority of stakeholders responding to the support study highlighted BEREC's EU added value in the development of guidelines and methodologies for the implementation of the EU regulatory framework for electronic communications. Guidelines are developed collectively, which makes it easier for NRAs to implement them at the national level once adopted. BEREC also adds value to the NRAs as a forum to informally exchange experiences and knowledge. BEREC also delivers added value to the European institutions, thanks to its monitoring reports and expert inputs on technical topics.

BEREC is also able to mobilise its expertise in an efficient manner and to deliver opinions to the Commission in a relatively short time frame. This applies for BEREC's opinions as part of the Phase II process, according to which NRAs are required to analyse the Commission's serious doubts regarding individual NRAs' decisions concerning markets

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<sup>24</sup> <https://digital-strategy.ec.europa.eu/en/news/digital-markets-act-commission-creates-high-level-group-provide-advice-and-expertise-implementation>

for electronic communications that may need ex ante regulation<sup>25</sup>. In years 2018-2024 BEREC issued 13 such opinions, in principle 1 per year, with the exceptions of years 2018 and 2022 (4 opinions in each). These opinions are timely and valuable inputs to the Commission's final decisions but they are not binding on the Commission ('should take to the utmost account').

BEREC benefits from the collective expertise of the NRAs and is able to offer expert advice and input to the Commission's legislative process on various topics related to the electronic communications market. This is also why BEREC assists and advises the Commission, upon request or on its own initiative (e.g., providing inputs to public consultations), in relation to the preparation of legislative proposals. In years 2018-2025 (July) BEREC has delivered a total of 46 opinions in support of the EU policy-making process over the reporting period.) Generally speaking, BEREC has been responsive and offered valuable inputs to the policy process.

However, the inputs from BEREC to the legislative process were not always timely. Note that in its self-assessment, BEREC commits to keep providing its input at an early stage of the Commission's decision-making processes via consultation mechanisms separate from general stakeholder consultations.

Finally, over the reporting period, a significant number of third-country NRAs, including from the EEA EFTA countries, the Western Balkans, and most recently Ukraine and Moldova, have been invited to participate without voting rights in the work of BEREC and the BEREC Office, in keeping with respective EU international agreements to that effect. This is next to international cooperation with networks of NRAs in other regions of the world, selected individual NRAs or international organisations. This participation can be essential for regulatory cooperation and overall alignment with Union law in the area. At the same time, it is also putting additional pressure on the organisation.

#### 4.3 Is the intervention still relevant?

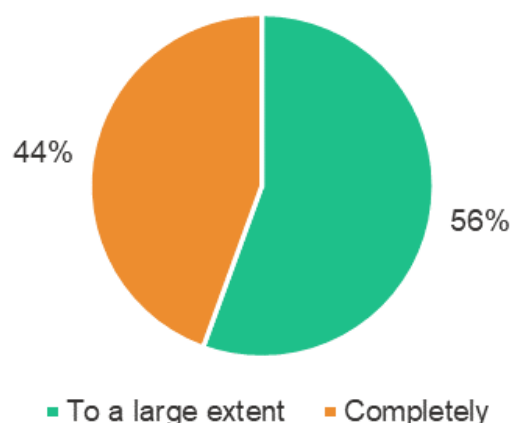
Overall, according to the support study, BEREC is widely acknowledged as an important player in ensuring the implementation of the European regulatory framework for electronic communications. Moreover, stakeholders highlight the significance of BEREC's function as a single forum for EU NRAs.

However, the question whether objectives and tasks correspond to current needs is answered differently depending on the stakeholder group. NRAs overall view BEREC as relevant to their current needs, as presented on the figure below. BEREC provides guidance, addresses new legislation, allows sharing of best practice, and supports NRAs' work at national level. It is also a representative 'unifying' all NRAs in the EU. This is particularly the case for smaller NRAs.

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<sup>25</sup> The three elements analysed are: market definition, Significant Market Power (SMP) assessment and decision on remedies. More information here: <https://www.berec.europa.eu/en/berec/article-3233-former-article-77a>

Figure 6. NRAs' views on the extent to which opinions, guidelines, reports and best practices provided by BEREC are relevant to their NRA



However, several developments raise questions about BEREC's (future) relevance to a certain extent: the evolving electronic communications landscape, different national contexts, the diverging competences of the NRAs, and further integration of electronic communications markets, calling more for broadening of its tasks and pointing towards increased EU relevance.

The regulatory toolbox may need to be updated to accommodate market and technological changes, potentially involving a broader use of harmonised tools, such as access products, and even less frequently used tools, like resolving cross-border disputes, could become more important. In this context, while BEREC's current responsibilities are primarily advisory in nature, there is a question about how the mandate of BEREC and the BEREC Office could be adjusted to take on new responsibilities in the digital field.

As part of the varying national contexts and technological and market changes, some NRAs are mentioning the varying rates of implementation of the European regulatory framework for electronic communications and disparities in innovation levels within the digital sector. Some NRAs note that their interest in addressing emerging issues within the scope of electronic communications and digital markets does not always find broad support among other NRAs. Furthermore, the data suggests that variations in national contexts may lead to not all NRAs perceiving BEREC as equally relevant to their needs.

BEREC is committed to staying on top of emerging developments in the electronic communications sector and aims to revise its activities regularly to reflect this. BEREC has adapted its work programme and created several new WGs to deal with areas such as cybersecurity, digital markets and sustainability. BEREC has also recently adopted its Strategy 2026-30, which outlines BEREC's priorities and action areas in the coming years<sup>26</sup>.

However, the digital communications sector is developing rapidly. Various bodies and institutions from Member States, including most NRAs, received new responsibilities, for example, in the governance framework of DSA, DMA, and Data Act. While BEREC must

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<sup>26</sup> BEREC Strategy 2026-30 <https://www.berec.europa.eu/en/all-documents/berec/berec-strategies-and-work-programmes/berec-strategy-2026-2030>

also aim to ensure a consistent implementation of the European regulatory framework, the limited correspondence between NRAs' competences at national level and BEREC's tasks is challenging the relevance of BEREC to a certain extent, in a number of new digital regulation areas in particular e.g. DMA, DSA, Data Act, and cybersecurity.

According to the evaluation support study, BEREC's recent work on digital markets appears to be less relevant to a number of industry and consumer representatives. Industry representatives, in particular, highlight BEREC's handling of digital platforms and number-independent interpersonal communication as examples of a preference for traditional regulatory approaches over adapting to the evolving landscape of the digital sector.

Strengthening BEREC and the BEREC Office could address some of these problems, while at the same time creating synergies that could, when made operational, improve the impact and lessen the existing overhead, be it in inter-NRA coordination or cooperation with the Commission, industry stakeholders and other interested parties.

## 5. What are the conclusions and lessons learned?

Building on the evaluation findings, this section presents the main conclusions and lessons drawn by the Commission from the evaluation.

### 5.1 To what extent was the intervention successful?

Effectiveness

BEREC

In general, BEREC has been in general effective in delivering on its main objectives, i.e., promoting connectivity and access to Very High-Capacity Networks, promoting competition and efficient investment, contributing to the development of the internal market, promoting the interests of the citizens of the Union.

The contribution of NRAs is essential in this respect. Safeguarding their independence from political influences and from other stakeholders, is and remains an important determinant of BEREC's effectiveness in implementing the regulatory framework.

Nevertheless, the new responsibilities granted to BEREC members in, for instance, digital markets, cybersecurity or spectrum, are not always adequately reflected in BEREC's mandate. Moreover, since these new responsibilities granted to BEREC members are not always reflected in BEREC's mandate, BEREC cannot always rely on the experience and expertise of its members when implementing (new) tasks entrusted to it. In the Commission's view, better coordination and exchange of information between NRAs and other competent authorities, as well as upskilling of NRAs, or the direct involvement of these competent authorities in the work of BEREC, would further improve its effectiveness.

Better cooperation with other competent authorities is becoming even more important as digital regulation is extending beyond the traditional telecommunications sector. Moreover, consulted NRAs state that there may be a need to reevaluate BEREC's priorities and strategy towards its activities related to digital regulation. Further, according to BEREC Strategy 2025-30, BEREC remains committed to provide advice and guidance in

the forthcoming digital frameworks, namely the DNA and the Cloud and AI Development Act, along with existing regulations such as the Data Act or the DMA.

In this context and taking into account, notably, the results of the exploratory consultation on the future of the electronic communications sector and its infrastructure, it is also important for BEREC to respond to the convergence of the traditional telecoms market and the wider digital ecosystem.

In the Commission's view, BEREC could also play a more active role in coordinating NRAs' activities to promote a more harmonised approach to the implementation of the European regulatory framework for electronic communications in line with Article 3 of the BEREC Regulation, in order to create a truly single market for electronic communications in the EU. The BEREC Guidelines on Geographical surveys of network deployments can serve as an example of a BEREC output where the single market dimension could be strengthened. While useful in other respects, the guidelines did not include clear guidance on quality of service under peak time conditions, which effectively prevents comparing network performance in Member States or across the EU, making it difficult to identify areas where public/state aid intervention would be needed.

### BEREC Office

Generally speaking, the BEREC Office has been successfully providing administrative support to BEREC, in particular WGs (co-chaired by NRAs), even during periods of increased workload (moving operations online during the COVID pandemic) 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 provide additional professional support and, in particular, a more central role in data collection and analysis. It is important to note that these tasks require a different setup and possibly additional resources for the BEREC Office.

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. In addition, by having BEREC Office take on a role of providing more substance-oriented work, when at the same time coordinating NRA work on EU level, effectiveness would be greatly enhanced.

Finally, the BEREC Office effectively supports BEREC and contributes to the overall coordination. It is difficult to see how the EU Member State NRAs would coordinate without the Office, which shows an EU-added value. However, the Office needs to be stricter in adhering to numbers approved by the budgetary authority as concerns the budgetary and human resource matters. It also needs to build its own expertise to be able to support BEREC on content-related issues, as well as provide more substance oriented work going beyond the more limited administrative and operational support provided so far.

Efficiency

BEREC

BEREC is generally considered as an organisation with a clear and straightforward organisation, governance and procedures, yet relatively flexible.

Nevertheless, according to interviewed and surveyed NRA representatives, the frequent reliance on bigger NRAs for leading BEREC working groups, coupled with the mentioned asymmetry in NRAs' competences, might challenge the representativeness of specific BEREC outputs. The related issue of NRAs' respective knowledge in specific areas is also relevant in this respect.

Partly to offset this issue, processes and procedures at BEREC could be improved by requesting more content-related support from the BEREC Office, provided the right profiles are recruited.

In any event, the changes in the positions of the working groups' co-chairs, or, indeed, the creation of new working groups to deal with new issues, is prompting the question of training new co-chairs.

In the Commission's view, the number of WGs and the delineation of tasks between them could also be usefully assessed not only in the context of the developments in the sector, but also to avoid possible overlaps between topics covered and sometimes, inconsistent views emerging on the same issues. Several interviewed and surveyed NRAs pointed out that better work distribution between plenary sessions could improve the efficiency of BEREC and the BEREC Office.

Also, since ad hoc work is an inevitable part of BEREC's tasks in a fast-changing environment, better coordination, planning, and advance notice from EU institutions could enable more effective task delivery. Note that ad hoc work is also decided on BEREC's own initiative, with mixed results.

BEREC Office

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 its Management Board – is, however, regularly deviating from the Commission's guidance on staff to recruit more staff members.

At the same time, there is 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. It therefore seems crucial to strengthen the Agency, so that it can both attract and retain talent, especially if the job profiles were to be more substance oriented and less operational in nature.

The BEREC Office should address these issues in order to be more efficient, in the context of the current setup according to the Regulation in force. This could be done through reorganisation of functions inside the Agency, as well as closer collaboration with the Commission services or other decentralised agencies (as was the case in the past with ENISA, and DG DIGIT) in order to cope with more administrative tasks. During 2025 BEREC Office also cooperated with other decentralised Agencies located in the Baltic

region (European Agency for the operational management of large-scale IT Systems in the area of freedom, security and justice, and European Institute for Gender Equality) on aspects which are common. Furthermore, being a member of the Commission's Network of Agencies, BEREC Office has a platform to seek synergies in how administrative problems are addressed.

As a matter of fact, providing more content-related support, e.g. on data analysis and report drafting, could imply changing the emphasis from mostly administrative tasks to more content-related tasks, hence making the overall balance between operational and administrative support tasks more appropriate. This could make the BEREC Office a more attractive employer. Any potential increase in content-related support may need to be accompanied by a corresponding increase in human resources. 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.

The BEREC Office manages several tools used to exchange information with BEREC and the Commission services. BERECNet+, the IT system at the heart of BEREC and the BEREC Office, has been found to be difficult to use.

## Coherence

There is a relative and growing mismatch between the tasks of the NRAs and the tasks of BEREC. BEREC is sometimes asked or keen to issue opinions or advice in areas for which not all its NRA members are competent e.g. sustainability, cybersecurity, platforms. Conversely, BEREC sometimes does not necessarily have any formal EU coordination role regarding matters addressed by an increasing portion of its member NRAs (e.g., under Data Act, or Data Governance Act). This is pleading for more effective coordination and exchange of information at EU and/or national level, between NRAs and other competent authorities, or for the direct involvement of the other competent authorities in the work of BEREC, which has proven to be challenging over the reporting period.

In the Commission's view, even if some asymmetries of competences at national level might undermine the coherence of BEREC in some instances, BEREC should also adapt its outputs to emerging topics such as cybersecurity, digital matters or sustainability, which are addressed in the EU policies and legal instruments. Coherence can best be achieved by central coordination, which BEREC and the BEREC Office are in the best position to achieve on an EU scale.

### 5.2 Did the EU intervention make a difference (EU added value)?

By bringing together expertise from 27 NRAs, BEREC is and remains an important actor, in particular for NRAs and EU institutions, in the implementation of the electronic communications market and harmonisation.

In this regard, BEREC's contribution to fostering regulatory consistency, hence the internal market for electronic communications and end-users, should be strengthened.

BEREC's opinions generally offer valuable inputs to NRAs and the EU policy process, but BEREC's views and opinions issued on its own initiative in the context of policy-making process should be better coordinated with the overall aims of the EU institutions as

otherwise they may carry the risk of sending conflicting signals. The same applies to some of BEREC's interventions in inter-institutional negotiations.

This would plead for finding the appropriate ways and timing for the Commission or other institutions to collect BEREC's views. The same applies to some of BEREC's interventions into inter-institutional negotiations. BEREC's current mandate, which is making a difference between, on the one hand, assistance, upon request or on its own initiative, on technical matters regarding electronic communications matters within its competence, and, on the other hand, assistance, on the Commission's request, in relation to the preparation of legislative proposals in the field of electronic communications may not be clear enough. This would need to be evaluated should the BEREC mandate foresee further and more advanced tasks.

Moreover, BEREC's expertise needs to be sustained, deepened and broadened, in view of the rapidly evolving electronic communications and digital markets, and despite any diverging powers of its members at national level.

Finally, the increasing number of participants from third country NRAs, on one hand allows for broader exchange of best practices and promotion of the single market and EU value but on the other hand implies reflecting on the respective role and organisation of BEREC regarding EU (members with voting rights) and non-EU NRAs (participants without voting rights). Furthermore some 'historical' participation of either NRAs from third countries that do not meet the criteria for the participation without voting rights or other organisations, require clarification to ensure effective functioning of BEREC. A comprehensive list of BEREC membership and the status of represented countries is given in a footnote.<sup>27</sup>

Additionally, it is important to promote BEREC's role in encouraging regulatory coherence, thereby enhancing the internal market for electronic communications and end-users' empowerment. Specifically, BEREC could take on a more proactive role in advocating for a unified approach to implementing the European regulatory framework for electronic communications, in accordance with Article 3 of the BEREC Regulation, particularly through its guidelines.

### 5.3 Is the intervention still relevant?

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

Moreover, the current governance structure has been conceived for markets which are national in scope, and where ex ante regulation is the main tool in the regulatory toolbox. This is changing, since the European dimension of the sector is developing, while

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<sup>27</sup> Members with full voting rights: 27 EU Member States. Participants without voting rights: Iceland, Liechtenstein, Norway (Decision of the EEA Joint Committee 24 September 2021) as well as Western Balkans 6: Albania, Bosnia & Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia (COM Decision approving Working Arrangements, 2 June 2023), Ukraine (COM Decision approving Working Arrangements, 19 January 2024), Moldova (COM Decision approving Working Arrangements, 20 February 2025).

Not formally associated: Switzerland, Turkey, UK.

competitive conditions have evolved, hence reducing the scope of ex ante regulation based on a regular review of national markets. These two developments are calling for sustaining and broadening BEREC's expertise.

In this respect, and while BEREC's current tasks are mostly of an advisory nature, the question arises how the mandate of BEREC and the BEREC Office should evolve and possibly be strengthened to adapt to new responsibilities and tasks in the digital field.

The current set-up 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.

## Annex I: Procedural Information

- Lead DG: DG Connect, Decide reference: (PLAN/2023/2335), Headline ambition: Europe fit for the Digital age (no Work Program reference)
- As BEREC is not a directly public facing entity, it is not considered particularly useful to gather comments in a public consultation format. The relevant stakeholders are limited to regulators and operators engaged and potentially affected and which does not justify open public consultation. Relevant stakeholders have been consulted in the scope of the study and were able to react to the publication of the notice and call for Expression of Interest.
- Derogations granted and justification: none applicable.
- Organisation and timing: the Interservice Steering Group comprising SG, LS, HR, BUDG, COMP and NEAR was set up under the coordination of DG Connect in October 2023 (Ares(2023)7239421) and met on 5 December 2023 to discuss the final report submitted by the consultant and on 12 January 2024 to discuss the draft version of this document. Furthermore, the BEREC Evaluation Report and its accompanying SWD were consulted with other EC services in January 2026.
- Consultation of the Regulatory Scrutiny Board (if relevant): not applicable.
- Evidence used together with sources and any issues regarding its quality (i.e. has the information been quality assured?);
- Use of external expertise: Study supporting the evaluation of BEREC and the BEREC Office, PwC and PPMI, October 2023.

## Annex II. Methodology and Analytical models used

This evaluation report draws on an external study that was conducted by PPMI and PWC, the external contractors. The study was comprehensive, utilising various evaluation methods such as documentary review, desk research, interviews, survey questions, participant observation, administrative, financial, and monitoring data to gather both qualitative and quantitative evidence to answer the evaluation questions. The evaluation matrix presented below outlines the various data sources that were used to cover all the evaluation questions. The contractor compiled a list of relevant stakeholders to collect data and views from them, ensuring that the report is well-rounded. In conducting the evaluation, a detailed task-level appraisal exercise was conducted based on the lists of tasks approved by the Commission services for BEREC and the BEREC office. This helped to ensure that all tasks were properly assessed and evaluated. Overall, this evaluation report is a comprehensive and detailed analysis of the relevant data to provide insights into the evaluation questions. No adjustments were deemed necessary for the original plan.

The Commission steering committee, with participation from Connect, SG, HR and BUDG reviewed the interim report submitted in August 2023 and provided input in order to further enhance the quality of the report. The steering committee (now in the form of the

Interservice Steering Group setup as per Annex I) further provided input to the draft final and final reports submitted by the contractor in December 2023.

The supporting study proved to be highly beneficial for the Commission services. It provided a clear framework for evaluating the issues at hand, based on the gathered data and evidence. As a result, it played a pivotal role in shaping the current staff working document.

The methodology applied is presented below. It describes the approach to secondary and primary data collection, including desk research, interview, and survey programmes as well as participant observation and the development of case studies.

## 1. Desk Research

Includes gathering and reviewing a number of administrative documents that overview the activity of BEREC and the BEREC Office in the years 2019-2023, including:

- Mapping of Work Programmes and Annual Reports

Covers BEREC work programmes for years 2019 to 2023 and annual reports for years 2019 to 2022. All the deliverables reflected in these documents in their absolute numbers were mapped in a consolidated table provided as Annex 10 of the evaluation study. They cover activities, outputs, planned timing, output category, type of output, the legal basis that assigns the activity to BEREC, carry-over status, ad hoc/new activity distinction and whether the activity implied a call for stakeholders' input, a public consultation, and/or a stakeholder workshop. In cases when more than one output of a different type was produced within one activity, the study team identified and assigned the key deliverable. The activities were marked as 'ad hoc' in two cases: when explicitly stated as such in BEREC's programs and reports, and when deliverables not foreseen in a work program appeared in the corresponding annual report. The relevant regulation for each activity was identified either via explicit mentions in the reports and programmes or through analysis of the relevant legal framework. The latter helped to link the outputs to the corresponding documents authorising BEREC with the delivery of certain tasks. The database was used for the purpose of the task-level appraisal and for the purposes of the implementation and effectiveness evaluation criteria.

- Administrative and monitoring data review

Documents containing administrative and monitoring data that were shared by the BEREC Office and others available online were analysed during the evaluation study. The data provided an overview of financial and non-financial performance of BEREC and the BEREC Office. The data from Reports on budgetary and financial management by the BEREC Office was also consolidated in one database, available in Annex 6. It includes information on the total, committed and used budget across different expense categories, as well as on carried-over payments. This data was further used for the evaluation along the efficiency criteria. Insights from the audit reports by competent authorities were also reviewed and used for preliminary assessment of BEREC and the BEREC Office's implementation, effectiveness and efficiency.

- Review of BEREC's legislative mentions

The official documents and materials produced by the European Commission, the European Parliament, and the Council of the European Union were analysed for mentions of BEREC's outputs. The review process for each entity involved distinct approaches.

Regarding the Commission, a meticulous two-step methodology was employed to assess the 1,278 proposals for legislative acts released between 2019 and 2023 - first a comprehensive set of keywords was compiled based on an analysis of BEREC's mandate and areas of competence outlined in Regulation (EU) 2018/1971, and second proposals resulting from this broad keyword search were subject to a manual. 9 proposals were chosen for further scrutiny. Next, the frequency and nature of references to BEREC and its contributions within the selected proposals was evaluated. For the European Parliament, the study team scanned the texts adopted by the institution to identify any references to BEREC and its output. In the case of the Council, the team reviewed a compilation of pertinent mentions of BEREC across all documents published during the specified study period.

The results of the exercise are included in Annex 2 of the evaluation study and, where relevant, elaborated in the preliminary findings for the Effectiveness criteria.

## 2. Interviews

57 interviews with pertinent stakeholders were conducted. The interviewed stakeholders included representatives of the BEREC Office, NRAs, other competent authorities, EU institutions and international networks, as well as industry and consumer associations. Table 2 below summarises the interview programme. Summary of the Interview programme is included in Table 2 of Annex 1 of the evaluation study.

## 3. Survey

On 7 August 2023, two surveys were launched, one addressed to NRAs and the other one addressed to all the other relevant stakeholders, including (i) industry and consumers, (ii) international bodies and networks, (iii) other competent authorities, and (iv) representative of EU bodies and networks. The aim of the survey was to gather data to assess all the evaluation criteria for both BEREC and the BEREC Office, hence, to understand whether the Body and its Office have been successful in implementing their tasks.

In detail, the two surveys were structured as follows:

- NRA Survey: the questionnaire was structured in seven blocks, namely (1) an introductory section asking for the NRA's information, (2) a section on BEREC's achievement of objectives, (3) a block on BEREC's efficiency, (4) a section on BEREC's impacts and added value, and, similarly, (5) a block on the BEREC Office's achievement of objectives, (6) a section on the BEREC Office's efficiency, and a final block on (7) the BEREC Office's added value.
- Stakeholder Survey: the questionnaire was structured in three blocks, namely (1) an introductory section asking for the respondents' information, (2) a section on the achievement of BEREC's objectives, and a third one on (3) BEREC's impact and added value.

The software used to implement the surveys was Qualtrics. Questions included in the two surveys have been developed based on previous desk research and scoping interviews and are available as part of Annex 8 of the evaluation study. Both surveys included closed and

open questions and, while closed questions were always mandatory, only some open questions were compulsory. The survey timing is as follows:

- On 7 August 2023, the two surveys were launched, to be completed by the 1st of September;
- On 16 August 2023, a first follow-up email was sent regarding both surveys;
- On 17 August 2023, BEREC published the link to the ‘Stakeholder Survey’ on its website;
- On 22 August 2023, a second follow-up email was sent regarding both surveys;
- On 29 August 2023, the deadline was postponed to the 8th of September 2023, to ensure a high response rate to both questionnaires. Stakeholders were informed via email of the deadline postponement;
- On 4 September 2023, a third follow-up email was sent regarding both surveys. In addition, the survey was sent to additional ‘industry and consumer’ stakeholders, since their response rate was quite low;
- On 5 September 2023, targeted follow-up emails were sent to the NRAs which have not replied yet, providing them with the possibility to take the interview instead of responding to the survey, if preferred;
- To those stakeholders who requested additional time to complete the survey, further deadline extension until 15 September 2023 was provided.

The two surveys were disseminated to 38 NRAs and 194 other stakeholders, where the latter were specifically 82 industry and consumers, 21 international bodies and networks, 85 other national competent authorities, and 6 representatives of EU bodies. Overall, through the two surveys, 66 responses have been collected. The survey results have been analysed using data science and analytics software, complemented with manual analysis. The detailed analysis of responses is presented in Annex 3 of the evaluation study.

#### 4. Participant observation

Participant observation was used as a supplementary tool for the evaluation study. It aimed to provide deeper insights into the dynamics of BEREC’s stakeholder engagement. The study team observed a total of three virtual workshops: BEREC Workshop on international submarine connectivity in the EU, BEREC Workshop on switching and interoperability of data processing services and BEREC Workshop on end-users in the context of the Digital Markets Act.

For the purpose of participant observation, observation templates tailored to BEREC’s workshops were developed. The templates were designed in a way so as to capture information related to events’ aspects, including event organisation, audience and speaker engagement, moderator participation, and any references to BEREC and its activities made by external stakeholders. The information gathered from this exercise fed into the data triangulation for the evaluation, especially as it relates to the criteria of relevance and task-level appraisal related to BEREC’s engagement activities.

#### 5. Case studies

A total of five case studies were developed for the purpose of the evaluation. Case studies are particularly useful analytical tool to assess evaluation questions where the attribution of BEREC and the BEREC Office’s role is more challenging and where causal links between BEREC’s activities and impacts are more complex. As such, the case studies were

selected to showcase the impacts of different types of BEREC's outputs and activities. The following five case study topics were selected:

- BEREC's work on the Open Internet Regulation guidelines;
- BEREC's ad hoc work to support the Ukrainian NRA;
- BEREC's work on cybersecurity and fruitful collaboration with ENISA;
- BEREC's work on sustainability;
- BEREC's role in Phase II process in line with Articles 32-33 of the EECC.

The case studies were developed following data collected through desk research, interviews, and stakeholder surveys.

Annex III. Evaluation matrix and, where relevant, Details on answers to the evaluation questions (by criterion)

Evaluation question	Operational question	Stakeholders addressed	Data sources	Judgement criteria and preliminary indicators
Effectiveness				
To what extent has BEREC and BEREC Office achieved their objectives? What, if anything, could be done to render the BEREC Office more effective in achieving these objectives?	- Did the activities of BEREC and BEREC Office result in the expected outputs? Were they high quality?	BEREC BEREC Office DG CNECT	Task level appraisal Interviews Survey	Positive assessment if: Successful implementation of activities and delivery of outputs as a key precondition for achieving objectives.
	- To what extent did the activities of BEREC and BEREC Office contribute to a more consistent implementation of the European regulatory framework for electronic communications?	NRAs Other national authorities and competent bodies	Interviews Desk research Survey	Positive assessment if: stakeholders identify the link between BEREC and BEREC Office's activities and this impact.
	- To what extent did the activities of BEREC and BEREC office contribute to promoting increased connectivity? - To what extent did it contribute to the better access to VHCN? - If relevant, what were the main factors limiting the Agency's contribution to this objective?	Other DGs and EU bodies	Case studies	Positive assessment if: stakeholders identify the link between BEREC and BEREC Office's activities and this impact.

	<ul style="list-style-type: none"> <li>- To what extent did the activities of BEREC and BEREC office support a more sustainable and open digital market?</li> <li>- To what extent they improved the cooperation and coordination between the NRAs?</li> <li>- To what extent they enhanced the competition between and investment in electronic communication networks and services?</li> <li>- If relevant, what were the main factors limiting the Agency's contribution to this objective?</li> </ul>	<p>International bodies and networks</p> <p>Industry and consumers</p>		<p>Positive assessment if: stakeholders identify the link between Agency's activities and this impact.</p>
	<ul style="list-style-type: none"> <li>- To what extent did the activities of BEREC and BEREC office contribute to empowering end-users?</li> <li>- To what extent do they improve access to electronic communication services?</li> <li>- To what extent they improved end-user protection?</li> <li>- If relevant, what were the main factors limiting the Agency's contribution to this objective?</li> </ul>			<p>Positive assessment if: stakeholders identify the link between Agency's activities and this impact.</p>
<p>What external factors have affected the ability of BEREC and BEREC Office to achieve the objectives?</p>	<ul style="list-style-type: none"> <li>- What are the external factors that affected the contribution to increased connectivity and access to VHCNs?</li> </ul>	<p>BEREC Office</p> <p>DG CNECT</p> <p>NRAs</p>	<p>Interviews</p> <p>Desk research</p> <p>Survey</p>	<p>Identified through stakeholder views and overview of trends related to connectivity and VHCNs during the evaluation period. Each trend will be considered in terms of BEREC and BEREC Office's contribution to it.</p>
	<ul style="list-style-type: none"> <li>- What are the external factors that affected the support to a more sustainable and open digital market, coordination between the NRAs, as well as competition between and investment in electronic communication networks and services?</li> </ul>	<p>Other national authorities and competent bodies</p> <p>Other DGs and EU bodies</p>		<p>Identified through stakeholder views and overview of trends related to the development of open digital market during the evaluation period. Each trend will be considered in terms of BEREC and BEREC Office's contribution to it.</p>

	<ul style="list-style-type: none"> <li>- What are the external factors that affected the empowerment of end users, access to electronic communication services and end-user protection?</li> </ul>	<p>International bodies and networks</p> <p>Industry and consumers</p>		Identified through stakeholder views and overview of trends related to the end-user empowerment during the evaluation period. Each trend will be considered in terms of BEREC and BEREC Office's contribution to it.
Are there any unexpected or unintended effects of BEREC's functioning that have occurred, and what are their consequences? What can explain these effects?	<ul style="list-style-type: none"> <li>- What are unexpected or unintended effects (if any) of BEREC's functioning that relate to the contribution to increased connectivity and access to VHCNs?</li> <li>- What are the consequences?</li> <li>- What can explain these effects?</li> </ul>	<p>BEREC Office</p> <p>DG CNECT</p> <p>NRAs</p> <p>Other national authorities and competent bodies</p>	<p>Interviews</p> <p>Desk research</p> <p>Survey</p>	Identified through stakeholder views and overview of trends related to connectivity and VHCNs during the evaluation period. Each trend will be considered in terms of BEREC and BEREC Office's contribution to it.
	<ul style="list-style-type: none"> <li>- What are unexpected or unintended effects (if any) of BEREC's functioning that relate to its efforts to support sustainable and open digital market, coordination between the NRAs, as well as competition between and investment in electronic communication networks and services?</li> <li>- What are the consequences?</li> <li>- What can explain these effects?</li> </ul>	<p>Other DGs and EU bodies</p> <p>International bodies and networks</p>		Identified through stakeholder views and overview of trends related to the development of open digital market during the evaluation period. Each trend will be considered in terms of BEREC and BEREC Office's contribution to it.
	<ul style="list-style-type: none"> <li>- What are unexpected or unintended effects (if any) of BEREC's functioning that relate to the empowerment of end users, access to electronic communication services and end-user protection?</li> <li>- What are the consequences?</li> <li>- What can explain these effects?</li> </ul>	<p>Industry and consumers</p>		Identified through stakeholder views and overview of trends related to the end-user empowerment during the evaluation period. Each trend will be

				considered in terms of BEREC and BEREC Office's contribution to it.
	<ul style="list-style-type: none"> <li>- Are there the other unexpected or unintended effects of BEREC's functioning?</li> <li>- What are their consequences?</li> <li>- What can explain these effects?</li> </ul>			Stakeholder perceptions identified through stakeholder consultations, triangulated with additional data sources.
<b>Implementation</b>				
To what extent have BEREC and the BEREC Office been operating according to the legal framework establishing it?	- To what extent are the overall activities of BEREC and BEREC Office in line with the legal framework outlining their responsibilities?	BEREC Office NRAs Other DGs and EU bodies	Documentary analysis Interviews Analysis of task implementation (see above)	Positive assessment if: BEREC and BEREC Office actively implement the tasks indicated in the established regulatory framework; no gaps exist; the implementation is of high quality, as judged by stakeholders.
	- Do BEREC and BEREC Office implement all the tasks/ activities assigned to them? Do they implement additional tasks on an ad hoc basis? To what extent do the ad hoc tasks impact BEREC and BEREC Office's ability to implement their main Tasks?			
	- What are the stakeholder perceptions on the matter?			
Are there inconsistencies or	- Which other (if any) EU bodies and agencies engage in activities related to the regulation of the electronic communications market?	BEREC Office	List of BEREC and BEREC	Positive assessment if: The stakeholders do not identify gaps and

overlaps between the tasks carried out by BEREC and BEREC Office and other agencies or EU bodies?	<ul style="list-style-type: none"> <li>- How are the activities of BEREC and BEREC Office complementary to or overlap with the activities of these EU agencies and bodies?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- What are the stakeholder perceptions on the matter?</li> </ul>	NRAs DG CNECT Other DGs and EU bodies	Office tasks (Task 1) Documentary analysis Interviews	overlaps in the consultation activities; gaps and overlaps are not identified by comparing the relevant documents and work programmes; the relevant documents provide a clear delimitation of responsibilities; the actual practices do not deviate from the documentation.
Is there a clear and appropriate delimitation of responsibilities and tasks between the BEREC and BEREC Office and the partner DG? Are there overlaps or gaps?	<ul style="list-style-type: none"> <li>- What are the documents that delimit the responsibilities and tasks between the BEREC, BEREC Office and the partner DG?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- What are the actual practices/ principles of delimiting the responsibilities and tasks?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- Are the important overlaps and gaps?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- What are the stakeholder perceptions on the matter?</li> </ul>	BEREC Office NRAs DG CNECT Other DGs and EU bodies	List of BEREC and BEREC Office tasks (Task 1) Documentary analysis Interviews	Positive assessment if: The stakeholders do not identify gaps and overlaps in the consultation activities; gaps and overlaps are not identified by comparing the relevant documents and work programmes; the relevant documents provide a clear delimitation of responsibilities; the actual practices do not deviate from the documentation.
	<ul style="list-style-type: none"> <li>- What are the documents that delimit the responsibilities and tasks between the BEREC and BEREC Office and other DGs?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- What are the actual practices/ principles of delimiting the responsibilities and tasks?</li> </ul>			Positive assessment if: The stakeholders do not identify gaps and

Is there a clear and appropriate delimitation of responsibilities and tasks between the BEREC and BEREC Office and other Commission DGs? Are there overlaps or gaps?	- Are the important overlaps and gaps?	BEREC Office NRAs Other DGs and EU bodies	List of BEREC and BEREC Office tasks (Task 1)  Documentary analysis  Interviews	overlaps in the consultation activities; gaps and overlaps are not identified by comparing the relevant documents and work programmes; the relevant documents provide a clear delimitation of responsibilities; the actual practices do not deviate from the documentation.
	- What are the stakeholder perceptions on the matter?			
Are appropriate mechanisms and instruments put in place to ensure an adequate coordination and information flow between the BEREC and BEREC Office and the Commission services?	- What instruments are in place to ensure coordination and information flow between the BEREC and BEREC Office and the Commission services?	BEREC Office NRAs DG CNECT Other DGs and EU bodies	Documentary analysis  Interviews	Positive assessment if: instruments for adequate coordination and information flow are explicit and consistently applied; no issues/ gaps in coordination and information flow are identified by the stakeholders
	- Are they appropriate and sufficient?			
	- Were gaps or overlaps identified under the previous questions?			
	- Is the information exchange sufficient?			
Efficiency				
	- What are the relevant and crucial aspects of BEREC's, and BEREC Office's work related to achieving the objectives timely?	NRAs	Interviews	Stakeholder perceptions identified through stakeholder consultations,
	- What are the main aspects contributing to delays?			

Has BEREC and BEREC Office signalled relevant and crucial aspects of their work related to achieving their objectives timely?		BEREC Office DG CNECT	Document analysis	triangulated with additional data sources.
To what extent have the BEREC and BEREC Office adapted to periods of high workload?	<ul style="list-style-type: none"> <li>- What were the periods of high workload during the evaluation period? Were they common?</li> <li>- Did BEREC and BEREC Office manage to carry on with all of their tasks during these periods?</li> <li>- What was the usage of resources during these periods?</li> <li>- How do the NRAs and BEREC Office staff assess their performance and experiences during the periods of high workload?</li> </ul>	NRAs BEREC Office DG CNECT	Results of the task-level appraisal Interviews Document analysis (including costs information)	Positive assessment if the tasks of BEREC and BEREC Office have been implemented in a timely manner, and without exceeding the planned resources.
To what extent have BEREC and BEREC Office's internal organisation, governance and procedures been conducive to its	<ul style="list-style-type: none"> <li>- What are the administrative costs, fixed costs, running costs and other types of costs of BEREC and BEREC Office?</li> <li>- What stakeholders bear these costs?</li> <li>- To what extent do the BEREC and BEREC Office's internal organisation, governance and procedures affect their efficiency? Can inefficiencies be easily identified?</li> </ul>	NRAs BEREC Office DG CNECT Other DGs and EU bodies	Interviews Analysis of costs information	Positive assessment if stakeholders do not identify significant administrative burdens; if no wastage is identified; if stakeholders do not identify excessive costs falling on them

efficiency and what administrative costs and burdens does it create and to whom?				
To which extent is the BEREC Office's organisation (governance, structure, allocation of resources, etc.) fit for purpose?	- How has the Agency's organisation (governance, structure, allocation of resources, etc.) affected its activities and achievement of objectives?	BEREC Office NRAs DG CNECT Other DGs and EU bodies	Results of the task-level appraisal Interviews Document analysis	Positive assessment if no major issues linked to the Agency's organisation are identified; if it could be demonstrated (e.g., through case studies) how the Agency's organisation is conducive to achieving its objectives
	- Have there been issues that could be linked to Agency's organisation? What were they? How specifically do they relate to the Agency's organisation?			
Is the balance between operational staff and administrative support staff of BEREC Office appropriate?	- What is the balance of operational staff and administrative support staff?	BEREC Office NRAs DG CNECT Other DGs and EU bodies	Results of the task-level appraisal Interviews Document analysis	Positive assessment if no issues linked to the balance between operational and administrative support staff is identified in implementing the Agency's activities.
	- How does it affect the implementation of Agency's tasks and achievement of objectives? Does it create issues?			
	- What are the inefficiencies identified in the BEREC's and BEREC Office's activities?	BEREC Office		

<p>What aspects/means/actors or processes render the BEREC and BEREC Office more or less efficient?</p>	<ul style="list-style-type: none"> <li>- What activities of the BEREC and BEREC Office are particularly efficiently implemented?</li> <li>- What are the factors that could be linked to each of the elements that demonstrate efficiencies and inefficiencies?</li> </ul>	<p>NRAs DG CNECT Other DGs and EU bodies</p>	<p>Results of task-level appraisal Interviews Analysis of costs information</p>	<p>Findings on the previous efficiency questions and stakeholder perceptions identified through stakeholder consultations, triangulated with additional data sources.</p>
<p>Which scope for improvement and simplification of processes and workflows exists? What could be other relevant ways of assuring the work of BEREC and the BEREC Office (e.g. merger with another EU entity)?</p>	<ul style="list-style-type: none"> <li>- What are the main inefficiencies in the BEREC's and BEREC Office's activities that could be linked to its processes and workflow are organised?</li> <li>- How could the processes and workflow of the BEREC and BEREC Office be improved to ensure a more efficient implementation of tasks and achievement of objectives? What are the options and how would they improve the situation?</li> </ul>	<p>BEREC Office NRAs DG CNECT</p>	<p>Results of task-level appraisal Interviews Analysis of costs information</p>	<p>Findings on the previous efficiency questions and stakeholder perceptions identified through stakeholder consultations, triangulated with additional data sources.</p>
<p>Relevance</p>				
<p>Did objectives and tasks of BEREC respond successfully</p>	<ul style="list-style-type: none"> <li>- To what extent are the objectives of BEREC grounded in the needs outlined in establishing Regulation (EU) 2018/1971 and the Directive (EU) 2018/1972?</li> </ul>	<p>NRAs</p>	<p>Documentary review Interviews</p>	<p>Needs that have a legal basis to be served according to the Regulation – i.e. needs that can be clearly related to BEREC's mandate.</p>

to original needs of the stakeholders?	<ul style="list-style-type: none"> <li>- To what extent do BEREC's objectives and activities correspond to BEREC Office's stakeholders' needs at the time of its establishment?</li> </ul>	<p>Other national authorities and competent bodies</p> <p>Other DGs and EU bodies</p> <p>International bodies and networks</p> <p>Industry and consumers</p>	<p>Survey</p> <p>Task-level appraisal (see above)</p>	<p>To a large extent if the majority of BEREC's relevant stakeholders agree with this.</p>
Do objectives and tasks of BEREC respond successfully to current needs?	<ul style="list-style-type: none"> <li>- To what extent do BEREC's objectives and tasks correspond to BEREC Office's stakeholders' needs at the moment?</li> </ul>	<p>NRAs</p> <p>Other national authorities and competent bodies</p> <p>Other DGs and EU bodies</p> <p>International bodies and networks</p> <p>Industry and consumers</p>	<p>Documentary review</p> <p>Interviews</p> <p>Survey</p> <p>Participant Observation</p> <p>Case studies</p>	<p>To a large extent if the majority of BEREC's relevant stakeholders agree with this.</p>
	<ul style="list-style-type: none"> <li>- How often are BEREC's outputs referred to in the EU and national policy documents related to electronic communications?</li> </ul>			<p>To a large extent if BEREC's outputs are referred to in the EU and national policy documents related to electronic communications.</p>
	<ul style="list-style-type: none"> <li>- To what extent do BEREC stakeholders such as the NRAs and other EU bodies and networks reuse BEREC's outputs in their policy and decision-making?</li> </ul>			<p>To a large extent if BEREC stakeholders such as the NRAs confirm using BEREC outputs in their policy and decision-making at the EU or national level.</p>

Are objectives and tasks revisited periodically to identify upcoming and urgent needs?	- To what extent are BEREC's objectives and tasks revisited to address the latest developments and challenges in the electronic communications markets?	NRAs DG CNECT Other DGs and EU bodies International bodies and networks Industry and consumers	Documentary review Interviews Survey	To a large extent if the evaluation finds that BEREC's work has addressed the new developments and challenges in the electronic communications market explicitly.
	- To what extent do BEREC stakeholders agree that BEREC's responses to the new developments and challenges has been in line with its mandate and satisfied their needs?			To a large extent if BEREC's stakeholders agree that BEREC's response to the new developments and challenges has been in line with its mandate and satisfied their needs.
	- To what extent does BEREC Office support the additional and ad hoc activities of BEREC effectively?			To a large extent if the evaluation finds that BEREC' Office's supporting work has addressed the additional and ad hoc activities of BEREC in a timely and efficient manner.
Coherence				
To what extent has the BEREC enabled the Commission to better focus on its policy related tasks? How well do they inscribe in the	- To what extent the operation of BEREC has enabled the Commission staff to focus better on the institutional tasks as compared to the alternative options?	DG CNECT Other DGs and EU bodies	Document review Interviews Survey	To large extent if the consulted Commission representatives and BEREC stakeholders agree with the statements.
	- To what extent NRAs and BEREC's stakeholders indicate that the role and purpose of BEREC are clear and properly defined?			
	- The extent to which relevant stakeholders agree the mechanisms and instruments are appropriate in			

overarching policy goals?	ensuring adequate coordination and information flow between the BEREC, BEREC Office and the Commission?		Case studies	
Does BEREC provide useful information in support of the policy process?	- What is the quality of the monitoring information provided to the Commission?	DG CNECT  Other DGs and EU bodies	Document review  Interviews  Survey	Extent to which the consulted stakeholders assess the information provided by BEREC as timely, relevant and of high quality
	- To what extent is the advice and opinions provided by BEREC clear and relevant to the Commission or other stakeholders?			
	- To what extent has the know-how of BEREC helped to serve the needs of the Commission and other stakeholders?			
	- What, if any innovations were adopted by the Commission and the NRAs as a result of knowledge sharing with BEREC and BEREC's reports?			Extent to which the document review shows timely delivery of outputs to BEREC's stakeholders.
	- What is the clarity, relevance and timeliness of the monitoring information provided to the Commission?			
- To what extent are BEREC's guidelines followed and implemented by the NRAs?	Results of BEREC monitoring reports  Extent to which consulted stakeholders reference BEREC guidelines and opinion in implementation of their work			
EU Added Value				
Could the identified outputs/results/impac	- To what extent is the work of BEREC different from NRAs and other relevant groups or boards, such as the Radio Spectrum Policy Group (RSPG), in terms of its activities and outputs?	BEREC Office	Interviews	To a large extent if there is an identifiable difference in all key

ts have been achieved without EU intervention?		NRAs DG CNECT	Survey Case studies	services of BEREC and the NRAs, and other relevant groups
	- To what extent are BEREC's services used by other EU and international bodies?	Other DGs and EU bodies International bodies and networks	Task-level appraisal (as presented above)	High if various groups of BEREC's European and national level stakeholders are actively using BEREC's documents for information and guidance on electronic communications market
	- What is the level of added value of BEREC at the national level in terms of (a) collection and dissemination of relevant information, (b) new knowledge, insights and evidence generated, (c) information and data exchange, (d) other elements?	Industry and consumers Other national authorities and competent bodies		High if various groups of BEREC's European and national level stakeholders are actively using BEREC's documents for information and guidance on electronic communications market
	- To what extent BEREC's activities and outputs do not duplicate Commission's activities and provide added value to the Commission?			To a large extent if the Commission and other key stakeholders cannot identify any unnecessary duplications  To a large extent if the Commission mentions elements of BERE added value that it finds useful for its own work
Is it still valid to assume that the	- To what extent did stakeholders use BEREC results and outputs and deem these to provide added value to their work?		Interviews	

<p>objectives of the intervention can best be met by action at EU level?</p>	<ul style="list-style-type: none"> <li>- To what extent did BEREC and BEREC Office manage to create the basis for European and national level information on electronic communications that could support public policy agenda setting and decision making?</li> </ul>	<p>BEREC Office</p> <p>NRAs</p> <p>DG CNECT</p> <p>Other DGs and EU bodies</p> <p>International bodies and networks</p> <p>Industry and consumers</p> <p>Other national authorities and competent bodies</p>	<p>Survey</p> <p>Case studies</p> <p>Task-level appraisal (as presented above)</p>	<p>The extent to which the stakeholders agree with the statements</p>
<p>What would be the most likely consequences of stopping or withdrawing EU intervention?</p>	<ul style="list-style-type: none"> <li>- Which of the outputs of BEREC and BEREC Office would be challenging to implement by the Commission or the NRAs themselves?</li> <li>- To what extent would the NRAs continue working on similar topics related to the electronic communications market?</li> <li>- What additional activities and measures would the Commission need to take to ensure effective implementation of the regulatory framework for electronic communications?</li> <li>- What would be the associated costs and potential administrative burden of those activities?</li> </ul>	<p>BEREC Office</p> <p>NRAs</p> <p>DG CNECT</p> <p>Other DGs and EU bodies</p>	<p>Interviews</p> <p>Survey</p> <p>Case studies</p> <p>Task-level appraisal (as presented above)</p>	<p>The extent to which the stakeholders agree with the statements</p>

<p>What is the additional value resulting from the EU intervention(s), compared to what could reasonably have been achieved (in terms of effectiveness and efficiency) by Member States acting at national and/or regional levels?</p>	<ul style="list-style-type: none"> <li>- To what extent is Commission's attribution of tasks and responsibilities to BEREC is beneficial in comparison to implementation of these tasks and responsibilities by the Member States themselves?</li> </ul> <hr/> <ul style="list-style-type: none"> <li>- To what extent do the NRAs perceive the work of BEREC as adding additional value to their own activities?</li> </ul>	<p>BEREC</p> <p>NRAs</p> <p>DG CNECT</p> <p>Other DGs and EU bodies</p> <p>Other national authorities and competent bodies</p>	<p>Interviews</p> <p>Survey</p> <p>Case studies</p> <p>Task-level appraisal (as presented above)</p>	<p>The extent to which the stakeholders agree with the statements</p>

## Evaluation questions and main findings (BEREC):

### Implementation

*To what extent has BEREC been operating according to the legal framework establishing it?*

BEREC has been operating according to the legal framework since 2019, with no legal violations or disputes identified. Between 2019 and 2022, BEREC implemented 186 activities and produced reports, study reports, and guidelines. BEREC advises the European Commission and other institutions upon request or on its initiative and has issued opinions on its own initiative. Although some Commission officials noted that BEREC's opinions do not always align with the legislative process's timing, BEREC's independence is crucial, and its opinions serve as an essential independent input into the EU legislative process.

*Are there inconsistencies or overlaps between the tasks carried out by BEREC and other agencies or EU bodies?*

No inconsistencies or overlaps are found. BEREC collaborates with other EU agencies, including ENISA, RSPG, and ERGA, to ensure coordination and avoid overlaps. BEREC supports ENISA by providing input and advice on 5G networks. BEREC cooperates with RSPG on radio spectrum matters and with ERGA on digital markets. Looking to the future, BEREC aims to increase collaboration with key players in the telecommunications and media sectors.

*Is there a clear and appropriate delimitation of responsibilities and tasks between BEREC and the partner DG? Are there overlaps or gaps?*

Based on the collected data, BEREC and DG CNECT's responsibilities are mostly appropriate. The Commission is responsible for policymaking, while BEREC supports legislation regarding electronic communications. BEREC offers independent expert advice to the Commission and has the power to issue its own opinions. The Commission must consider BEREC's opinions, which can sometimes differ. BEREC and the Commission could have more exchanges of ideas in the future.

*Is there a clear and appropriate delimitation of responsibilities and tasks between BEREC and other Commission DGs? Are there overlaps or gaps?*

A clear and appropriate delimitation of responsibilities exists between BEREC and other Commission DGs. BEREC's outputs are pertinent to several DGs, as listed on its website.

*Are appropriate mechanisms and instruments put in place to ensure adequate coordination and information flow between BEREC and the Commission services?*

The Commission and BEREC have appropriate coordination mechanisms in place. The Commission participates in BEREC meetings and working groups, and appoints its experts. The exchange of information between the Commission and BEREC is sufficient, and meetings are held on an ad hoc basis when necessary. The Commission tries not to exert

influence on BEREC's opinions, which have differed from the Commission's position in some cases.

### Effectiveness

*To what extent has BEREC achieved its objectives? What, if anything, could be done to make BEREC more effective in achieving these objectives?*

The data collected suggests that BEREC has been largely successful in fulfilling its four objectives. A number of factors that either support or impede BEREC's effectiveness have emerged.

- Promoting connectivity and access to VHCNs - The organization's support for the implementation of EU-level legislation, such as delivering timely guidelines, has been highly effective. However, BEREC's influence is limited by various national circumstances, such as limited demand for VHCNs and the uneven pace of transposition of the EECC across Member States.
- Promoting competition and investment – BEREC has been successful in promoting competition and efficient investment, according to interview and survey data. The NRAs consulted commend BEREC's adaptability in navigating the rapidly evolving digital innovation landscape. Stakeholders have differing opinions on BEREC's effectiveness in promoting competition and private investment in connectivity. Industry representatives criticize BEREC's effectiveness in driving investment in connectivity, citing an overly pro-regulatory approach and slow pace of private investment. Some state that BEREC's output related to market analysis is adversely impacting private investment in connectivity. A consumer organization surveyed perceives BEREC as effective in promoting competition. Although most National Regulatory Authorities find BEREC's market analysis output useful, some claim it's not effective in their national context. Overall, while BEREC has made significant contributions, external stakeholders call for improvements.
- Contributing to the development of the internal market - Most stakeholders believe that BEREC has been successful in contributing to the development of the internal market. However, they also believe that BEREC's potential contribution to the harmonisation of the internal market is limited. Industry representatives assert that the European electronic communications market remains fragmented despite BEREC's efforts. The evidence collected indicates that there is room for BEREC to enhance its efforts in ensuring the consistent implementation of the regulatory framework for electronic communications.
- Promoting the interests of the citizens of the Union - BEREC promotes EU citizens' interests and oversees the harmonized implementation of the Roaming and Intra-EEA Regulations. It helps citizens monitor market developments and contributes to Universal Service Obligation. BEREC needs to prioritize USO and consumer protection better.

*What are the internal factors that affect BEREC's effectiveness?*

The study highlights two key factors that contribute to BEREC's effectiveness: facilitating best practice exchange and consistently producing high-quality outputs. However, its effectiveness may face limitations due to diverging competences of NRAs, adaptability to changing technology, and the importance of independence. Stakeholders trust BEREC's outputs as reliable sources of information, but the increasing diversity of NRAs'

competencies is a challenge. BEREC needs to readdress its priorities and activities in line with the convergence of the electronic communications market and the broader digital ecosystem to ensure its future effectiveness and independence.

*What external factors have affected the ability of BEREC to achieve the objectives?*

BEREC's work was impacted by recent global events, including the COVID-19 pandemic, the Russia-Ukraine war, and Brexit. The pandemic disrupted their day-to-day activities, but also expanded their responsibilities to monitor market developments, address network congestion, and provide weekly reports on internet capacity. BEREC devised strategies to support its Ukrainian counterparts during the war and helped refugees stay connected. However, the withdrawal of the British NRA due to Brexit led to a loss of expertise for BEREC.

*Have there been any unexpected or unintended effects of BEREC's functioning? And, if so, what are their consequences? What could explain these effects?*

BEREC is restricted to only NRAs participation by Article 5 of the BEREC Regulation. This limitation can potentially hinder its ability to adapt to market innovations.

## Efficiency

*What aspects of BEREC's work are related to its ability to achieve its objectives in a timely manner?*

Overall, BEREC fulfils its tasks and activities in a timely manner or with short delays, using resources at its disposal efficiently. Several aspects contribute to the timely achievement of its objectives. These include flexibility of work procedures, collaboration of NRAs, and comprehensive planning at BEREC. BEREC functions in an agile and flexible manner, accommodating new tasks and organizing extraordinary meetings online. Its bottom-up processes are efficient, but establishing additional Working Groups requires reallocation of resources. BEREC can reprioritize its workload and draw on additional resources from NRAs to deliver outputs on time. Larger NRAs can mobilize more staff, while smaller NRAs find it challenging to find additional drafters and experts.

Collaboration between Working Groups is critical for timely delivery at BEREC. BEREC can create cross-working-group workstreams, and all Working Groups can work together to issue a common position paper. 96% of NRAs believe that collaboration between Working Groups in BEREC benefits the achievement of its objectives. However, industry representatives have mentioned occasional discrepancies in BEREC's work. An example is the 'BEREC's preliminary assessment of the underlying assumptions of payments from large CAPs to ISPs' and the 'Report on the Internet ecosystem'. Although the WGs working on them could benefit from cooperation and synergy, the reports did not take each other's conclusions into account. Around 18% of tasks in the annual work programme at BEREC get carried over to the next year due to unforeseen additional work and reprioritization of tasks. The pace of work also slows down when BEREC starts exploring new themes and trends, which require long preliminary exploration and consensus-building between Member States.

*To what extent has BEREC adapted to periods of high workload?*

BEREC faced multiple high-workload periods during 2019-2023 due to various reasons including the adoption of the EECC, unforeseen requests for assistance by the European Commission, COVID-19 pandemic, and Russia's invasion of Ukraine in 2022. One of the primary reasons was the implementation and transposition of EECC, which led to 44 activities being carried out by BEREC. Unforeseen ad hoc tasks also contributed to high-workload periods. Approximately one-third of tasks carried out by BEREC were ad hoc, which included assisting and advising the European Commission on various issues. Due to COVID-19 pandemic, NRAs had additional tasks, making it challenging to allocate resources to BEREC-related tasks. BEREC had additional activities connected to the Russian invasion of Ukraine. Individual NRAs also experience periods of high workload when holding leadership positions at BEREC. BEREC copes well with increased workload, with positive assessments from NRAs and the European Commission. Virtual events increased participation rates. Delays sometimes occur, but they do not extend beyond a few months and do not affect the delivery of planned outputs. Most postponed activities are internal workshops or specific requests from the Commission.

*To what extent have BEREC's internal organisation, governance and procedures been conducive to its efficiency? What administrative costs and burdens does it create and for whom?*

Several aspects affect BEREC's efficiency and timeliness of deliverables. These include stakeholder consultations, collaboration and task distribution between NRAs, and the use of support from the BEREC Office.

Most NRAs surveyed view BEREC's working procedures positively. According to the survey, 92% of the NRAs believe that BEREC's governance structure is fit for purpose. However, representatives from the European Commission feel that BEREC's lack of legal personality and decision-making powers is a limitation, particularly when dealing with cross-border, European-level issues. Despite the positive aspects of BEREC's internal organization and procedures, several aspects negatively impact work efficiency, such as the lack of thorough and consistent introduction to the duties of newly appointed co-chairs of Working Groups. The study found that the internal collaborative platform BERECNet+ is not very usable and inconsistent across Working Groups. NRAs and consumer organizations expressed concerns about the unbalanced content and workload of plenary sessions, particularly the 3rd and 4th ones. This leads to a decrease in efficiency and requires more resources for preparation and participation. BEREC has improved its stakeholder consultation process by introducing an additional call for stakeholder input. However, some stakeholders still find the deadlines given to respond to public consultations too short to prepare high-quality and detailed responses. For example, the call for contributions on BEREC Guidelines detailing Quality of Service parameters lasted for only 16 days.

BEREC faces several challenges, including varying competencies, lack of harmonization, and uneven resource allocation. These challenges reduce its efficiency and make it difficult to find appropriate drafters. Each Member State must ensure its NRA has the resources needed to participate fully in BEREC's work.

NRAs have staff who work part-time on BEREC-related activities, with workload depending on their roles and the NRA's allocation of drafters to Working Groups. Work at

BEREC accounts for about one third of Contact Network members' total working time at an NRA. NRAs dedicate significant resources to BEREC, with an average allocation of around 4-6 FTEs per NRA. During peak periods, bigger NRAs can dedicate more time to BEREC activities, allocating drafters to more or even all Working Groups. Smaller NRAs prioritize projects most relevant to them, but still follow other developments and contribute to discussions.

*Is there scope for improvement and simplification of processes and workflows? What other relevant avenues could assure the work of BEREC?*

To improve BEREC's processes and procedures, NRAs suggest the BEREC Office provide content-related support with data analysis. Advance notice from EU institutions would help to manage BEREC's 10% ad hoc work. To increase stakeholder participation, more information sharing is required. A rolling multiannual agenda would improve planning, while targeted training for NRA representatives would improve efficiency and resource utilization.

### Coherence

*To what extent has BEREC enabled the Commission to better focus on its policy related tasks? How well does it align with the overarching policy goals?*

The activities of BEREC support the Commission's policymaking work, and its outputs are seen as expert sources of information in the field of electronic communications. BEREC benefits from the expertise and network of NRAs at the national level, allowing it to gather data from operators and other industry stakeholders relatively quickly. BEREC's responsiveness to the Commission's ad hoc requests allows it to support the Commission in its policymaking work efficiently.

*Does BEREC provide useful information in support of the policy process?*

The majority of respondents to the NRA survey reuse BEREC's outputs when contributing to policymaking at the national level. BEREC guidelines are particularly useful when implementing the EECC, and its recent work on digital markets and cybersecurity has served as a basis for national-level policymaking. BEREC's opinions on Phase II process influence NRA's work and initiatives on markets, and BEREC's outputs are treated as soft law at the national level. NRAs outside the EU use BEREC's outputs and positions as reliable sources of information on electronic market developments.

### Relevance

*Did objectives and tasks respond successfully to the original needs of stakeholders?*

BEREC's objectives and tasks, set in the EECC, correspond to the original needs of stakeholders. BEREC is a significant player in ensuring the implementation of the European regulatory framework and functions as a single platform for European National Regulatory Authorities.

*Do objectives and tasks respond to current needs?*

BEREC's ability to address current needs varies based on the stakeholder group under consideration.

The survey results indicate that 93% of NRAs believe that BEREC's objectives and tasks align with their immediate needs. The collaboration and best practice sharing among NRAs and BEREC's work related to analysing new legislation and producing associated guidelines are seen as particularly relevant. The work of BEREC is especially relevant to NRAs with less administrative and financial capacity. However, variations in national contexts and diverging competences of the NRAs may impact BEREC's future relevance. Some NRAs suggested that variations in national contexts can potentially restrict the range of topics discussed within BEREC. Also, not all NRAs may perceive BEREC as equally relevant to their needs.

BEREC's role in providing advice to the Commission is highly relevant, especially in preparing legislation related to electronic communications. The digital communications sector's rapid development and new responsibilities for NRAs and BEREC may cause ambiguities. BEREC advises and assists the NRAs, the European Parliament, the Council, and the Commission on technical matters within its competence. The Council and the European Parliament have referenced some of BEREC's output in their documents.

While BEREC's reports and monitoring activities are seen as authoritative sources of information, there are some areas where its relevance could be strengthened. Industry representatives highlight BEREC's handling of digital platforms and number-independent interpersonal communication as examples of its preference for traditional regulatory approaches over adapting to the evolving landscape of the digital sector. Some external stakeholders suggest an increased timeframe for delivering inputs to BEREC as another possible improvement of the public consultation procedure.

*Are objectives and tasks revisited periodically to identify upcoming and urgent needs?*

Between 2019 and 2023, BEREC created several new topic-specific working groups in areas such as cybersecurity, sustainability, and regulation of digital markets, and its work programs include reports on emerging digital services, platforms, and their providers. BEREC is also actively engaged in addressing regulatory developments in areas such as net neutrality and 5G deployment. However, the evaluation study results suggest that BEREC could potentially engage more proactively with its wider stakeholder group to identify upcoming and urgent needs.

#### EU value added

*Could the identified outputs/results/impacts have been achieved without EU intervention?*

BEREC plays an important role in ensuring consistent implementation of the EU regulatory framework for electronic communications. BEREC brings together expertise from 27 NRAs to maintain databases, collect data, and share good practices among Member States. The guidelines and methodologies developed by BEREC help NRAs implement the EU legal framework for electronic communications. BEREC's monitoring reports and expert inputs on technical topics are seen as authoritative sources of information by the European institutions. BEREC's primary stakeholders are NRAs, while external stakeholders view it as adding moderate added value to their organization. The most significant EU value added by BEREC is collecting and disseminating information. Overall, the impacts of BEREC presented in this evaluation would have been difficult to achieve without an EU intervention, without resulting in an additional administrative burden to the individual NRAs and the Commission. Both the Member States and the Commission unilaterally

recognise the need for coordination among the NRAs in ensuring a smooth functioning of the internal market.

*Is it still valid to assume that the objectives of the intervention can best be met by action at EU level?*

BEREC contributes to the achievement of objectives of the EECC by advising and assisting NRAs, the Commission and other European institutions on matters related to electronic communications. To this end, consulted stakeholders, including NRAs, industry and consumer representatives agree that BEREC is best positioned to coordinate the implementation of the EECC and other European regulatory frameworks, as well as to act as a forum of knowledge exchange on various matters related to the electronic communications market.

*What would be the most likely consequences of stopping or withdrawing EU intervention?*

The hypothetical withdrawal of the EU intervention would result in loss of knowledge and increased administrative burden for all parties currently associated with BEREC's activities. Discontinuation of BEREC would lead to a fragmented market and additional compliance costs for industry representatives. It would also potentially negatively impact the future evolution of the electronic communications market.

*What is the additional value resulting from the EU intervention, compared to what could reasonably have been achieved (in terms of effectiveness and efficiency) by Member States acting at national and/or regional levels?*

BEREC and the BEREC Office work together to coordinate a Union-wide approach to the development and better functioning of the internal market for electronic communications. This leads to common targets, better regulatory coordination, information sharing, and enhanced knowledge. BEREC brings value by developing guidelines and methodologies on the adoption of the European Electronic Communications Code, providing data on the evolution of the electronic communications market, and offering advice to the European Commission and other institutions.

#### Evaluation questions and main findings (BEREC Office):

##### Implementation

*To what extent has the BEREC Office been operating according to the legal framework establishing it?*

BEREC Office operates in accordance with the legal framework established in 2019. The NRAs have reported that the BEREC Office is effective in supporting public consultations and Working Groups, but improvements are needed in drafting reports and disseminating regulatory best practices. BEREC Office has complied with the staffing and financial regulations of the Commission, but its staffing levels in relation to Contract Agents and Seconded National Experts have consistently exceeded the Commission's guidance in its Draft General Budget.

*Are there inconsistencies and overlaps between the tasks carried out by the BEREC Office and other stakeholders? Are there inconsistencies and overlaps between the tasks carried out by the BEREC Office and other stakeholders?*

Overall, no overlaps or gaps between the tasks carried out by the BEREC Office and other stakeholders have been identified.

*Are appropriate mechanisms and instruments put in place to ensure an adequate coordination and information flow between BEREC and the BEREC Office and the Commission services?*

The mechanisms and instrument in use need some improvement. The use of BERECNet+ system for exchanging information and collaboration needs to be more consistent and streamlined, according to a report by the European Commission's Internal Audit Service. The system is not fully and consistently introduced to NRA representatives. Additionally, the BEREC Office uses the EU Survey tool and the ARES NOMCOM system for managing final outputs of BEREC and data collection activities.

### Effectiveness

*To what extent has the BEREC Office achieved its objectives? What, if anything, could be done to make the BEREC Office more effective in achieving these objectives?*

In line with Art. 5 of the BEREC Regulation, the primary objective of the BEREC Office is to support the smooth functioning of BEREC, providing professional and administrative support (collecting data from the NRAs, maintaining databases, organising meetings and events, among others).

The analysis of collected data suggests and the NRAs consulted state that the BEREC Office has been largely effective in fulfilling its primary objective, in particular in providing high-quality administrative support to the Working Groups, the Contact Network and the Board of Regulators. NRAs also underline the significance of the BEREC Office in supporting their regulatory work with regard to collecting data (which has allowed the Office to gain extensive knowledge in this area), maintaining databases and providing professional assistance. The quality of the services provided are consistently highly ranked by NRAs, at 89%, in particular during challenging external conditions (COVID-19 pandemic and Russia's invasion of Ukraine).

Communication between BEREC and the BEREC Office has been effective, and NRAs reported positive experiences from interacting with the BEREC Office, highlighting the smooth flow of information. The BERECNet+ system, which has been mentioned as an area of improvement (in particular during periods of high workload), is used for exchange of information and to store working documents associated with the work of Working Groups and the support provided by the BEREC Office.

Some NRAs have argued that the Office could provide better professional support, notably in the areas of data collection and analysis, an area where the Office has identified the need and addressed it by hiring a data analyst.

Staff turnover also has an impact on the Office's effectiveness, as does the challenge of knowledge and expertise continuity due to the fact that some staff are seconded national experts (with a limit on time spent with the Office).

*What external factors have affected the ability of the BEREC Office to achieve its objectives?*

Evidence suggests that, as in the case of BEREC, the COVID-19 pandemic and Russia's invasion of Ukraine were the predominant factors impacting the functioning of the BEREC Office, for the former regarding the challenge of facilitating a seamless transition to teleworking, ensuring staff safety, and maintaining continued support for BEREC's operations and for the latter heightened concerns over physical and IT security given that the BEREC Office is based in Riga.

#### Efficiency

*What aspects of the BEREC Office's work are related to its ability to achieve its objectives in a timely manner?*

Data indicates that the BEREC Office achieved most of its assigned objectives on time and with high efficiency (96% percent of NRAs agree). The Office applied annual and multiannual planning cycles that are synchronised with BEREC itself and anticipated ad hoc work in advance. The Office has also shown that it is able to reprioritise tasks depending on needs and urgency. Flexible working arrangements and teleworking – introduced even before the 2020 pandemic – contribute to timely delivery.

Teleworking, videoconferencing and online voting tools helped to avoid disruption of BEREC's operation during the COVID-19 pandemic and to reach record numbers of experts participating in meetings, contributing to the successful delivery of the Work Programme.

*To what extent has the BEREC Office adapted to periods of high workload?*

BEREC Office adapts to increased workload stemming from additional activities of the BEREC Office resulting from COVID-19, the adoption of the European Electronic Communications Code in 2019-2020, extraordinary external circumstances of the war in Ukraine, the extremely high inflation in the host Member State and the energy crisis in Europe in 2022 rather well (92% of NRAs agree), due to the agile way of distributing responsibilities, resources and activities inside the Agency, as well as the use of digital tools.

*To what extent is the Agency's organisation (governance, structure, allocation of resources, etc.) fit for purpose?*

Evidence gathered and analysed suggests that the organisation of the BEREC Office is fit for purpose and, given the small size of the Agency, the BEREC Office is efficient and timely in carrying out its activities, agreed by the majority of NRAs. Yet, several areas of potential improvements exist, in particular with regard to the use of IT tools. The BEREC Office is one of the smallest EU Agencies. According to the BEREC Office's establishment plan, the number of temporary agents assigned to the BEREC Office remained stable during the evaluation period, with the BEREC Office receiving one additional TA post for the role of the Accounting Officer in 2023.

The Office has used a number of approaches to ensure sufficient capacity to carry out the tasks and activities arising from the BEREC Regulation, in particular the use of contract staff and seconded national experts and outsourcing services to the European Commission

and the BEREC Office Liaison Office established by the Latvian Government. These decisions are contrary to the Commission's firm guidance on recruiting CAs, as they are not foreseen in and have a direct and long-term impact on the Union Budget (build-up of pension rights). In addition, each contract agent recruited beyond the strict guidance means that the Agency indirectly reduces its operational budget to pay for these additional contract agents. The Commission provides strict guidance on the ceiling of CAs and SNEs per agency in the Working Document Part III of Draft General Budget<sup>185</sup>. The BEREC Office has exceeded the guidance issued by the Commission every year since in 2019.

The Office has furthermore set up a Liaison Office (through a Service Level Agreement (SLA) signed between the BEREC Office and the Latvian Government, published in 2022)<sup>28</sup>. While liaison offices are a specific type of entity, with a set of clearly defined tasks, linked to accommodating agency staff and their family in the respective Member State, the BEREC Office has adopted a broad interpretation of this concept, relying on the Liaison Office for providing support to the BEREC Office in various areas (assistance to the Agency's staff and experts as well as family members during their stay in the Republic of Latvia, raising the visibility of the Agency, coordination with Latvian Authorities, keeping of records and circulation of documents and providing clerical and administrative support to the Agency). In effect, the Agency relies on the Liaison Office to have access to more human resources than in the case it relied solely on its budget lines devoted to remuneration of the Agency's staff.

According to Art. 4 of the SLA, the Liaison Office staff are employed by the Ministry of Transport of Latvia. The BEREC Office covers the 'costs of the Host Member State' related to the operation of the Liaison Office to a maximum payable amount of EUR 165 000 per year. While there is a demand for more services from the Office by BEREC and NRAs, it should be clear that in cases of other decentralised agencies, nearly all Host Member States have set up contact points for agency staff and their families related to questions of settling in the Member State. These services are usually provided by and paid for by the governments of the host Member States.

Staff turnover has been shown to negatively impact efficiency, especially related to contract agents. According to the BEREC Office, contract agents, especially those performing administrative functions are the category most affected by staff turnover, for the following reasons: complexity of the job as one person usually takes responsibility for several work areas, difficulty of staff spouses finding employment in Latvia, and perceived low correction coefficient. The turnover results in an additional workload for the BEREC Office as it has to fill new positions and onboard new staff, which can take 3-6 months.

*Is the balance between operational staff and administrative support staff appropriate?*

Being one of the smallest European Agencies, the Office and having to comply with the financial and staff regulations of the European Commission, administrative activities of the BEREC Office related to its responsibilities as an Agency make up a large share of its workload. In contrast to large agencies, the BEREC Office has limited efficiency gains from obligatory activities linked to its obligations as an Agency. On the other hand, some

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<sup>28</sup> <https://www.berec.europa.eu/en/document-categories/berec-office/others/service-level-agreement-between-the-agency-for-support-for-the-body-of-european-regulators-for-electronic-communications-and-the-government-of-the-republic-of-latvia>

NRAs request more targeted support to WGs e.g. in the areas of data analysis and reporting. Improvements could be made by having more staff focusing on providing operational support to BEREC.

*What is the scope for improvement and simplification of processes and workflows? What other relevant ways could assure the work of the BEREC Office?*

Cooperation between the Office and other EU agencies for the provision of horizontal administrative services could benefit the Office. As interviewed BEREC Office and European Commission representatives acknowledge, the Office is trying to find synergies with other agencies – in particular through the EU Agencies Network. A Special report of the European Court of Auditors, in its turn, underlines the potential for more cooperation between agencies – especially those operating in the same policy areas. BEREC Office could explore more opportunities for sharing services with other agencies to approach similar tasks.

A better distribution of work between BEREC and the BEREC Office would reduce the additional workload of the Office. Some ad hoc tasks can be implemented by BEREC directly, without BEREC Office support. The BEREC Office could also adopt a more streamlined approach to data governance and arrive at efficiency gains in all areas of data collection performed by the BEREC Office, streamlining the use of BERECNet+ and using centralised means for standardised submission of data from different NRAs. Streamlining and standardisation also applies to collecting data for the purposes of public consultations, in particular relying on Art. 5 of the BEREC regulation, that the Office ‘collect information from NRAs’ and to ‘produce, on the basis of the information collected, regular draft reports’.