

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2016/0286(COD)
	Procedure completed
Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)	
Repealing Regulation (EC) No 1211/2009 <u>2007/0249(COD)</u> Amending Regulation (EU) 2015/2120 <u>2013/0309(COD)</u>	
Subject 3.30.05 Electronic and mobile communications, personal communications 3.30.06 Information and communication technologies, digital technologies 8.40.08 Agencies and bodies of the EU	
Legislative priorities <u>Joint Declaration 2018-19</u> <u>Joint Declaration 2017</u>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
European Parliament	ITRE Industry, Research and Energy	TOŠENOVSKÝ Evžen  TOŠENOVSKÝ Evžen	01/12/2016
		Shadow rapporteur	
		 KARIŅŠ Krišjānis	
		 KREHL Constanze	
		 KALLAS Kaja	
		 REIMON Michel	
		 PAKSAS Rolandas	
		 KAPPEL Barbara	
Committee for opinion			
Committee for opinion	BUDG Budgets	Rapporteur for opinion	Appointed
		The committee decided not to give an opinion.	
Committee for opinion	CONT Budgetary Control	The committee decided not to give an opinion.	
		The committee decided not to give an opinion.	
Committee for opinion	ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
		The committee decided not to give an opinion.	
Committee for opinion	IMCO Internal Market and Consumer Protection	ŠTEFANEC Ivan  ŠTEFANEC Ivan	11/10/2016

S&D[COSTA Silvia](#)**JURI** Legal Affairs

The committee decided not to give an opinion.

LIBE Civil Liberties, Justice and Home Affairs

05/12/2016

[PETERSEN Morten](#)

Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3505	01/12/2016
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology	OETTINGER Günther	

Key events

14/09/2016	Legislative proposal published	COM(2016)0591	Summary
24/10/2016	Committee referral announced in Parliament, 1st reading		
01/12/2016	Debate in Council	3505	
09/06/2017	Debate in Council		
02/10/2017	Vote in committee, 1st reading		
02/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
16/10/2017	Committee report tabled for plenary, 1st reading	A8-0305/2017	Summary
23/10/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/10/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
10/07/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2018)005652	
14/11/2018	Results of vote in Parliament		
14/11/2018	Debate in Parliament		
14/11/2018	Decision by Parliament, 1st reading	T8-0454/2018	Summary
04/12/2018	Act adopted by Council after Parliament's 1st reading		
11/12/2018	Final act signed		
11/12/2018	End of procedure in Parliament		

Technical information

Procedure reference	2016/0286(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 1211/2009 2007/0249(COD)
	Amending Regulation (EU) 2015/2120 2013/0309(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/8/07883

Documentation gateway

Legislative proposal		COM(2016)0591	14/09/2016	EC	Summary
Document attached to the procedure		SWD(2016)0303	14/09/2016	EC	
Document attached to the procedure		SWD(2016)0304	14/09/2016	EC	
Economic and Social Committee: opinion, report		CES5211/2016	25/01/2017	ESC	
Committee draft report		PE600.889	27/02/2017	EP	
Amendments tabled in committee		PE602.937	04/04/2017	EP	
Committee opinion	CULT	PE599.567	11/05/2017	EP	
Committee opinion	IMCO	PE599.723	02/06/2017	EP	
Committee opinion	LIBE	PE601.038	09/06/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0305/2017	16/10/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2018)005652	29/06/2018	CSL	
Text adopted by Parliament, 1st reading/single reading		T8-0454/2018	14/11/2018	EP	Summary
Draft final act		00051/2018/LEX	11/12/2018	CSL	
Commission response to text adopted in plenary		SP(2018)838	19/12/2018	EC	
Follow-up document		SWD(2023)0144	15/05/2023	EC	

Final act

[Regulation 2018/1971](#)
[OJ L 321 17.12.2018, p. 0001](#) Summary

Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)

PURPOSE: to strengthen the role of the Body of European Regulators for Electronic Communications (BEREC) in the area of electronic communications.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure on an equal footing with Council.

BACKGROUND: [Regulation \(EC\) 1211/2009](#) established the setting up of BEREC and the BEREC Office. Their aim was to contribute to the development and better functioning of the internal market for electronic communications networks and services.

BEREC and the BEREC Office have made a positive contribution towards a consistent implementation of the regulatory framework for electronic communications. Notwithstanding, there are still significant disparities between Member States as regards regulatory practice. Moreover, the governance structure of BEREC and the

BEREC Office is cumbersome and gives rise to unnecessary administrative burden.

In order to ensure efficiency gains and synergies and to further contribute to the development of the internal market for electronic communications throughout the Union as well as to the promotion of very high capacity data connectivity, the Commission proposes to strengthen the role of BEREC and enhance its governance structure by establishing BEREC as a Union decentralised agency. BEREC would therefore become a key actor to serve the objective of achieving an internal telecoms market in the Union.

In its Communication of 6 May 2015 entitled [A Digital Single Market Strategy for Europe](#), the Commission envisaged presenting proposals in 2016 for an ambitious overhaul of the regulatory framework for electronic communications. The communication pointed out that the changing market and technological environment make it necessary to strengthen the institutional framework by enhancing the role of BEREC.

In its resolution [Towards a Digital Single Market Act](#), the European Parliament called on the Commission to integrate further the digital single market by ensuring a more efficient institutional framework by strengthening the role, capacity and decision-making powers of BEREC. Parliaments also stressed the need to improve the financial and human resources and further enhance the governance structure of BEREC.

IMPACT ASSESSMENT: the preferred option is to strengthen BERECs advisory role with certain pre-normative powers and better market review process and spectrum assignment of right of use for radio spectrum.

CONTENT: the proposal repealing Regulation (EC) 1211/2009 broadens the current mandate of BEREC and turns it into a fully-fledged agency equipped with the necessary tools and adequate resources to achieve its objectives and carry out its tasks. The proposal should be read together with the [proposal for a directive](#) of the European Parliament and of the Council establishing the European Electronic Communications Code.

Aims: BEREC should aim to achieve the same objectives as NRAs. In particular, it should:

- ensure a consistent implementation of the regulatory framework for electronic communications and thereby contribute to the development of the internal market;
- promote (i) access to, and take-up of, very high capacity data connectivity; (ii) competition in the provision of electronic communications networks, services and associated facilities; and (iii) the interests of the citizens of the Union.

Tasks: the proposal sets out additional tasks for BEREC, notably:

- powers to adopt binding decisions on the identification of transnational markets and on a contract summary template; quasi-binding powers in relation to the internal market procedures for draft national measures on market regulation (the double-lock system) and the establishment of a single maximum termination rate for the Union;
- quasi-binding powers in relation to the internal market procedures for draft national measures on market regulation (the double-lock system) and the establishment of a single maximum termination rate for the Union.
- the issuing of guidelines in a number of areas: (i) geographical surveys, (ii) common approaches to meeting transnational demand, (iii) minimum criteria for reference offers, (iv) common criteria for the management of numbering resources, (v) quality-of-service parameters, (vi) applicable measurement methods and the technical details of the cost model to be applied by NRAs when setting maximum symmetric termination rates. It will also be given the power to request information directly from operators;

In addition, BEREC:

- will be in charge of setting up a register for the extraterritorial use of numbers and cross-border arrangements and another register of providers of electronic communications networks and services;
- assist the Commission and NRAs in the area of standardisation by helping them identify a threat to end-to-end connectivity or to effective access to emergency services.

In a double-lock system, if BEREC and the Commission agree on their position regarding the draft remedies an NRA proposes, the Commission could require the NRA to amend or withdraw the draft measure and, if necessary, to re-notify the market analysis.

A peer review system within BEREC will also be introduced as a new coordination mechanism to improve efficiency and coherence amongst Member States with regard to regulatory market aspects of assignments of rights of use for radio spectrum.

Administrative and management structure: this comprises a Management Board, an Executive Director, Working Groups and a Board of Appeal. The Executive Director manages the agency and will be its legal representative. The Executive Director is accountable to the Management Board and shall report to the European Parliament

BUDGETARY IMPLICATIONS: the total financial resources necessary for BEREC to fulfil its mission amount to EUR 14 135 million for the

period 2019-2020. In addition to the contribution from the Union, BEREC may collect charges for publications and other services provided, contributions from third countries or the electronic communications regulatory authorities of third countries participating in the work of BEREC and voluntary contributions from the Member States and NRAs.

Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)

The Committee on Industry, Research and Energy adopted the report by Even TOENOVSKÝ (ECR, CZ) on the proposal for a regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Maintaining the institutional balance: while the European Commission proposes to convert BEREC and its Office into a single EU agency of the Union, Members re-introduced into the proposed regulation the dual structure of BEREC and BEREC Office and has set out the appropriate tasks and organisational set-up for each.

The Agency for Support for European Regulators for Electronic Communications (BEREC Office) shall be a body of the Union. It shall have legal personality. It shall have sole responsibility for the tasks assigned to and the powers conferred on it.

The BEREC Office shall be independent as regards operational and technical matters and should enjoy legal, administrative and financial autonomy. It shall be represented by the chairman of the Board of Regulators. The BEREC Office shall be based in Riga, Latvia.

Tasks and organisation of BEREC: BEREC shall consist of: (i) a Board of Regulators; (ii) Expert Working Groups; (iii) a Board of Appeal. As its primary objective, BEREC shall ensure a consistent regulatory approach to the implementation of the regulatory framework for electronic communications and shall thereby contribute to the development of the internal market.

BEREC shall contribute to the achievement of the objectives of national regulatory and other competent authorities (NRAs) and shall group together the full list of tasks entrusted to BEREC under various pieces of legislation, including notably those assigned to it under the new European Electronic Communications Code.

It shall also promote: (i) the principle of net neutrality and the open internet; (ii) access to, investment in, and take-up of, very high capacity data connectivity; (iii) competition in the provision of electronic communications networks, services and associated facilities; (iv) the interests of the citizens of the Union.

To make BEREC more powerful and more representative and to safeguard expertise, experience and knowledge of the specific situation of the full range of national markets, the report suggested that each Member State should ensure that its NRA has adequate financial and human resources required to participate in the work of BEREC, in particular in the work of the Working Groups and chairmanship of the Board of Regulators.

In view of the additional tasks assigned to BEREC, Members proposed that the Chair should have a stable two-year term of office. Lists of qualified expert members of working groups, together with their declaration of interests, should be made publicly available.

The European Parliament may invite, while fully respecting his or her independence, the Chair or a Vice-Chair of the Board of Regulators to make a statement before its competent committee on relevant issues relating to BERECs activities and answer questions put by the members of the European Parliament.

Tasks and organisation of the BEREC Office: the BEREC Office shall provide all necessary professional and administrative support, including financial, organisational and logistical support, for the work of BEREC. Members stressed that it should be adequately staffed to carry out its duties.

An enlarged list of tasks assigned to BEREC and increased weight of content-related tasks vis-à-vis purely administrative ones should be duly reflected in resource programming of the BEREC Office according to Members.

In order to guarantee the BEREC Offices autonomy and independence, and in order to provide support to the work of BEREC, the BEREC Office shall have its own budget, most of which comes essentially from a contribution from the Union. The budget should reflect the additional tasks assigned and the enhanced role of the BEREC Office and BEREC.

Transparency and communication: BEREC and the BEREC Office shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular in relation to their tasks and the results of their work.

No later than five years from the day of entry into force of this regulation, and every five years thereafter, the Commission shall perform an evaluation to assess the performance of BEREC and the BEREC Office.

Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)

The European Parliament adopted by 590 votes to 63, with 23 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Maintaining the dual structure: the proposed Regulation aims to establish the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (the BEREC Office) and to define the appropriate tasks and organisational structure for each of them.

The BEREC Office shall be a body of the Union. It shall have legal personality. BEREC shall be composed of a Board of Regulators made up of one member from each Member State and working groups open to the participation of experts from all the NRAs participating in the work of BEREC and the Commission.

It shall be represented by its Director. It shall have sole responsibility for the tasks assigned to and the powers conferred on it.

The BEREC Office shall have its seat in Riga, Latvia.

Tasks of BEREC and the BEREC Office: in accordance with its new mandate, BEREC shall play an important role in helping EU countries to deploy very high-capacity networks and contribute to the smooth operation of the regulatory measures provided for in the [European Electronic Communications Code](#), which defines a significant number of new tasks for BEREC, such as the publication of guidelines, reporting on technical matters, keeping registers, lists or databases and delivering opinions on internal market procedures for draft national measures on market regulation.

BEREC shall carry out its tasks independently, impartially, transparently and in a timely manner, and shall rely on the expertise available within national regulatory authorities (NRAs). It shall also serve as a body for reflection, debate and advice for the European Parliament, the Council and the Commission in the field of electronic communications. It shall, inter alia:

- provide expertise and establish confidence by virtue of its independence, the quality of its advice and information, the transparency of its procedures and methods of operation, and its diligence in carrying out its tasks;
- contribute to the Commission's public consultation and provide the Commission, when requested, with advice on the preparation of legislative proposals;
- be able to provide advice to the European Parliament and the Council, at their request or on its own initiative.
- ensure that all NRAs are involved in the performance of its regulatory tasks and its functioning. Each Member State shall ensure that its NRA has sufficient financial and human resources to participate fully in the work of BEREC;
- be empowered to establish working arrangements with EU bodies, offices, agencies and advisory groups, with competent authorities of third countries and international organisations, for example to establish cooperative relations and to exchange views on regulatory issues.

The BEREC Office shall provide all necessary professional and administrative support for the work of BEREC, including financial, organisational and logistical support, and contribute to BEREC's regulatory work. It shall be adequately staffed to carry out its tasks.

In accordance with the principle of transparency, BEREC and the BEREC Office shall:

- publish information about their work on their website;
- make publicly available updated lists of their tasks and updated lists of members, alternates and other participants in meetings of their organisational bodies, as well as declarations of interest made by members of the Board of Regulators, members of the Management Board and the Director.

Retail charges for regulated intra-EU communications: from 15 May 2019, any retail price (excluding VAT) charged to consumers for regulated intra-EU communications shall not exceed EUR 0.19 per minute for calls and EUR 0.06 per SMS message.

Suppliers may offer their consumers other tariff offers for international calls, with different tariffs for calls within the regulated European Union. Consumers would be free to expressly choose these offers, and to change them at any time and free of charge.

Before consumers choose such a different tariff, the provider of regulated intra-EU communications shall inform them of the nature of the advantages which would thereby be lost.

Where a provider of regulated intra-EU communications establishes that, due to specific and exceptional circumstances distinguishing it from most other Union providers, the application of the cap referred to in the Regulation would have significant impact on that providers capacity to sustain its existing prices for domestic communications, a national regulatory authority may, upon that providers request, grant a derogation only to the extent necessary and for a renewable period of one year.

Body of European Regulators for Electronic Communications (BEREC) and Agency for Support for BEREC (BEREC Office)

PURPOSE: to establish the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Support Agency (BEREC Office) as part of the telecommunications reform to promote better and faster connectivity in Europe.

LEGISLATIVE ACT: Regulation (EU) 2018/1971 of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009.

CONTENT: the Regulation establishes the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Support Agency (BEREC Office) and defines the appropriate tasks and organisational structure for each of them:

- BEREC shall be composed of the Board of Regulators composed of one member from each Member State and the working groups set up by the Board of Regulators, which will be open to the participation of experts from the Commission;
- the BEREC Office shall be a body of the Union, with legal personality. It shall be represented by its Director, assume sole responsibility for the tasks assigned to it and the powers conferred on it. Its headquarters shall be in Riga, Latvia.

Tasks of BEREC and the BEREC Office

In accordance with its new mandate, BEREC shall play an important role in helping EU countries to deploy very high capacity networks and would contribute to the smooth application of the regulatory measures provided for in the [European Electronic Communications Code](#), which defines a significant number of new tasks for BEREC, such as the publication of guidelines on various topics, the preparation of reports on technical issues, the maintenance of registers, lists or databases, and the preparation of opinions on internal market procedures for draft national measures relating to market regulation.

BEREC shall carry out its tasks independently, impartially, transparently and in a timely manner, and shall draw on the expertise available within national regulatory authorities (NRAs). It shall also serve as a body for reflection, debate and advice for the European Parliament, the Council and the Commission in the field of electronic communications.

The BEREC Office shall provide all necessary professional and administrative support for the work of BEREC, including financial, organisational and logistical support, and contribute to the regulatory work of BEREC. It shall need to be adequately staffed to carry out its tasks.

Maximum price limit for international calls within the EU

The BEREC Regulation also contains provisions for cheaper intra-EU calls. The new rules cap the price of calls between EU countries at a maximum of 19 euro cents for fixed and mobile calls (intra-EU calls). They also limit SMS messages to a maximum of 6 cents.

The beneficiaries shall be consumers, as companies usually negotiate their tariffs with operators. As with roaming, derogations are possible in exceptional circumstances. The new ceilings shall apply from 15 May 2019.

Member States shall have to determine the rules on penalties applicable to infringements of these provisions and take all necessary measures to ensure their implementation.

ENTRY INTO FORCE: 20.12.2018.