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COMMISSION DIRECTIVE (EU) 2026/500

of 5 March 2026

amending Directive 2008/63/EC as regards a reporting obligation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 106(3) thereof,

Whereas:

(1) Commission Directive 2008/63/EC ([1]) aims at preserving competition in the markets in telecommunications terminal equipment and requires Member States which have granted exclusive or special rights to undertakings to ensure that all exclusive rights are withdrawn, as well as those special rights which: (a) limit to two or more the number of undertakings, otherwise than according to objective, proportional and non-discriminatory criteria; or (b) designate, otherwise than according to the criteria referred to in point (a), several competing undertakings. Article 3 of that Directive also requires Member States to ensure that operators have the right to import, market, connect, bring into service and maintain terminal equipment.

(2) Article 7 of Directive 2008/63/EC lays down a reporting obligation according to which Member States are to provide the Commission at the end of each year with a report allowing it to monitor compliance with Articles 2, 3, 4, and 6 of that Directive. An outline of the report referred to in Article 7 is set out in Annex I to Directive 2008/63/EC.

(3) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden. This is aligned with the Commission's target, announced, in the January 2025 Competitiveness Compass ([2]) and February 2025 Communication on implementation and simplification ([3]), of reducing administrative burdens by at least 25 % and by at least 35 % for small and medium enterprises ('SMEs').

(4) Directive 2008/63/EC has in great part achieved its objectives as Member States have progressively eliminated exclusive or special rights for terminal equipment. In light of this, the obligation set out in Article 7 of that Directive to provide the Commission at the end of each year with a report allowing it to monitor compliance with Articles 2, 3, 4, and 6 is no longer necessary. Therefore, and in line with the Commission's priority of streamlining reporting requirements and reducing administrative burden, this reporting requirement should be eliminated.

(5) The proposal to delete the reporting requirement does not affect the relevance of the policy objectives at the basis of Directive 2008/63/EC.

(6) The deletion of Article 7 of Directive 2008/63/EC and Annex I thereto allows Member States to repeal any transposition measures which have been adopted in their laws, regulations or administrative provisions.

(7) Directive 2008/63/EC should therefore be amended accordingly,

([1]) Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (OJ L 162, 21.6.2008, p. 20, ELI: http://data.europa.eu/eli/dir/2008/63/oj).

([2]) Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A competitiveness compass for the EU, COM(2025) 30 final.

([3]) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A simpler and faster Europe: Communication on implementation and simplification, COM(2025) 47 final.

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Directive 2008/63/EC, Article 7 and Annex I are deleted.

Article 2

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 5 March 2026.

For the Commission
The President
Ursula VON DER LEYEN