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COVER NOTE

From:	European Economic and Social Committee
To:	General Secretariat of the Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU (Digital Networks Act) - Opinion of the European Economic and Social Committee (EESC)

Delegations will find attached the opinion adopted by the European Economic and Social Committee on the above-mentioned proposal.

European Economic and Social Committee

OPINION

European Economic and Social Committee

Digital Networks Act (DNA)

Proposal for a Regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU
(COM(2026) 16 final) – 2026/0013 (COD)

TEN/879

Rapporteur: **Maurizio MENSI**

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Advisor	Alberto DAL FERRO
Legislative procedure	EU Law Tracker: 2026/0013 (COD)
Referral	European Parliament, 4/2/2026
Legal basis	Article 114 and 304 of the Treaty on the Functioning of the European Union
European Commission documents	COM(2026) 16 final Summary of COM(2026) 16 final
Relevant Sustainable Development Goals (SDGs)	SDG 9 – Infrastructure and Industrialization SDG 13 – Climate Action, SDG 16 – Peace, Justice and strong Institutions
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	26/5/2026
Adopted at plenary session	17/6/2026
Plenary session No	606
Outcome of vote (for/against/abstentions)	206/1/2

1. RECOMMENDATIONS

The European Economic and Social Committee (EESC):

1.1 underlines the essential role of the telecommunications sector and welcomes the overall objectives and balanced approach of the Digital Networks Act (DNA);

1.2 considers that a regulation as the legal instrument for the DNA is the appropriate choice for the purposes of removing internal market barriers and ensuring uniform rules. It also considers that where robust horizontal EU legislation already provides effective protection – notably in the fields of consumer rights, data protection and cybersecurity – the DNA should avoid introducing overlapping sector-specific rules and unnecessary layers of guidance and implementing measures, in order to reduce complexity, compliance costs and legal uncertainty for operators and end users alike. It nevertheless underlines that harmonisation must respect subsidiarity and proportionality and preserve clearly defined national competences and tasks and recommends limiting the use of delegated and implementing acts to strictly technical matters and keeping the essential elements in the basic act;

1.3 calls for a clear allocation of competences between the Office for Digital Networks (ODN), the Body of European Regulators for Electronic Communications (BEREC), the Radio Spectrum Policy Body (RSPB) and the national regulatory authorities (NRAs), avoiding overlaps and institutional duplication. The EESC recommends that the governance of the newly established ODN be inclusive, transparent and accountable, with structured stakeholder participation, and stresses that the DNA should explicitly safeguard the independence and effective role of the NRAs;

1.4 supports the fully harmonised authorisation regime and the single-passport mechanism as key tools for achieving a genuine single market;

1.5 underlines the need to clarify the relationship between EU-level notification and residual national obligations, to avoid double burdens and legal uncertainty. The EESC supports the prohibition of additional national conditions and calls for narrowly defined exceptions based on overriding public-interest grounds;

1.6 welcomes the systemic approach of the DNA to authorisation, spectrum, copper switch-off and governance as a coherent internal-market strategy;

1.7 underlines the proven value of *ex ante* regulation and the significant market power (SMP) regime and cautions against weakening them prematurely recommends that access and infrastructure-sharing obligations be calibrated to protect competition and diverse business models, including wholesale-only operators;

1.8 welcomes the strong powers for NRAs to mandate access to civil-engineering infrastructure where justified;

1.9 recognises the investment benefits of longer spectrum licences but calls for robust safeguards on efficient use and competition, and recommends that EU scrutiny of national spectrum decisions operate as cooperative and effective coordination rather than replacement of national responsibilities;

1.10 welcomes the DNA's framework for transitioning from copper to fibre and considers it key for a secure and competitive single market. It recommends that national fibre-transition plans be supported by EU and national resources to help cover the migration costs for operators and that copper switch-off be made conditional on adequate fibre coverage and measures to safeguard affordable access for vulnerable and remote users. The EESC recommends reinforcing the definition of affordability in the conditions governing the CSO (copper switch-off) through EU-wide benchmarks, in order to guarantee a harmonised minimum level of protection for vulnerable consumers while allowing Member States to improve on it, if necessary. Price monitoring and binding corrective measures where prices are excessive could be established to ensure that this condition is properly enforced;

1.11 insists that incorporating the open internet framework into the DNA must preserve net neutrality as a central, autonomous safeguard for consumers, and recommends drafting net-neutrality exceptions given the possibility of VHCNs (very high capacity networks) and 5G networks delivering innovative services useful for consumers, business and public administrations, and the need to create a regulatory framework supporting those services;

1.12 recommends explicitly excluding regulatory 'fair-share' schemes imposing mandatory payments by large content providers based on traffic volumes or origin. The EESC acknowledges that commercial negotiations between access providers and large content providers take place, but calls for strict safeguards against indirect 'fair share' reintroduction and takes note that no compulsory provisions are envisaged in the DNA;

1.13 supports strong, updated and fully harmonised end-user rights and calls for minimum quality-of-service standards. The EESC calls for the reinforcement of cross-border claims and redress procedures to balance and compensate for the undesired consequences that the predicted concentration of operators might have on the digital market, and to ensure that the expected gains are fairly distributed across all market participants;

1.14 underlines the need for regulatory coherence on security and resilience. Specifically, it calls for close alignment between the DNA, the NIS2 Directive, the Cybersecurity Act and the CER Directive on critical entities to avoid duplicate obligations, conflicting competences and gaps in incident management. It points out that any additional sector-specific security and resilience requirements in the DNA should be strictly risk-based, proportionate and consistent with existing horizontal frameworks. It also calls for transparent, participatory preparation of the EU Preparedness Plan for Digital Infrastructures.

2. EXPLANATORY NOTES

Arguments in support of recommendation I

2.1 The DNA is a necessary and proportionate update of the EU framework for electronic communications, aimed at strengthening the internal market, EU competitiveness and security, and enabling the digital and green transitions. Legally, this aligns with the EU's mandate to establish and ensure the functioning of the internal market and to promote connectivity and innovation under Articles 26 and 114 TFEU, while supporting the achievement of the Digital Decade targets.

Arguments in support of recommendation II

2.2 A Regulation provides directly applicable rights and obligations for providers, authorities and end users, reducing the risk of divergent national transposition and legal fragmentation. This choice enhances legal certainty and effective enforcement of EU law, in line with Article 288 TFEU, and supports a genuinely integrated market for digital networks and services.

2.3 At the same time, while welcoming harmonisation, the EESC recommends that the DNA include safeguards allowing the Member States and NRAs to address specific market circumstances (e.g. small operators, outermost regions) where necessary and proportionate. This reflects the principles of subsidiarity and proportionality laid down in Article 5 TEU and helps ensure that uniform rules do not unduly disregard legitimate national specificities.

2.4 The Committee is concerned that extensive use of secondary measures and soft law could shift key policy choices away from the legislator, affecting legal certainty and democratic accountability. In line with Article 290 TFEU and the principle of legal certainty, core aspects such as fundamental user rights, the principal powers of authorities and basic quality requirements should be clearly established in the Regulation itself, with delegated acts confined to non-essential, technical updates.

Arguments in support of recommendation III

2.5 While it welcomes the streamlining of the institutional landscape, the EESC stresses that the DNA must precisely set out the tasks and 'quasi-regulatory' powers of the Office for Digital Networks (ODN), the Body of European Regulators for Electronic Communications (BEREC), the Radio Spectrum Policy Body (RSPB) and the national regulatory authorities (NRAs). This is necessary to prevent conflicts of jurisdiction, guarantee effective and efficient regulation, and comply with the Court of Justice's case-law on the delegation of powers to EU agencies and bodies.

2.6 The Committee calls for clear wording confirming that EU-level coordination and support by the ODN, BEREC and the RSPB will not undermine the NRAs' ability to address specific market failures and significant market power (SMP) at national level. This is consistent with the logic of EU communications law, which relies on independent, technically competent national

regulators, and with the principle of effective and impartial regulation recognised in EU secondary law and case-law.

Arguments in support of recommendation IV

2.7 Introducing single notification and harmonised conditions will reduce regulatory fragmentation and facilitate the cross-border provision of services, thereby operationalising the freedoms of establishment and to provide services. This is consistent with Articles 49 and 56 TFEU and will help remove the remaining obstacles that hinder operators from scaling-up across the EU.

2.8 The Committee is concerned that, without clear rules, operators may face overlapping information requirements or inconsistent procedures in different Member States. It therefore recommends precise provisions specifying which obligations are fully harmonised and which narrowly defined national requirements may remain, to ensure predictability and prevent de facto re-fragmentation of the market.

2.9 Any derogations grounded in public policy, public security or public health should be exhaustively listed and strictly interpreted, in line with Article 52 TFEU. This preserves limited national leeway for adopting necessary and proportionate measures while protecting the core objective of a uniform and non-discriminatory authorisation framework for electronic communications services.

Arguments in support of recommendation V

2.10 Addressing authorisation, spectrum, copper switch-off and governance together enables the EU to tackle structural barriers to investment and competition in a coordinated way, rather than through fragmented initiatives. This integrated design is consistent with Article 114 TFEU and with the need for a comprehensive response to long-standing gaps in the single market for electronic communications.

2.11 SMP-based remedies have facilitated infrastructure-based competition, particularly through alternative operators; the Committee stresses that these instruments should remain in place at least until the fibre transition and copper switch-off are completed. Any relaxation or removal must be based on thorough market analysis demonstrating effective competition and must respect the principles of proportionality and non-discrimination, as required by the EU regulatory framework and competition law.

2.12 The Committee stresses that the new framework should not de facto favour only large vertically integrated players. It therefore calls for impact assessments on different business models and, where needed, specific remedies such as non-discriminatory access conditions and fair and reasonable pricing, in line with competition law and essential-facility principles. This is particularly relevant for wholesale-only operators, which have significantly supported the deployment of fibre-to-the-home (FTTH) networks.

Arguments in support of recommendation VI

2.13 The powers of the individual NRAs to mandate access to dark fibre and civil engineering infrastructure are necessary to enable new entrants and alternative operators to deploy high-capacity networks efficiently, thus contributing to the development of the single market. Legally, such remedies fit within the established EU approach that allows access to bottleneck facilities to be imposed when necessary to ensure effective competition, and are consistent with proportionality requirements under EU law.

Arguments in support of recommendation VII

2.14 The Committee accepts that longer, and in some cases unlimited, licence durations can support long-term planning and investment, but insists on regular reviews and 'use-it-or-share-it'-type mechanisms. These safeguards are necessary to prevent spectrum hoarding, ensure efficient use of a scarce public resource and avoid long-term entrenchment of dominant positions contrary to EU competition and spectrum-policy principles. The Committee also calls for transparent procedures, clear assessment criteria and reasonable deadlines for EU-level review of national spectrum decisions, in line with the principle of sincere cooperation under Article 4(3) TEU, thus helping to align national decisions with common EU objectives while preserving Member States' legitimate role in spectrum management. It points out that transitional arrangements must not unduly prolong regulatory uncertainty for existing licence holders, and that the new rules on licence duration and renewal should be implemented so as to provide timely and predictable incentives for sustained investments in 5G and future 6G networks.

Arguments in support of recommendation VIII

2.15 The Committee notes that an orderly copper switch-off, combined with appropriate regulatory adaptation in a full-fibre environment, can underpin the deployment of advanced services such as edge and quantum computing, smart grids, telemedicine and smart agriculture. This in turn will contribute to closing the innovation gap with global competitors, and is consistent with the EU's industrial and digital-policy objectives.

2.16 The substantial investments required for fibre roll-out and copper decommissioning should not fall solely on the operators, especially in less profitable areas. The Committee therefore asks the Commission to clarify and promote the use of EU and national funding instruments, in compliance with State-aid rules, to support this strategic transition and ensure that connectivity objectives are met across all regions.

2.17 The Committee stresses that obligations to decommission copper must be linked to minimum fibre-coverage thresholds and specific safeguards for rural, remote and disadvantaged areas, as well as vulnerable users. This is necessary to ensure consistency with the Treaties' objectives of economic, social and territorial cohesion and with the evolution of universal-service obligations towards effective, affordable connectivity for all.

Arguments in support of recommendation IX

2.18 The Committee calls for rules on traffic management, specialised services and commercial practices that maintain a clear prohibition of unjustified discrimination and of practices that undermine media pluralism, freedom of expression and access to information. This is required to uphold existing EU net-neutrality standards and the rights enshrined in the Charter of Fundamental Rights. The Committee also stresses that business-to-business connectivity and managed services, which are based on negotiated contracts between professional parties, should enjoy appropriate flexibility, as long as they do not undermine net-neutrality safeguards for retail end users.

2.19 Exceptions related to security, congestion management or legal compliance should be exhaustively listed and subject to objective criteria, with clear obligations to inform users. Taking this approach reduces the risk that broad concepts such as 'efficiency' or 'sustainability' are used as generic justifications for traffic-management practices that de facto erode net neutrality and distort competition. In the field of fraud and unsolicited communications, the Committee supports enhanced cooperation and information sharing between operators and authorities, potentially through structured multi-stakeholder platforms. It also cautions against overly prescriptive technical requirements in the DNA, which could rapidly become obsolete. Operators should retain sufficient flexibility to deploy the most effective technical and organisational measures against evolving fraud schemes, using a clear legal basis for data processing under the GDPR.

Arguments in support of recommendation X

2.20 The Committee is concerned that 'fair-share' schemes imposing mandatory payments by large content providers based on traffic volumes or origin might conflict with net-neutrality principles, introduce discriminatory treatment between operators and disrupt the established, contract-based interconnection ecosystem. It therefore advocates maintaining the current model of negotiated interconnection and peering, subject to general competition law, rather than introducing quasi-tax or levy-type obligations on traffic generators.

Arguments in support of recommendation XI

2.21 Any conciliation or guidance mechanisms, including those involving BEREC, should be designed to ensure that negotiated arrangements do not translate into differentiated traffic treatment or user-level impacts incompatible with open-internet rules. The Regulation should make clear that such negotiations cannot undermine end users' rights or lead to de facto payment-for-priority schemes, thereby ensuring consistency with net-neutrality law and the broader EU digital-rights framework. A more consistent, technology-neutral and function-based approach, under which functionally equivalent services are subject to consistent and proportionate obligations, would support fair competition and sustainable investments along the whole value chain.

2.22 The Committee welcomes enhanced rules on contracts, transparency, switching, portability and accessibility for persons with disabilities, and insists that these protections must not be

weakened compared to the current regime. It also recommends introducing minimum quality-of-service indicators to ensure that end users' rights are not merely formal but practically enforceable, thereby balancing regulatory simplification for operators with effective consumer protection.

Arguments in support of recommendation XII

2.23 The Committee calls for close alignment between the DNA, the NIS2 Directive, the Cybersecurity Act and the CER Directive on critical entities to avoid duplicate obligations, conflicting competences and gaps in incident management. It also recommends that the EU Preparedness Plan for Digital Infrastructures be developed and updated through systematic consultation of operators, the social partners and civil society, with publication of non-confidential versions, ensuring both legal clarity and democratic legitimacy for far-reaching security and resilience measures.

Brussels, 17 June 2026.

The President of the European Economic and Social Committee
Séamus BOLAND