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PROPOSAL

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	ANNEX to the 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)

Delegations will find attached document COM(2026) 16 annex.

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ANNEXES 1 to 6

ANNEXES

to the

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)

{SEC(2026) 14 final} - {SWD(2026) 13 final} - {SWD(2026) 14 final}

ANNEX I

Conditions for access to digital television and radio services broadcast to viewers and listeners in the Union

Part I Conditions for conditional access systems to be applied in accordance with Article 67(1)

(a) All undertakings providing conditional access services, irrespective of the means of transmission, which provide access services to digital television and radio services and the access services of which broadcasters depend on to reach any group of potential viewers or listeners are to:

- offer to all broadcasters, on a fair, reasonable and non-discriminatory basis compatible with Union competition law, technical services enabling the broadcasters' digitally-transmitted services to be received by viewers or listeners authorised by means of decoders administered by the service operators, and comply with Union competition law,
- keep separate financial accounts regarding their activity as conditional access providers;

(b) When granting licences to manufacturers of consumer equipment, holders of industrial property rights to conditional access products and systems are to ensure that this is done on fair, reasonable and non-discriminatory terms. Taking into account technical and commercial factors, holders of rights are not to subject the granting of licences to conditions prohibiting, deterring or discouraging the inclusion in the same product of:

- a common interface allowing connection with several other access systems, or
- means specific to another access system, provided that the licensee complies with the relevant and reasonable conditions ensuring, as far as he is concerned, the security of transactions of conditional access system operators.

Part II Other facilities to which conditions may be applied under Article 67(1) and Article 68(2), point (d):

(a) access to APIs;

(b) access to EPGs

ANNEX II

Criteria for the determination of wholesale voice termination rates

Principles, criteria and parameters for the determination of rates for wholesale voice termination on fixed and mobile markets referred to in Article 75(1):

(a) rates shall be based on the recovery of costs incurred by an efficient operator; the evaluation of efficient costs shall be based on current cost values; the cost methodology to calculate efficient costs shall be based on a bottom-up modelling approach using long-run incremental traffic-related costs of providing the wholesale voice termination service to third parties;

(b) the relevant incremental costs of the wholesale voice termination service shall be determined by the difference between the total long-run costs of an operator providing its full range of services and the total long-run costs of that operator not providing a wholesale voice termination service to third parties;

(c) only those traffic-related costs which would be avoided in the absence of a wholesale voice termination service being provided shall be allocated to the relevant termination increment;

(d) costs related to additional network capacity shall be included only to the extent that they are driven by the need to increase capacity for the purpose of carrying additional wholesale voice termination traffic;

(e) radio spectrum fees shall be excluded from the mobile voice termination increment;

(f) only those wholesale commercial costs shall be included which are directly related to the provision of the wholesale voice termination service to third parties;

(g) all fixed network operators shall be considered to provide voice termination services at the same unit costs as the efficient operator, regardless of their size;

(h) for mobile network operators, the minimum efficient scale shall be set at a market share not below 20%;

(i) the relevant approach for asset depreciation shall be economic depreciation;

(j) the technology choice of the modelled networks shall be forward looking, based on an IP core network, taking into account the various technologies likely to be used over the period of validity of the maximum rate; in the case of fixed networks, calls shall be considered to be exclusively packet switched.

ANNEX III

Information to be provided in accordance with Article 95 (information requirements for contracts)

1. INFORMATION ON MAIN CHARACTERISTICS OF EACH SERVICE PROVIDED:

As part of the main characteristics of each service provided, any minimum levels of quality of service to the extent that those are offered and, for services other than internet access services, the specific quality parameters assured.

Where no minimum levels of quality of service are offered, a statement to this effect shall be made.

Providers of internet access services shall ensure that a contract which includes internet access services specifies at least information in section 5 of this Annex and latency, jitter and packet loss. The BEREC guidelines adopted in accordance with Article 94(5) on quality of service parameters shall be taken into utmost account without prejudice to the right of end-users to use terminal equipment of their choice in accordance with Article 93(1) of this Regulation, any conditions, including fees, imposed by the provider on the use of terminal equipment supplied.

Details on products and services designed for end-users with disabilities and how updates on this information can be obtained.

Any constraints on access to emergency services or availability of caller location information due to a lack of technical feasibility insofar as the service allows end-users to originate emergency communications.

2. INFORMATION ON PRICE

As part of the information on price, where and to the extent applicable, the respective prices for activating the electronic communications service and for any recurring or consumption-related charges; in addition, where applicable:

(a) details of specific tariff plan or plans under the contract and, for each such tariff plan the types of services offered, including where applicable, the volumes of communications (such as MB, minutes, messages) included per billing period, and the price for additional communication units;

(b) in the case of tariff plan or plans with a pre-set volume of communications, the possibility for consumers to defer any unused volume from the preceding billing period to the following billing period, where this option is included in the contract;

(c) facilities to safeguard bill transparency and monitor the level of consumption;

(d) tariff information regarding any numbers or services subject to particular pricing conditions; with respect to individual categories of services, competent authorities in coordination, where relevant, with national regulatory authorities may require in addition such information to be provided immediately prior to connecting the call or to connecting to the provider of the service;

(e) for bundled services and bundles including both services and terminal equipment the price of the individual elements of the bundle to the extent they are also marketed separately;

(f) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

(g) description of the method by which prices may lawfully vary.

3. INFORMATION ON DURATION OF THE CONTRACT AND CONDITIONS FOR RENEWAL AND TERMINATION

As part of the information on the duration of the contract and the conditions for renewal and termination of the contract, including possible termination fees, to the extent that such conditions apply:

(a) any minimum use or duration required to benefit from promotional terms;

(b) any charges related to switching and compensation and refund arrangements for delay or abuse of switching, as well as information about the respective procedures;

(c) information on the right of consumers using pre-paid services to a refund, upon request, of any remaining credit in the event of switching, as set out in Article 100(6);

(d) any fees due on early termination of the contract, including information on unlocking the terminal equipment and any cost recovery with respect to terminal equipment;

(e) for bundled services and the conditions for renewal and termination of the contract, where applicable, the conditions for renewal and termination of the bundle or elements thereof.

4. INFORMATION ON REMEDIES

Any compensation and refund arrangements, including, where applicable, explicit reference to rights of consumers, which apply where contracted levels of quality of service are not met or where the provider responds inadequately to a security incident, threat or vulnerability.

Where applicable, information on the rights to compensation related to provider switching and number portability.

The type of action that might be taken by the provider in reaction to security incidents or threats or vulnerabilities.

5. INFORMATION FOR CONTRACTS WITH INTERNET ACCESS SERVICES

Providers of internet access services shall ensure that a contract which includes internet access services shall specify at least the following:

(a) information on how traffic management measures applied by that provider could impact on the quality of the internet access services, on the privacy of consumers and on the protection of their personal data;

(b) a clear and comprehensible explanation as to how any volume limitation, speed and other quality of service parameters may in practice have an impact on internet access services, and in particular on the use of content, applications and services;

(c) a clear and comprehensible explanation of how any services referred to in Article 93(5) to which the consumer subscribes might in practice have an impact on the internet access services provided to that consumer;

(d) a clear and comprehensible explanation of the minimum, normally available, maximum and advertised download and upload speed of the internet access services in the case of fixed networks, or of the estimated maximum and advertised download and upload speed of the internet access services in the case of mobile networks, and

how significant deviations from the respective advertised download and upload speeds could impact the exercise of the consumers' rights laid down in Article 93(1);

(e) a clear and comprehensible explanation of the remedies available to the consumer in accordance with national law in the event of any continuous or regularly recurring discrepancy between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated in accordance with points (a) to (d).

ANNEX IV

Information to be published in accordance with Article 96 (transparency)

1. Contact details of the undertaking

2. Description of the services offered

2.1. Scope of the services offered and the main characteristics of each service provided, including any minimum levels of quality of service where offered and any restrictions imposed by the provider on the use of terminal equipment supplied. Where the undertaking is an internet access service provider, comprehensive, comparable, reliable, user-friendly and up-to-date information for consumers on the quality of their services taking into utmost account the BEREC guidelines referred to in Article 94(5).

2.2. Tariffs of the services offered, including information on communications volumes (such as restrictions of data usage, numbers of voice minutes, numbers of messages) of specific tariff plans and the applicable tariffs for additional communication units, numbers or services subject to particular pricing conditions, charges for access and maintenance, all types of usage charges, special and targeted tariff schemes and any additional charges, as well as costs with respect to terminal equipment.

2.3. After-sales, maintenance and customer assistance services offered and their contact details.

2.4. Standard contract conditions, including contract duration, charges due on early termination of the contract, rights related to the termination of bundled offers or of elements thereof, and procedures and direct charges related to the portability of numbers and other identifiers, where relevant.

2.5. Information on the degree to which access to emergency services and caller location may be supported or not by the providers of interpersonal communications services.

2.6. Details of products and services, including any functions, practices, policies and procedures and alterations in the operation of the service, specifically designed for end-users with disabilities, in accordance with the accessibility requirements set in Annex I of Directive (EU) 2019/882 and measures taken to ensure equivalence in access.

3. Dispute resolution mechanisms, including those developed by the undertaking, including the means of initiating procedures for the resolution of disputes including national and cross-border disputes in accordance with Article 188.

4. Providers of internet access services shall publish the information specified in Section 5, of Annex III.

ANNEX V

Interoperability of car radio receivers and consumer digital television equipment referred to in Article 112

1. Common scrambling algorithm and free-to-air reception

All consumer equipment intended for the reception of digital television signals (namely, broadcasting via terrestrial, cable or satellite transmission), for sale or rent or otherwise made available in the Union, capable of descrambling digital television signals, is to possess the capability to:

(a) allow the descrambling of such signals in accordance with a common European scrambling algorithm as administered by a recognised European standardisation organisation (currently ETSI);

(b) display signals that have been transmitted in the clear, provided that, in the event that such equipment is rented, the renter complies with the relevant rental agreement.

2. Interoperability for digital television sets

Any digital television set with an integral screen of visible diagonal larger than 30 cm which is put on the market for sale or rent in the Union is to be fitted with at least one open interface socket (either standardised by, or conforming to a standard adopted by, a recognised European standardisation organisation, or conforming to an industry-wide specification) permitting simple connection of peripherals, and able to pass all relevant elements of a digital television signal, including information relating to interactive and conditionally accessed services.

3. Interoperability for car radio receivers

Any car radio receiver integrated in a new vehicle of category M which is made available on the market for sale or rent in the Union shall comprise a receiver capable of receiving and reproducing at least radio services provided via digital terrestrial radio broadcasting. Receivers which are in accordance with harmonised standards the references of which have been published in the Official Journal of the European Union or with parts thereof shall be considered to comply with that requirement covered by those standards or parts thereof.

ANNEX VI

Granting Union authorisation based on a selection procedure

PART A: GENERAL PROVISIONS

1. Where necessary and in accordance with Article 40(5), the Commission may decide to organise a transparent, open and non-discriminatory selection procedure, with the assistance of the Communications Committee. That procedure shall replace the procedure under Article 30.

2. The Commission shall identify the amount of spectrum to be granted through the selection procedure. The determination of the radio spectrum covered may, where appropriate, provide for specific arrangements or protection measures as requested by a Member State in order to cope with specific local national needs allowed under international or Union law. These arrangements or measures shall be specified in any authorisation granted by the Commission.

3. The Commission shall decide taking utmost account of the RSPB opinion to conduct in the second selection phase either a comparative or competitive procedure, depending on the nature of the services which are expected to be provided in the spectrum bands, in particular where sovereignty and security of the Union and Member States must be preserved. Depending on the type of selection procedure chosen, the Commission shall set either a one-off fee or a reserve price taking into account Article 29.

4. The Commission shall further specify the admissibility criteria in Part B and the selection criteria in Part D taking into account the RSPB opinion and with the assistance of the Communications Committee.

5. The call for applications, as well as the admissibility requirements, the particulars and documents to be included in applications, the selection conditions and the conditions under which information about applications can be disclosed shall be published in the Official Journal of the European Union.

6. The Commission may seek advice and assistance from external experts for the implementation of the selection procedure. Such external experts shall be selected on the basis of their expertise and high level of independence and impartiality.

7. The Commission may seek assistance from ODN when conducting the selection procedure.

PART B: ADMISSIBILITY OF APPLICATIONS

1. The requirements for the admissibility of any application shall include as appropriate, but not be limited to, the following:

– the need for the applicant to be established or deemed to be established in the Union and, in so far as security needs are identified ownership restrictions;

– the technical capacity and readiness of the applicant with specific regard to the development, launching and operation of the satellite system;

– the evidence on related ITU filing(s) and measures ensuring compliance with ITU regulations;

– the financial capacity of the applicant. The admissibility requirements may include evidence of the fulfilment of milestones defined pursuant to Part C.2.

2. Applications shall be submitted to the Commission. The Commission may request applicants to supply additional information regarding the fulfilment of admissibility requirements within a deadline to be specified. The application shall be considered inadmissible if such information is not supplied within the specified time frame.

3. The Commission shall decide on the admissibility of applications with the assistance of the Communications Committee.

4. The Commission shall forthwith inform the applicants whether their applications have been considered as admissible and publish the list of admissible applicants.

PART C: FIRST SELECTION PHASE FOR SATELLITE COMMUNICATIONS

1. Within 40 working days following publication of the list of admissible applicants, the Commission shall assess whether applicants have demonstrated the required level of technical and commercial development of their respective satellite systems. The Commission will also assess the capacity of the applicants to fulfil the conditions of Articles 38 and 39.

2. Such assessment may rely on the satisfactory completion of a number of milestones to be decided by the Commission. Such milestones shall include, as applicable:

   – the submission of a request to the ITU for coordination of the satellite system,

   – the signing of an agreement for the manufacture of the satellite system,

   – the signing of an agreement for the launch of the satellite system,

   – the signing of an agreement for the construction and installation of gateway ground stations,

   – the completion of critical design review,

   – the satellite mating,

   – the launch of the satellite system,

   – the frequency coordination in accordance with ITU radio regulations, and

   – the effective provision of satellite services in the Union.

3. Where the combined demand for radio spectrum requested by eligible applicants retained according to point 1 of this Part does not exceed the amount of radio spectrum available identified by the Commission pursuant to Part A, the Commission shall, by means of a reasoned decision, determine that all eligible applicants shall be selected and identify the respective frequencies which each selected applicant has the right to use under the Union authorisation.

4. The Commission shall forthwith inform the applicants whether their applications have been considered as eligible for the second selection phase or have been selected according to point 3. The Commission shall publish the list of eligible or selected applicants. Within 30 working days of such publication, eligible applicants that intend to proceed no further in the selection procedure, and selected applicants that intend not to use the radio frequencies, shall immediately inform the Commission thereof in writing.

PART D: SECOND SELECTION PHASE

1. Where the combined demand for radio spectrum requested by eligible applicants identified in the first selection phase exceeds the amount of radio spectrum available identified by the Commission pursuant to Part A, the Commission shall apply a second selection phase.

2. Where a comparative procedure is applied, the Commission shall determine weighted selection criteria that may include in particular:

(a) Union´s geographic, population coverage and its timing;

(b) consumer and competitive benefits provided including the number of end-users and the range of satellite services to be provided by the date of commencement of the continuous provision of satellite services, and the date of commencement of the continuous provision of satellite services;

(c) spectrum efficiency comprising the total amount of spectrum required and the aggregated transmission capacity;

(d) the extent to which public policy objectives can be fulfilled, and in particular:

– the global competitiveness of the Union and of its Member States in the space sector value chain;

– the overall environmental impact on space sustainability of the satellite systems;

– the use of open standards, open source technologies and interoperability in the satellite systems architecture;

– the capacity of the proposed mobile satellite systems to increase EU capacities in the satellite value chain.

(e) the integrity, security and resilience of the services.

(f) any payment for the use of the spectrum, in the form of one-off or annual fee.

3. Within 80 working days following publication of the list of eligible applicants identified in the first selection phase, the Commission shall adopt a decision on the selection of applicants acting in accordance with the procedure referred to in Article 202. The decision shall identify the selected applicants ranked on the basis of the extent to which they meet the selection criteria, the reasons on which the decision is based, as well as the frequencies which each selected applicant has the right to use under the Union authorisation.

4. Where a competitive procedure is applied, the Commission shall, prior to the consultation of all interested parties, publish the competitive criteria which may include reserve prices as well as any market shaping measures, such as those of Article 32. The Commission shall set in a decision, with the assistance of the Communications Committee, the conditions applicable to the selection as well as the procedural details.