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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	Digital Networks Act: Presentation

In view of the Working Party on Telecommunications and Information Society on 5 March, delegation will find in Annex the above indicated document.

European Commission

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DIGITAL NETWORKS ACT

CWP - 5 March 2026

Agenda

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- Part I – Scope and Objectives: Articles 1 and 3
- Part II – Resilience: Articles 4 to 8

Scope

Article 1 (Recitals 1 - 10)

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Material Scope

- **In Scope**
  - Provision of electronic communications networks (ECNs), electronic communications services (ECSs), associated facilities and associated services.
  - Strategic planning and management of radio spectrum.
  - Certain aspects of terminal equipment (Directive 2014/53/EU), Article 112 – related to radio receivers and digital TV equipment
- **Not in Scope**
  - Content delivered over electronic communications networks, e.g. broadcasting content, financial services, and certain information society services (ISS) that are not ECSs regulated under DNA.
  - Application of Directive 2014/53/EU to radio equipment, with exceptions above.

**Text in blue reflects changes compared to the EECC*

Scope

Article 1 (Recitals 1 - 10)

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Formal Scope

- **Rules for the provision** of networks, services, facilities, and equipment in scope
- Rules for strategic planning and management of **radio spectrum**
- **Procedures for application** of the legal framework in the Union
- **Updated governance framework** to accommodate additional competences in spectrum and stronger EU harmonisation.
  - Governance composition: Commission + NRAs + other competent authorities + BEREC + RSPB + ODN.
  - New tasks for BEREC + RSPB + ODN + NRAs (+ other competent authorities)

General Objectives and Principles

Article 3 (Recitals 18 - 25)

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No "Aims" needed in Regulation, but General Objectives and Principles

- New Objectives:
  - Competitiveness, resilience, sustainability.
  - Other Union policies relying on spectrum, including space and common security and defence policy.
- Remaining but modernised objectives:
  - Strengthening of Single Market.
  - Objectives related to investment in gigabit networks and innovation
  - Effective competition in view of ensuring both quality and affordability for all end-users
  - Protection of end-users, including end-users with disabilities.

Regulatory Principles:

- Simplification (consider potential burden of regulatory decisions / reduction).
- Remaining and updated: Non-discrimination, Proportionality, Transparency, Technology Neutrality, consideration of variety of conditions (including local aspects).

Part II: Resilience - Context

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- In a challenging **geopolitical** context - anticipate, prevent and respond (in case of natural or man-made disruptions, crises or force majeure that may **negatively affect the population)**
- The DNA Resilience chapter builds on:
  - 2022 Nevers Call
  - 2024 Niinistö report – closing the gaps in the EU connectivity resilience ecosystem
  - 2025 Preparedness Union strategy – building resilience, enhancing coordination, proactive crises management
  - 2025 Council Conclusions on reliable and resilient connectivity – emphasis on integrated connectivity
  - 2025 Union Economic Security strategy – shielding essential infrastructures from disruptions
  - 2026 Action Plan on Drone and Counter Drone Security – 5G, 6G sensing networks' capabilities to detect airborne threats
  - ➢ **DNA complementary to NIS2 and CER Directives** to enhance Union's resilience:
    1. Relies on certain definitions and designated competent authorities (CAs)
    2. Re-uses largely data collected under NIS2 Directive, ENISA
    3. From national and individual companies' strategies and measures to Union-level overview and action.

Resilience – Networks and Services

Article 4 (Recitals 25 and 31) and Article 5 (Recitals 28-30, 35-36)

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- Comprehensive EU level scope with focus on **integrated connectivity** and on **robust, redundant backup systems** in a **broader communications ecosystem;** tackling **airborne threats, detect** and **protect from harmful interference**
- **Scope (providers and authorities)**
  - Providers of public electronic communications networks (ECNs); publicly available electronic communications services (ECS) and other networks, wholly or mainly used for the purpose of providing services to the public.
  - NRAs, national competent authorities (CAs) pursuant to Article 8(1) of NIS2 Directive, other CAs, including, where relevant, national crisis management authorities under Article 9(1) of NIS2 Directive or public safety answering points (PSAPs)
- **Obligations**

FOR ALL PROVIDERS AND AUTHORITIES IN SCOPE:	FOR ALL PROVIDERS AND PSAPS:	FOR PUBLIC ECNS, PUBLIC ECS AND PSAPS:	FOR PUBLIC ECNS AND PUBLIC ECS:
to **cooperate** to ensure the **continuous availability of networks and services** as well as **their necessary capabilities** and take into utmost account the BEREC Union Preparedness Plan for Digital Infrastructures	to implement **measures** to ensure **uninterrupted availability** of **critical communications** and **emergency communications,** as well as uninterrupted transmission of **public warnings (PWs)**	to take **all necessary preparatory measures when implementing new technologies**, to ensure the **availability of emergency communications and PWs** in the Union	as regards **migration to other network technologies**, **to inform CAs and end-users at least 2 years in advance + roadmap**

Resilience – Authorities' Cooperation

Article 6 (Recitals 32, 34, 38), Article 7 (Recitals 26-27, 33-34 & 37) and Article 8 (Recital 26)

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Stronger role for BEREC and the **ODN, enhanced cooperation at Union level**

- **BEREC** will adopt a **report** on "**Union Preparedness Plan for Digital Infrastructures" (Plan)** based on **3 pillars:** situational awareness, preparedness measures, practices/protocols for crises response
- **Enhanced** role for the **ODN**:
  - Analyse data and assess architecture, capacity, capabilities and use of communications networks.
  - Prepare assessment, recommendations and crisis management practices for the Plan (in coordination with COM, ENISA and other bodies)
  - Assess the need for Union measures for major crises and support COM in developing necessary initiatives, including funding for **trans-European digital networks**
  - To support the work, **NRAs,** on a biannual basis, collect information based on the "once only" principle
- Close cooperation with the Commission, the **NIS Cooperation Group** and **EU-CyCLONe**, consultation with **ENISA** or **civil protection and crisis response bodies/mechanisms**
- **COM** to consider the Plan and ODN analysis for **funding instruments** in **trans-European digital networks** or when adopting policies and measures