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RADIO SPECTRUM POLICY GROUP

Opinion

on

"The Digital Networks Act" proposal

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Introduction

1. On 21 January 2026, the European Commission published its proposal for a Digital Networks Act (DNA).
2. The Radio Spectrum Policy Group (RSPG) gathers high-level governmental experts of Member States. The RSPG provides the European Commission, the European Parliament and the Council of the European Union with strategic advice on high-level policy matters in relation to spectrum.
3. The RSPG has provided timely input to the process leading up to the DNA proposal over the last years, both on the explicit request from the European Commission, on own initiative and in response to consultations[1].
4. This RSPG Opinion is in line with relevant Opinions adopted by the RSPG in recent years but also addresses relevant new topics regarding the actual DNA proposal on the table. It should be noted that this RSPG Opinion focuses on the spectrum and satellite parts of the DNA proposal and related governance matters.
5. Given that the DNA proposal is currently under consideration in the European Parliament and the Council, it is important to note that this Opinion reflects the view of the RSPG at the time of its adoption. It shall not be interpreted as prejudging the positions of the Member States within the Council.

Objectives

6. In general, the RSPG is of the opinion that the current European spectrum governance model has proven successful and is a fundamental pillar for European spectrum harmonisation supporting the development of electronic communications networks and services. Moreover, the RSPG considers that the radio spectrum governance framework as it stands today, allows for timely access to spectrum in response to relevant needs.
7. Additionally, this governance model is promoting the achievement of overarching targets for the deployment of wireless technologies in Europe, such as the Digital Decade 2030 target for 100% 5G coverage in all populated areas by 2030[2]. As noted in the DNA's impact assessment[3], Europe's 5G coverage of 94.3% population coverage is comparable to that of competing economies and is expected to reach the 100% target by 2027, i.e. 3 years ahead of the 2030 deadline[4]. While the rollout of 5G standalone technology is taking longer than anticipated, this is not due to shortcomings in the existing regulatory framework, but rather to weak supply and demand, as operators have preferred to target the consumer market and exploiting 4G core networks, in the absence of significant advantages over the 5G non standalone architecture.
8. **On the objectives of the regulation** – The RSPG shares the ambition of the proposal to strengthen the internal market and enhance harmonisation and

[1] RSPG21-033, RSPG21-022, RSPG21-037, RSPG23-016, RSPG23-044, RSPG24-019, RSPG25-020
[2] Decision (EU) 2022/2481
[3] SWD/2026/13 final
[4] SWD/2025/290 final

deliver resilient, sustainable and affordable connectivity for Europe. The RSPG also emphasises the continued importance of effective competition, which provides real incentives for investment and innovation, as the key means by which to achieve such connectivity outcomes.

9. The RSPG also supports the ambition of simplifying the EU regulatory framework for electronic communications. However, the RSPG assessment is that the DNA proposal does not meet the objective of simplification, and in many respects, it would lead to additional administrative burden and complexity for businesses and Member States, amplified by the uncertainties introduced by a vast array of potential implementing acts on spectrum issues. All essential regulatory matters should be laid down directly in EU legislation. Should this not be feasible, and extensive reliance on implementing and delegated acts become necessary, a directive would constitute the more appropriate legal instrument. The RSPG already notes concerns regarding the legal form of the DNA as a regulation, as this diminishes the flexibility to take national circumstances into account.
10. The RSPG also recognises that for electronic communication networks and services (ECN/ECS), European and often global spectrum harmonisation is highly beneficial, but the RSPG also underlines the need to respect the principle of subsidiarity, the national competences of the Member States in spectrum management and authorisations, and that spectrum remains an exclusive, critical and public resource of Member States.

Scope

11. **On the scope of the regulation** – The DNA proposal puts forward rules for electronic communication networks and services and for radio spectrum management. However, the RSPG has concerns about some articles in the proposal as they are very general and can be read as covering practically all spectrum usage rights and licences. This creates a significant lack of legal certainty as to the possibility for Member States to retain national provisions concerning spectrum licensing for other use.
12. **On matters of military use and national security** – The RSPG believes that the DNA shall observe the sovereignty of Member States to organise and use the spectrum to also satisfy the needs for public order, security and defence purposes, in accordance with the Treaty on European Union (TEU).

Spectrum strategy and authorisation for terrestrial use

13. **On Union radio spectrum strategy** – The RSPG shares the view that the internal market and the EU economy and society would benefit from a Union radio spectrum strategy. Because of its political importance, the RSPG recommends that any future spectrum strategy should be prepared by the European Commission based on RSPG work and adopted by the European Parliament and the Council. The RSPG furthermore shares the view that for specific future spectrum technologies, strategic spectrum roadmaps could be of added value. The RSPG has wide experience of developing strategic spectrum

roadmaps and initiatives supporting EU policies. The existing process, with the RSPG recommending spectrum roadmaps is the least bureaucratic and least burdensome and at the same time ensures a coherent approach. It should be preserved.

14. **On increased complexity and the long array of potential implementing acts (methods, licence conditions, etc)** – The DNA proposal foresees ten implementing acts and one delegated act from the European Commission relating to authorisation for terrestrial use. Notwithstanding the subsidiarity considerations associated with these acts, and the potential for regulatory uncertainty, this is inconsistent with the political priority of simplifying the body of European rules. The RSPG recommends to consistently uphold and implement the principle of simplification including the reduction of administrative burdens within the DNA. In this context, any new procedures and regulatory tasks should be confined to the minimum necessary.
15. **On interference handling and relations to third countries –** The RSPG supports the proposal to establish a mechanism in which an affected Member State can request support from the European Commission and other Member States and foresees the possibility for the Council to adopt restrictive measures under Article 29 TEU, in case the issue is not solved.
16. **On harmonisation initiatives** – The RSPG appreciates the aim of petition for harmonisation initiatives. However, the RSPG also recommends clarifying the scope and procedure of this proposal further to avoid procedural uncertainties and duplication of work in RSC and RSPG/RSPB[5].
17. **On spectrum sharing** – Spectrum sharing is a necessary principle of frequency management given the growing needs in this area and the finite nature of the frequency bands suitable for certain uses at the heart of modern life. The RSPG appreciates the DNA proposal in so much as including spectrum sharing in regulation. However, its practical implementation, as in the text provided in the DNA, is sometimes complex and can lead to adverse effects and risks, particularly regarding critical systems. In particular, the proposed sharing database framework should be reconsidered. The information requirement for such a database is very complex, and it is not clear if there are real benefits in a centrally hosted database for spectrum sharing, the benefits are better achieved at national level. Finally, the RSPG opposes the application of this principle to military and security systems at an EU-level, as envisaged by the DNA proposal.
18. **On award procedures for the use of radio spectrum** – Requirements for award procedures will inevitably differ from award to award, from Member State to Member State and from time to time as a necessity. Thus, given that there can rightly be no standardised method for awarding spectrum, ample flexibility needs to be maintained at the discretion of the national competent authority. Overarching guidance could be agreed, based on the Opinion of the RSPG/RSPB, to avoid fragmentation.
19. **On EU-licensing for terrestrial use** – The RSPG believes that EU-wide harmonisation of spectrum bands is key to the internal market and has recognised this in its 6G roadmap and many other RSPG Opinions[6]. Further, there are currently no obstacles for operators entering national markets and

[5] Radio Spectrum Policy Body as defined in the DNA proposal
[6] E.g. RSPG23-016 and RSPG24-019

many operators are active in multiple Member States, based on different market strategies, adding to the competitive landscape in the European Union. But EU-wide licensing for terrestrial use is not part of the 6G roadmap as it adds little value and could even be detrimental to Europe's digital transformation. Indeed, it would not allow for consideration of digital development in rural, isolated, mountainous areas, etc., a subject of major political, social and economic importance. The RSPG therefore recommends keeping the current process, where radio spectrum is in general managed by the Member States. Radio spectrum is a very essential national resource and needs a well-balanced policy approach in the EU. National specificities are better considered at national level.

20. **On annual and one-off fees** – The RSPG is of the opinion that it is the competence of Member States to develop their own fee methodology and where appropriate to use market mechanisms (i.e. auctions) to set the level of the fees. Authorisation issues, including the methodology mechanism to determine the level of the fees are an integral part of the national competence. Member States are best placed to determine those fees individually, having due regard to specific national circumstances and priorities (such as coverage obligations). Furthermore, annual fees are the main source of income in many Member States for the management of radio spectrum. Regulation of fees at an EU-level would have a direct influence on the very existence of the organisations involved.
21. **On duration of rights** – The RSPG supports the view that the duration of spectrum rights should be sufficiently long to incentivise investment and encourage innovation and rapid roll-out. The RSPG is also of the view that the current practice of issuing limited duration licences by default is sufficient for achieving these objectives and sees little to no basis for moving to unlimited duration spectrum rights as the default method.
22. Moreover, it is very important that the licensing regime allows for periodic reviews (such as in terms of efficient use, attached conditions, rebalancing of spectrum needs - including considering technological developments and possible competition issues) and potentially further awards, and to be informed by market-based mechanisms wherever possible.
23. **On European Commission vetoes of Member States' award measures including duration of rights** – The RSPG is of the opinion that the proposed internal market procedure impinges on Member States' competence to tailor awards to national circumstances and risks slowing down spectrum awards and should therefore be avoided. The European Commission veto rights significantly curtail the competences of national authorities in spectrum assignment procedures and may also lead to considerable delays in national award processes and increased administrative burden. From the RSPG's perspective, setting out any overarching common and timely guidance (e.g. recommendations, award best practices, benchmarking information to inform fees, coverage methodology, etc.), coupled with improvements to the existing peer review process would better promote the internal market without limiting national competences and discretion.

Satellite

24. **On competence given to the European Commission on the use of radio spectrum by satellite and on International Telecommunications Union (ITU) filings** – The RSPG cannot support the proposal that the European Commission exclusively manages the use of the radio spectrum by satellite as it would have significant and possibly harmful consequences for European influence in international negotiations, and deprive Member States of their right to express their views in certain international organisations, particularly on matters falling within their exclusive competence (such as defence and national security). Furthermore, the obligations to share information and coordinate the processing of filings at EU level would generate a significant bureaucratic workload for the Member States, the RSPG/RSPB and the Office of Digital Networks (ODN) and would also be highly detrimental to European space actors by creating complexity and introducing new delays.
25. **On Union authorisation for the use of satellite spectrum** – The RSPG cannot support the proposal of the European Commission of Union level authorisations and recommends keeping the current process with licensing for satellite spectrum at national level, where local specificities can better be considered, such as to coordinate with third countries, which could involve national foreign policy matters. Particularly, earth stations need to be coordinated with terrestrial services (military usages, radioastronomy, radio links, radiolocation, mobile, etc), while guaranteeing the confidentiality of certain sensitive information (defence and national security authorisations). The RSPG could support the idea of a competitive selection of satellite operators at Union level as long as this will not impact spectrum use by Member States for public order, security and defence purposes. However, the RSPG is of the opinion that this should be limited to specific bands and applications on a case-by-case basis and in case of spectrum scarcity. This selection process should also ensure that the Union's sovereignty and the competitiveness of European electronic communication operators are properly considered.
26. **On the framework for compliance with ITU regulation and common requirements for satellite operators** – The RSPG supports the proposal to introduce obligations of compliance for satellite operators and common requirements for satellite networks in accordance with ITU Radio Regulations and mechanisms to react collectively in case of non-compliance with such requirements. Examples of such common requirements are described in the RSPG Opinion on D2D and Single Market issues[7].
27. **On the Union level general authorisation for the provision of satellite networks and services** – The RSPG considers that in the case of satellite networks where coverage can extend well beyond national borders, covering all of the EU, Union level registration for the provision of satellite networks and services would make sense for compliance with ITU Radio Regulation and other common requirements, for example to provide services to all of the EU landmass. Such an approach, limited in scope, would respect the principle of subsidiarity and the competences of Member States regarding lawful interceptions and national spectrum authorisations.

[7] RSPG25-020

28. **On matters relating to direct-to-device satellite services in bands harmonised for terrestrial mobile services in the European Union (D2D-IMT)** – The RSPG is of the view that the EU needs clear rules between mobile network operators and satellite network operators regarding the provision of D2D-IMT services. Furthermore, the use of a mobile network operator's spectrum by a satellite operator should not be possible without the consent of the terrestrial mobile network operator (and as appropriate under the authorisation of the competent authorities).

Governance

29. **On CEPT and ITU issues** – The RSPG recommends that the EU Member States continue their work within the European Conference of Postal and Telecommunications Administrations (CEPT) in the well-established and proven manner. Extensive pre-coordination mechanisms would risk hampering the efficient input of the EU Member States to the work of CEPT.
30. **On the Office of Digital Networks (ODN) and governance setup** – The RSPG does not see sufficient justification for such a shift of competences from Member States and/or RSPG, as well as from Radio Spectrum Committee (RSC) to a European agency. Further the proposal introduces an obvious matter of scale between the Body of European Regulators for Electronic Communications (BEREC) and the RSPB. Adequate support by the ODN requires sufficient representation of the RSPG/RSPB members in the management board of the ODN The RSPG/RSPB should keep its central role as a strategic advisory body on spectrum policy issues. Any future tasks foreseen in the DNA should focus on this role of the RSPG/RSPB. In general, any new governance set up under the DNA should be in line with the overarching aim of the DNA to reduce bureaucratic burden and simplify the regulatory framework where needed. New staff requirements at EU level for the ODN and financing mechanism for the ODN, which depend on new fees, would contradict this aim. Besides, recognising the need of administrative support for the RSPG, the RSPG recommends to further explore other options.
31. The RSPG is committed to continue delivering Opinions and Reports, with the aim of strengthening the internal market and delivering resilient, sustainable and affordable connectivity for Europe. The RSPG also supports the idea of strengthening its work, for example in relation to resolving cross-border coordination or harmful interference or through closer cooperation with BEREC.
32. The RSPG remains available to respond to any request for Opinion from the European Commission, Council and Parliament on radio spectrum policy issues that might arise.