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COMMUNICATIONS POLICY

Regulatory and institutional structure

Summarise the regulatory framework for the communications sector. Do any foreign ownership restrictions apply to communications services?

In the European Union, the progressive yet quick liberalisation of electronic communications services paved the way for the creation of a single electronic communications market. The liberalisation process, which began in the 1980s, finally led to a full opening of the electronic communications sector on 1 January 1998. Since then, the never-ending evolution of the electronic communications market, reshaped notably by the convergence of the electronic communications, broadcasting and IT sectors, has required several reforms of the EU electronic communications framework. The new EU electronic communications frameworks generally come in packages of directives. The first Telecom Package was adopted in 2002 and rested on four specific directives that formed the backbone of European telecom regulation for nearly two decades, namely:

- Directive 2002/21/EC (Framework Directive), as amended by Directive 2009/140 (the Better Regulation Directive), which established that general regulatory framework for electronic communications in the European Union;
- Directive 2002/20/EC (Authorisation Directive), as amended by the Better Regulation Directive, which introduced a system of general authorisation, making it easier for operators to enter the market without needing individual licences;
- Directive 2002/19/EC (Access Directive), as amended by the Better Regulation Directive, which governed access to and interconnection of electronic communications networks and services; and
- Directive 2002/22/EC (Universal Service), as amended by Directive 2009/136/EC (Citizens' Rights Directive), which ensured that basic electronic communications services were available to end-users at an affordable price, while also protecting certain consumer rights.

In 2010, the European Commission (the Commission) launched the Digital Agenda for Europe, setting the first Union-wide broadband targets. This was followed by the 2015 Digital Single Market (DSM) Strategy, which triggered a major overhaul to remove national silos, leading to, in 2015, Regulation (EU) 2015/2120 (Open Internet Regulation) and the gradual abolition of roaming charges. In 2016, the Commission presented its plan for a European "Gigabit Society", designed to improve internet connectivity across the European Union, and established the main connectivity objectives for 2025. Another key initiative was WiFi4EU, a programme designed to support free Wi-Fi access in public spaces. The package also included a 5G Action Plan. These efforts culminated in 2018 with the European Electronic Communications Code (Directive (EU) 2018/1972 (the EECC Directive)). The EECC represented a monumental shift by consolidating and modernising the four directives above into a single framework. The EECC Directive introduced several changes, inter alia, new measures to:

- increase competition and predictability for investments;
- reduce regulation for co-investment of rival operators in very high-capacity networks;

- improve coordination and use of spectrum across the European Union;
- strengthen consumer protection; and
- create a safer online environment.

Since 2021, the focus has expanded toward the "Europe Digital Decade" targets for 2030, integrating horizontal digital regulations such as Regulation (EU) 2022/1925 (Digital Markets Act (DMA)) and Regulation (EU) 2022/2065 (Digital Services Act (DSA)) as well as the Interoperable Europe Act, which aims to improve the interoperability of digital public services across the Union. The Digital Decade also includes a strong cybersecurity dimension, reflected in initiatives such as Directive (EU) 2022/2555 (NIS2 Directive), designed to strengthen cyber resilience across member states. More recent developments have further deepened this regulatory agenda, notably Regulation (EU) 2024/1309 (Gigabit Infrastructure Act (GIA)), whose provisions have applied since 12 November 2025, and the introduction of the Digital Networks Act (DNA) proposal in January 2026, the most significant pending reform initiative.

Electronic communications regulatory framework

The current EU electronic communications framework includes the following texts:

- Directive 2002/58/EC (ePrivacy Directive), as amended by the Citizens' Rights Directive, which, inter alia, deals with the processing of personal data in the context of the provision of electronic communications services and contains provisions in relation to the security of networks and services and notification of breaches of security;
- Decision No. 676/2002/EC (Radio Spectrum Decision), which establishes the European policy for radio spectrum with the aim of ensuring coordination between EU member states and harmonisation conditions for the efficient use of radio spectrum;
- Regulation (EU) 2015/2120, laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) 531/2012 on roaming on public mobile communications networks within the European Union, amended by Regulation (EU) 2017/920;
- Regulation (EU) 2017/1953, amending Regulations (EU) 1316/2013 and Regulation (EU) 283/2014, regarding the promotion of internet connectivity in local communities (Wifi4EU);
- Regulation (EU) 2018/1807 on a framework for the free flow of non-personal data in the European Union;
- Regulation (EU) 2018/1971 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) 1211/2009;
- the EECC Directive; and Implementing Regulation (EU) 2019/2243, establishing a template for the contract summary to be used by providers of publicly available electronic communications services pursuant to Directive (EU) 2018/1972;
-

Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (recast);

- the NIS2 Directive;
- the GIA; and
- the Interoperable Europe Act.

Overhaul of the electronic communications regulatory framework

The strategic vision: establishing a digital single market

In 2025, considering the rapid digitalisation of the world market and the opportunities it entails, the Commission identified the completion of the DSM as one of the Commission's 10 political priorities.

The DSM is defined by the Commission as a market in which:

> "the free movement of goods, persons, services and capital is ensured and where individuals and businesses can seamlessly access and exercise online activities under conditions of fair competition, and a high level of consumer and personal data protection, irrespective of their nationality or place of residence".

Economically, this framework aimed to generate €415 billion per year and create 3.8 million jobs by knocking down regulatory barriers in the digital space and transforming 28 separate digital markets across the European Union into a single one.

The DSM Strategy, which was launched in May 2015, was built on three pillars:

- better access for consumers and businesses to digital goods and services across the European Union;
- creating the right conditions and a level playing field for digital networks and innovative services to flourish; and
- maximising the growth potential of the digital economy.

Regulation (EU) 2015/2120 marked an important normative shift by laying down rules on open internet access, that is, net neutrality, while also amending the universal service and roaming framework. Regulation (EU) 2017/920 then adjusted the roaming rules under that framework, helping to deepen the idea that communications within the European Union should function on genuinely European rather than purely national terms. In the same period, Regulation (EU) 2017/1953 on Wifi4EU illustrated another strategic development: connectivity was no longer understood solely as a competitive market service, but also as an instrument of territorial inclusion and public access.

The legislative cornerstone: the EECC Directive

The main reform took place in 2018. Rather than adjusting the rules piece by piece, the European Union redesigned the system more broadly. The EECC Directive reorganised and strengthened BEREC, thereby reinforcing EU-level regulatory coordination.

More importantly, the EECC Directive recast and consolidated the existing framework into a single architecture.

The EECC Directive is part of the wider connectivity package proposed by the Commission in September 2016. It aimed at enabling the full participation of EU citizens and businesses in the digital economy. This initiative plans to achieve the following milestones by 2025:

- gigabit connectivity for major economic drivers such as schools, medium-sized and large enterprises and main providers of public services;
- upgradeable connectivity of at least 100 megabits per second for all European households; and
- 5G coverage for all urban areas and all major terrestrial transport paths.

To take into account the recent developments in the communications sector such as the increased use by end users of services based on Voice over Internet Protocol (VoIP), messaging services or web-based email services in place of traditional voice and short message services, the EECC Directive sets out a new definition of the term "electronic communications service". Three types of service categories were introduced:

- internet access services;
- interpersonal communications service (allows direct communications over an electronic communications network between finite numbers of people either based, or not, on a number); and
- services consisting wholly or mainly of the conveyance of signals (eg, for machine-to-machine communications or for broadcasting).

Most provisions apply indifferently to all electronic communication services except number-independent interpersonal communications services.

The strategic horizon: 2030 Digital Decade objectives

The Commission's current framework for digital transformation is guided by the Digital Decade Policy Programme 2030. This framework sets specific, measurable milestones for the end of the decade to ensure European digital sovereignty and competitiveness.

In force since January 2023, this framework is centred on four cardinal points to ensure European digital sovereignty and global competitiveness by the end of the decade:

- first, the European Union seeks to cultivate a digitally skilled population where 80% of adults possess basic digital competencies and 20 million information and communications technology (ICT) specialists are employed to drive innovation;
- second, the framework mandates secure and sustainable infrastructures, achieving gigabit connectivity for all households and universal 5G coverage in all populated areas, while ensuring the European Union produces 20% of the world's semiconductors and deploys 10,000 cloud edge nodes;

- third, the digital transformation of businesses requires that 75% of EU enterprises adopt advanced technologies like cloud computing, AI and big data; and
- fourth, the digitalisation of public services aims for 100% online availability of key services, supported by a universal electronic identity for all citizens.

The current evolution of the EU communications legal framework is also characterised by a fundamental shift from a decentralised, directive-led model (exemplified by the EECC Directive) to a centralised, regulation-based regime designed for strategic autonomy. On 2I January 2026, the Commission fulfilled its obligations under article 122 of the EECC by publishing a formal assessment of the Code's functioning. This review determined that the current directive-based architecture has resulted in fragmented national implementation and suboptimal cross-border investment, necessitating a structural reform to meet 2030 Digital Decade targets.

To rectify these deficiencies, the landmark proposal for the DNA was unveiled on 21 January 2026. The DNA aims to transform the legal basis of the sector by merging four distinct legislative instruments – the EECC, the Radio Spectrum Policy Programme and core elements of the Open Internet Regulation – into a single, directly applicable regulation. This proposed consolidation moves toward a "Single Passport" authorisation model, which would prohibit member state "gold-plating" of national conditions and facilitate pan-European service provision through a single notification mechanism. The Commission's stated aim with this proposal is to establish a:

> "modern and simplified legal framework that incentivises the transition from legacy networks to fibre, high quality 5G and 6G networks, and cloud-based infrastructures, as well as increased scale through service provision and cross-border operation".

Simultaneously, the GIA reached full application on 12 November 2025, effectively replacing the 2014 Broadband Cost Reduction Directive. As a regulation, the GIA introduces immediate EU-wide obligations designed to accelerate deployment of gigabit-capable networks through directly applicable rules across the European Union.

Institutions

The Commission is the main institution responsible for the enforcement of the electronic communications policy and regulation. Two Directorates-General are mainly involved in the electronic communications policy:

- the Directorate-General for Communications Network, Content and Technology headed by Director-General Roberto Viola, under the responsibility of the Commissioner for Digital and Frontier Technologies, Henna Virkkunen (who succeeded Thierry Breton in December 2024); and
- the Directorate-General for Competition under the responsibility of Executive Vice-President Teresa Ribera, with Linsey McCallum currently serving as Acting Director-General (succeeding Olivier Guersent).

BEREC also plays a key role in the development and better functioning of the internal market for electronic communications. For 2026, Marko Mišmaš (AKOS, Slovenia) has assumed

the chairmanship of BEREC, overseeing a Work Programme dedicated to supporting the Digital Decade 2030 goals and providing input on the proposed DNA. In December 2025, BEREC adopted its Strategy 2026–2030 and Action Plan 2030, shifting its strategic focus toward national and international connectivity, secure and resilient infrastructures, and environmental sustainability.

BEREC has so far issued several guidelines on the following topics:

- intra-EU communications (update in 2025);
- minimum criteria for a reference offer;
- general authorisation notifications;
- network termination point;
- geographical surveys of network deployments (update launched in 2025, with draft guidelines consulted on in early 2026);
- numbering resources for non-electronic communications network (ECN) or non-electronic communications service (ECS);
- quality of service parameters;
- public warning systems;
- very high-capacity networks (updated in December 2025);
- symmetric access obligations;
- co-investment criteria;
- roaming;
- open internet;
- net neutrality;
- access to in-building infrastructure and coordination of civil works under the GIA (published October 2025);
- retail roaming (draft guidelines adopted for public consultation in March 2026); and
- wholesale roaming (draft guidelines adopted for public consultation in March 2026).

These guidelines are complementary to the provisions set out in the regulations and are not presented as an official legal interpretation of those provisions.

The Independent Regulators Group as well as each EU member state's national regulating authority (NRA) are also influential actors. Finally, decisions of national courts and tribunals and the Court of Justice of the European Union (CJEU) also significantly contribute to the interpretation of the electronic communications framework.

The EECC Directive enhanced the role of BEREC and reinforced the role of NRAs, both at the national and EU level, to increase consistency and predictability of the application of the rules in the context of the DSM.

Looking ahead, the proposed DNA Regulation intends to consolidate governance at the EU level by strengthening BEREC's advisory role in spectrum assignment and potentially replacing the BEREC Office with a more powerful Office for Digital Networks (ODN).

Foreign ownership

The EU electronic communications framework does not contain provisions imposing foreign ownership restrictions for the provision of electronic communications services.

However, foreign investments in telecoms operators may be reviewed or restricted under foreign direct investment (FDI) screening, national security and critical-infrastructure rules at member state level. At the EU level, this is currently framed by Regulation (EU) 2019/452 (EU FDI Screening Regulation).

Law stated - 5 May 2026

Authorisation/licensing regime

Describe the authorisation or licensing regime.

Under EU law, the freedom to provide services is guaranteed under article 56 of the Treaty on the Functioning of the European Union, according to which:

> "restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of member states who are established in an EU member state other than that of the person for whom the services are intended".

This principle is reflected in article 12(1) of the EECC Directive, according to which EU member states shall:

> "ensure the freedom to provide electronic communications networks and services, subject to the conditions set out in the Directive".

For this purpose, the EECC Directive is based on a "general authorisation" regime. Under this authorisation regime, the provision of electronic communications networks or services can only be subject to a "general authorisation" (ie, the operator may be required to submit a prior notification of its activity to the NRA but cannot be required to obtain an explicit decision or any other administrative act). As an exception to the 'general authorisation' regime, EU member states can grant, upon request, individual licences for the use of scarce resources like frequencies, numbers and rights of way.

The list of information required as part of the notification procedure to the NRAs has been harmonised by the EECC Directive to avoid excessive administrative costs for operators.

In December 2019, under article 12 of the EECC Directive, to approximate notification requirements and to harmonise accordingly the notification forms currently in use at the national level, BEREC published guidelines for the notification template. These guidelines define a template of the notification form to be filled up at the beginning of the activities by electronic communications network (ECN) or electronic communications service (ECS) providers. A set of minimum operator's rights are attached to the "general authorisation". Thanks to the "general authorisation", an operator notably has the rights to:

- operate electronic communications networks and provide elec tronic communications services;
- apply for rights of way;

- negotiate interconnection with, and where applicable obtain access to or interconnection from, other operators;
- be allowed to be designated to provide different elements of a universal service; and
- have access to scarce resources (radio spectrum and numbering resources) (article 15 of the EECC Directive).

On 5 December 2024, BEREC released an Opinion on the national implementation and functioning of the general authorisation. The main purpose of this Opinion is to provide ideas for the Commission to consider for future reflections on the general authorisation regime, in the light of the challenges reported by the stakeholders and of BEREC's own experience. In this Opinion, BEREC concluded that the general authorisation regime has been properly working so far in regulating market entry, without creating barriers for operators in entering national markets. According to BEREC, some issues however emerged from public consultation, particularly regarding ECN providers established outside a given member state or providing ECNS in more than one member state due to differing national legal requirements. It also suggests considering the future inclusion of other digital service providers, such as number-independent interpersonal communications services, within the general authorisation regime framework.

The EECC Directive also provides for an exhaustive list of conditions that an EU member state may attach to the general authorisation such as:

- fees for the rights of use;
- administrative charges;
- interoperability and interconnection;
- accessibility by end users of numbers from the national numbering plan; or
- "must carry" obligations (article 13 of the EECC Directive).

EU law does not provide for a limit on the duration of the "general authorisation". However, when individual rights to the use of scarce resources are granted for a limited period, the duration shall be appropriate for the service concerned.

The EU member states can allow the relevant NRA to impose fees for the rights of use for radio spectrum and numbers, as well as rights to install facilities. These fees must be objectively justified, transparent, non-discriminatory and proportionate concerning their intended purpose and take into account the objectives set out in the EECC Directive (article 95 of the EECC Directive).

The EU Regulatory framework for electronic communications is technologically neutral (in particular, recital 14 of the EECC Directive) and as such applies to all electronic communications networks and services. There is no difference in the regime applicable to fixed, mobile or satellite networks and services.

The most significant update to this regime is the "Single Passport" system introduced in the DNA proposal. Under articles 9 to 11 of the DNA, a provider authorised in one member state would be automatically authorised to provide networks and services across all 27 member states by making a single notification. This aims to prohibit "gold-plating" by member states, who will no longer be allowed to impose unique national conditions beyond a single, EU-level

list. The DNA's list of mandatory conditions includes ensuring the security and resilience of services, complying with cybersecurity rules, and enabling data access for law enforcement.

In its "Early Assessment of the Digital Networks Act" published on 30 March 2026, BEREC expressed concerns that the proposed Single Passport mechanism could lead to forum shopping, uneven supervisory burdens, and slower enforcement by concentrating responsibility in the member state of first notification.

Law stated - 5 May 2026

Flexibility in spectrum use

Do spectrum licences generally specify the permitted use or is permitted use (fully or partly) unrestricted? Is licensed spectrum tradable or assignable?

Permitted use restriction

Member states shall facilitate the use of radio frequencies, under "general authorisations". However, EU member states shall grant individual rights of use to avoid harmful interference, ensure technical quality of service, safeguard efficient use of spectrum or fulfil other objectives of general interest as defined by EU member states under EU law. This set of principles is not only for the use of radio frequencies but also for radio spectrum (article 46 of the EECC Directive).

When it is necessary to grant such individual rights, EU member states must comply with several provisions in particular concerning the efficient use of resources under the EECC Directive.

Also, the now-repealed Authorisation Directive established that only certain conditions may be attached to rights of use for radio frequencies. As a consequence, the permitted use may only be restricted under spectrum licences by the following conditions attached to the rights of use:

- the designation of service or type of network or technology for which the rights of use for the frequency have been granted including, where applicable, the exclusive use of a frequency for the transmission of specific content or specific audiovisual services;
- effective and efficient use of frequencies;
- technical and operational conditions necessary for the avoidance of harmful interference and for the limitation of exposure of the general public to electronic fields, where such conditions are different from those included in the general authorisation;
- maximum duration subject to any changes in the national frequency plan;
- transfer of rights at the initiative of the right holder and conditions for such transfer;
- usage fees;
- any commitments that the operator obtaining the usage right has made in the course of a competitive or comparative selection procedure; and
-

obligations under relevant international agreements relating to the use of frequencies and obligations specific to an experimental use of radio frequencies.

Under the EECC Directive, these conditions have remained identical ((D) of Annex 1 of the EECC Directive), with additional obligations to pool or share radio spectrum or allow access to radio spectrum for other users in specific regions or at the national level.

Principles must be taken into account by EU member states where they intend to limit the number of rights of use to be granted for radio frequencies (article 45 of the EECC Directive).

Also, the EECC Directive introduced further harmonisation measures for spectrum including promoting shared use of spectrum and coordinating spectrum assignments. The consistency of the spectrum assignment process will be safeguarded through a process involving BEREC scrutiny of NRA's planned spectrum measures (articles 4.3 and 35 of the EECC Directive).

The proposal for the DNA merges and replaces the EECC Directive, the BEREC Regulation, and the RSPP into one instrument. The fundamental principle of spectrum management remains the facilitation of usage via general authorisations in order to minimise barriers to entry. However, the 2026 framework introduces simplification mechanisms:

- rights of use for harmonised spectrum are, in principle, granted for an unlimited duration, with periodic reviews no earlier than every 20 years (minimum 40 years for limited-term wireless broadband rights);
- limited-term rights are subject to automatic renewal;
- spectrum tradability is reinforced, coupled with mandated shared use when technically feasible to prevent hoarding (use-it-or-lose-it); and
- a "Union radio spectrum single market procedure" is created, giving the Commission veto power over national attribution procedures that threaten market integration.

Tradability of spectrum licences

Under the EECC Directive, EU member states shall ensure that undertakings may transfer or lease to other undertakings individual rights of use for radio spectrum.

EU member states shall:

- submit transfers and leases to the least onerous procedure possible;
- not refuse the lease of rights of use for radio spectrum where the lessor undertakes to remain liable for meeting the original conditions attached to the rights of use; and
- not refuse the transfer of rights of use for radio spectrum unless there is a clear risk that the new holder is unable to meet the original conditions for the right of use (article 51 of the EECC Directive).

When an operator wishes to transfer rights to use frequencies, it shall notify the NRA responsible for granting individual rights of use. Such notification must also be made once the effective transfer has occurred. Notifications shall be made public.

The DNA, if adopted, would reinforce the principle that individual rights for radio spectrum must be tradable or assignable to ensure market efficiency. To prevent spectrum hoarding,

the DNA promotes shared spectrum access as the default, through a use-it-or-share-it approach.

Law stated - 5 May 2026

Ex-ante regulatory obligations

Which communications markets and segments are subject to ex-ante regulation? What remedies may be imposed?

In February 2003, the Commission published a recommendation detailing a list of 18 markets susceptible to being subject to ex ante regulation. Such recommendation was updated in December 2007, reducing the list to seven markets and then in 2014 to four markets, none of which were retail markets.

The recommendation was updated again on 18 December 2020, reducing the list to two markets, namely, the market for wholesale local access and the market for wholesale access to dedicated connectivity, both defined on the basis of competition law principles and with regard to the overall technological, regulatory and market trends in the European Union.

The EECC Directive introduced the implementation of ex ante market regulations into the missions of the NRAs and provides that NRAs shall "impose ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition in the interest of end-users and relax or lift such obligations as soon as that condition is fulfilled", these obligations include the imposition of access and interconnection obligations (article 67 of the EECC Directive).

Also, the EECC Directive codified the "three criteria test" contained in the Commission's Recommendation on Relevant Markets (2002) and used to determine whether a specific market should be regulated (eg, high barriers to entry, no dynamic tendency towards effective competition and insufficiency of competition law). The EECC Directive also extended the current maximum market review period from three to five years. However, NRAs may still conduct such analysis within shorter intervals if market developments require it. New provisions are introduced for revision of remedies imposed by NRAs, for instance when market conditions have changed because of new commercial agreements or the breach of existing ones or new co-investment agreements. A double-lock system is introduced whereby in cases where BEREC and the Commission agree that a draft remedy would create a barrier to the single market, the relevant NRA may be required to amend or withdraw the contemplated measure.

In the context of the elaboration of the DMA introducing a series of rules for platforms acting as gatekeepers in the digital sector, BEREC published on 30 September 2021, a report in which it proposed a regulatory model for an ex-ante regulation of these platforms (for further information, see the DMA, which entered into force on 1 November 2022).

In June 2025, the Commission launched a targeted consultation to revise the 2020 Recommendation. On 30 September 2025, BEREC provided its input, advocating for maintaining ex ante regulation on wholesale local and dedicated capacity markets, arguing that high entry barriers and a lack of infrastructure competition persist across most of Europe, while potentially relaxing rules in areas where effective infrastructure competition has emerged.

The DNA proposal further aims to recalibrate this framework by tightening national discretion and increasing EU-level oversight by introducing a "Single Market procedure" for remedies. This would grant the Commission a veto over national measures to ensure a uniform application of remedies across the European Union.

Law stated - 5 May 2026

Structural or functional separation

Is there a legal basis for requiring structural or functional separation between an operator's network and service activities? Has structural or functional separation been introduced or is it being contemplated?

The remedy of functional separation was introduced in the Access Directive in 2009 as an exceptional measure and is now reflected in article 77 of the EECC Directive. It may only be imposed on vertically integrated operators when the relevant NRA concludes that the other ex ante regulatory obligations have failed to achieve effective competition and that there are important and persistent competition problems or market failures identified concerning the wholesale provision of certain access product markets. Such measure consists of imposing on the concerned operator a duty or obligation to place activities related to the wholesale provision of relevant access products in an independently operated business. On this basis, the operator shall supply access products and services to its other business entities and other operators under the same terms and conditions, including price and service levels.

Also, the EECC Directive implemented the possibility of imposing functional separation on a significant market power (SMP) operator if the remedies imposed following a market-review process have not succeeded in achieving competition.

The now-repealed Access Directive also introduced a voluntary separation mechanism under which a vertically integrated operator that has been identified as having SMP in one or several markets informs the competent NRA in advance and in a timely manner of its intent to transfer their local access network assets or a substantial part thereof to a separate legal entity under different ownership or to establish a separate business entity to provide to all retail providers, including its own retail divisions, fully equivalent access products. Upon such information, the NRA shall assess the effect of the intended transaction on existing regulatory obligations and, in accordance, shall impose, maintain, amend or withdraw obligations. This has been reaffirmed in article 78 of the EECC Directive.

BEREC has published guidelines that an NRA may rely upon when considering the appropriateness and the manner to implement functional separation (Guidance on Functional Separation under articles 13a and 13b of the revised Access Directive and national experiences).

In practice, however, functional separation remains an exceptional and largely unused remedy at EU level. According to the Commission's 2026 report on the functioning of the EECC, no NRA has imposed functional separation under article 77, while voluntary separation has been assessed in at least two member states.

Law stated - 5 May 2026

Universal service obligations and financing

Outline any universal service obligations. How is provision of these services financed?

Scope of universal service

Under Recital 210 of the EECC Directive, universal service is defined as a:

> "safety net to ensure that a set of at least the minimum services is available to all end-users and at an affordable price to consumers, where a risk of social exclusion arising from the lack of such access prevents citizens from full social and economic participation in society".

This concept is based on the now-repealed Universal Service Directive but evolved to reflect advances in technology, market developments and changes in user demand. The national NRA is in charge of ensuring all citizens have access to a universal service.

Operators must provide a certain number of mandatory services, including:

- provision of access at a fixed location and provision of telephone services;
- provision of directories and directories enquiry services;
- provision of public payphones; and
- measures for disabled users.

The EECC Directive sets new mandatory services to which consumers should have access at an affordable price. EU member states may adopt different tariff options to ensure that the services are also affordable to consumers with low-income or special social needs such as older people, end users with disabilities and consumers living in rural or geographically isolated areas. The new services include the provision of available adequate broadband internet access service and provision of voice communications services at least at a fixed location, indicating that EU member states can now extend universal service to mobile services. "Adequate broadband" means the broadband "necessary for social and economic participation in society" (ie, minimum needed to support services, eg, email, internet banking, standard quality video calls and social media (as set out in Annex V)).

EU member states may consider that the need for the previous services set by the now-repealed Universal Service Directive is established in light of national circumstances and shall be provided along with the new services as from 21 December 2021.

EU member states can designate one or more "providers of services" according to the EECC Directive in charge of guaranteeing the provision of these services for the whole of the territory to be covered. Different providers of services may provide different elements of universal services. The universal service must be affordable; NRAs shall monitor the evolution and level of retail tariffs of these services. EU member states may require designated providers of services to provide customers with tariff options that depart from those provided under normal commercial conditions.

On 21 January 2026, the Commission published its report on the review of the scope of universal service (as mandated by article 122 of the EECC). The review concluded that while it remains a critical safety net, its application for service availability is not yet widely used by member states, and affordability measures differ significantly across the Union.

The GIA, which became fully applicable on 12 November 2025, introduced additional rules to protect vulnerable consumers from excessive prices for intra-EU communications until 2032.

While still in discussion, the DNA proposal also modernises universal service obligations by guaranteeing all consumers, particularly those with low income, the right to affordable, adequate fixed internet access and voice services. It establishes common procedures for defining "adequate" connectivity based on the bandwidth required for social and economic participation. The DNA formalises an affordability approach that includes price monitoring and support for low-income and disabled users, empowering the Commission to adopt implementing acts for service adequacy and affordability assessment.

Funding of universal service

The methods for designating operators or providers of services in charge of the provision of universal service must ensure that such service is provided cost-effectively. NRAs that consider that the provision of universal service may represent an unfair burden on the designated providers of services are given the possibility to calculate the net costs of its provision. If it is found that such an operator is subject to an unfair burden, EU member states can, upon request, put in place a mechanism to compensate that provider of services or to share the net cost of universal service obligations between providers of electronic communications networks and services. According to the EECC Directive, the net costs of this universal service are to be paid for either through general taxpayer funds or else through a specific levy on electronic communications networks and service providers.

The CJEU clarified that, in determining whether the net cost of universal service obligations constitutes an unfair burden, the NRA cannot limit its assessment to the economic situation of the concerned operator alone, but must also compare it to that of its competitors. This includes analysing potential distortions of competition in the relevant market (CJEU, 10 November 2022, Case C-494/21). The Court also recognised that the degree of substitutability between fixed and mobile telephony services may be a relevant factor and upheld national regulations excluding certain operators from the cost-sharing mechanism, provided such regulations respect principles such as transparency, non-discrimination and proportionality (CJEU, 19 September 2024, Case C-273/23).

In its Work Programme 2025, BEREC recalled that in view of the review of the scope of the universal services, pursuant to article 122 of the EECC Directive, the Commission must carry out by 21 December 2025, and every five years thereafter, this review in light of social, economic and technological developments. BEREC intends to assist the Commission in the review process by providing all necessary information, collect relevant data from the member states and provide an opinion on relevant aspects of the report. BEREC announced it will review three strategic documents as to set out its objectives for the period 2026 to 2030 in view of the latest and expected relevant market, technological and regulatory developments during the next five years.

The DNA proposal is intended to introduce a more flexible financing approach for universal service by excluding market funds, by repealing the sector-specific designation and compensation calculation mechanisms. Instead, public compensation for these obligations would be required to adhere the normal state aid framework, including services of general economic interest rules, granting member states greater flexibility in selecting the financing method.

Law stated - 5 May 2026

Number allocation and portability

Describe the number allocation scheme and number portability regime in your jurisdiction.

Under article 94 of the EECC Directive, a number allocation scheme is handled by EU member states through their NRAs, which control the granting of rights of use of all national numbering resources and manage the national numbering plans. NRAs must establish objective, transparent and non-discriminatory assigning procedures for the grant of such resources. An equal treatment principle must be applied between all providers of publicly available electronic communications services. The national numbering plan and its subsequent amendments must be published subject only to national security limitations.

EU member states have a role to support the harmonisation of specific numbers and number ranges within the European Union where this promotes both the functioning of the internal market and the development of pan-European services. Implementing measures may be taken by the Commission on the subject.

The right to use numbers may be subject only to the conditions listed in Annex I of the EECC Directive. These conditions include, inter alia, designation of service for which the number shall be used, including:

- any requirements linked to the provision of that service;
- effective and efficient use of numbers in conformity with the EECC Directive;
- number portability requirements in conformity with the EECC Directive; and
- an obligation to provide public directory subscriber information for transfer of rights in conformity with the EECC Directive.

According to the EECC Directive, NRAs may also grant rights of use for numbering resources from the national numbering plans for the provision of specific services to undertakings other than providers of electronic communications networks or services, provided that adequate numbering resources are made available to satisfy current and foreseeable future demand.

On 6 March 2020, BEREC published guidelines on common criteria for assessing non-ECN or ECS undertakings, and the assessment of the ability to manage numbering resources by undertakings other than ECN or ECS. These guidelines also set out rules to avoid the risk of exhaustion of numbering resources if numbering resources are assigned to such an undertaking. Also, the EECC Directive provides that each EU member state shall make available a range of non-geographic numbers that may be used for the provision of electronic communications services other than interpersonal communications services and shall promote over-the-air provisioning, where technically feasible, to facilitate switching of

providers of electronic communications networks or services by end users, in particular, providers and end users of machine-to-machine services.

Number portability is a requirement under the EECC Directive. It applies equally to fixed and mobile networks and geographic and non-geographic numbers. However, the requirement does not apply to the porting between numbers from a fixed network to a mobile network and vice versa. All subscribers of publicly available telephone services are entitled to keep their number upon request, independently of their service provider.

Operators are required to port and activate a number within the shortest possible time and within a maximum delay of one working day. NRAs ensure that the prices charged between operators concerning the provision of portability are cost-orientated.

Appropriate sanctions must be provided for by EU member states including an obligation to compensate subscribers in the case of delay in the porting or abuse of porting by them.

On 4 December 2025, BEREC published a draft report on switching and termination of contracts for public consultation. The report also examines switching and porting processes, including issues relevant to the implementation of article 106 of the EECC on provider switching and number portability.

The DNA proposal aims to treat numbering resources as a common Union asset, introducing a more centralised approach to numbering management. This includes the conceptual preparation of a pan-European numbering space and pan-European numbering ranges to facilitate cross-border services.

Law stated - 5 May 2026

Customer terms and conditions

Are customer terms and conditions in the communications sector subject to specific rules?

Most of the specific rules underlined hereinunder have been implemented by the now-repealed Universal Service Directive and have been reproduced identically in the EECC Directive.

Consumers must be offered contracts of 12 months and operators cannot offer contracts exceeding 24 months. The conditions and procedures for contract termination should not constitute a disincentive against changing service providers.

Consumers and other end users have a right to a contract with their operator. This contract must comprise several mandatory provisions that include, inter alia, the identity and the address of the operator, the services provided, the details of prices and tariffs, the means to obtain up-to-date information on all applicable tariffs and maintenance charges, payment methods, duration of the contract and the conditions for renewal and termination services and of the contract, any compensation and the refund arrangements applicable if service quality levels are not met.

EU member states have the possibility to require that the contract include any information that may be provided by the relevant public authorities on the use of electronic communications networks and services to engage in unlawful activities or to disseminate

harmful content, and on the means of protection against risks to personal security, privacy and personal data.

Subscribers also have a right to withdraw from their contract without penalty upon notice of modification to the contractual conditions proposed by their provider. Subscribers shall receive a notification not shorter than one month of such modification, along with information on the right to withdraw, without penalty in the case of refusal of these new terms.

Finally, NRAs must ensure that operators publish transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, on charges due upon termination and standard terms and conditions in respect of access to, and use of, services provided by them to end users and consumers.

The EECC Directive includes the Universal Service Directive requirements, harmonises end-user rights and establishes additional contract requirements. The EECC Directive introduces a detailed list of information requirements to be included in end-user contracts, which include, inter alia, information about the technical characteristics of the service, the price, the duration of the contracts and conditions for switching, procedures for dispute settlements or actions to be taken in security and integrity incidents. These requirements also apply to contracts with micro and small enterprises acting as end users. New provisions aimed at facilitating the switch from one service provider to another have been introduced, for instance, provisions dealing with the issue of bundles as an obstacle to switching.

On 17 December 2019, the Commission adopted the Implementing Regulation (EU) 2019/2243, establishing a template for the contract summary to be used by providers of publicly available electronic communications services.

This Implementing Regulation also sets out:

- the length of the contract;
- the presentation of the information (headings, font size and pagination); and
- the language requirements.

This Implementing Regulation entered into force on 21 December 2020.

Beyond the EECC Directive, accessibility legislation at the EU level also impacts the way these contractual and service-related obligations are implemented for end-user consumers with disabilities. Directive (EU) 2016/2102 (the Web Accessibility Directive), imposes requirements on the accessibility of websites and mobile applications of public sector bodies. More recently, Directive (EU) 2019/882 (the European Accessibility Act (EEA)), which becomes applicable as of 28 June 2025, introduces horizontal accessibility requirements for key products and services across the internal market. Among those covered are electronic communications services provided to consumers, with the exception of transmission services used solely for machine-to-machine communications. The EEA aims to harmonise accessibility standards across member states alongside the EECC Directive provisions, by ensuring that consumer-facing elements such as contracts and user interfaces are accessible for all.

Law stated - 5 May 2026

Net neutrality

Are there limits on an internet service provider's freedom to control or prioritise the type or source of data that it delivers? Are there any other specific regulations or guidelines on net neutrality?

The principle of net neutrality was formally taken into account on the occasion of the 2009 reform of the Telecom Package. The now-repealed Better Regulation Directive included references to the principle of net neutrality.

After intense discussions and debate, the European Parliament and the European Council adopted Regulation (EU) 2015/2120 concerning open internet access, which enshrines the principle of net neutrality into EU law. BEREC published guidelines on the implementation by NRAs on these European net-neutrality rules in August 2016. At the end of 2019, BEREC announced that it had worked on an update to the BEREC Net Neutrality Guidelines, which have been renamed the BEREC Guidelines on the Implementation of the Open Internet Regulation. On 10 October 2019, BEREC launched a public consultation on these Guidelines that ran until 28 November 2019. The received feedback did not justify any major changes to the Guidelines. However, it was clear that some further clarifications were needed and now these are included in the Guidelines, which were published on 17 June 2020. These Guidelines are designed to guide the implementation of the obligations of NRAs. Specifically, this includes the obligation to closely monitor and ensure compliance with the rules to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-user rights.

On June 2022, BEREC has published its Net Neutrality Regulatory Assessment Methodology, intended to provide guidance to NRAs in relation to the monitoring and supervision of the net neutrality provisions of Regulation (EU) 2015/2120 (Open Internet Regulation), and the possible implementation of net neutrality measurement tools on an optional basis.

The Open Internet Regulation concerning open internet access guarantees the rights of end users to access and use the internet. Providers of internet access services are under the obligation to treat all traffic equally without discrimination, restriction or interference and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used. This prohibits, in particular, the practice of bandwidth throttling.

However, this principle does not prevent providers of internet access services from implementing traffic management measures as long as they are transparent, non-discriminatory, proportionate and not based on commercial considerations. Three additional exceptions are provided for:

- compliance with other laws;
- preservation of integrity; and
- security and congestion management measures.

Providers of electronic communications to the public are free to offer services other than internet access services that are optimised for specific content, applications or services or a combination thereof, which BEREC refers to as "specialised services". However, this is possible only where some conditions are met:

- the optimisation must be necessary to meet the requirements of the content, applications or services for a specific level of quality;
- the network capacity must be sufficient to provide these services in addition to any internet access services provided;
- the specialised services must not be usable or offered as a replacement for internet access services; and
- the specialised services must not be to the detriment of the availability of the general quality of the internet access services for end users.

As NRAs are in charge of ensuring compliance with these provisions, they will contribute to the determination of the necessity and capacity tests. The recitals of the Open Access Regulation give examples of specialised services "services responding to a public interest or by some new machine-to-machine communications services". BEREC also identifies services such as Voice over Long-Term Evolution and linear broadcasting Internet Protocol television services with specific quality of service requirements.

The practice of zero-rating, whereby traffic from certain sources does not count towards any data cap in place for the subscriber, is not prohibited under the rules governing net neutrality. However, BEREC considers that different forms of zero-rating may have different consequences and that the acceptability of each practice should be assessed on a case-by-case basis. For instance, a zero-rating offer where all applications are blocked (or slowed down) once the data cap is reached except for the zero-rated applications would infringe net-neutrality rules. BEREC has revised and updated its Open Internet Guidelines in light of recent rulings of the CJEU. The new guidelines published on 9 June 2022 reflect the CJEU's ruling that zero-tariff offers are incompatible with the obligation of equal treatment of traffic in the Open Internet Regulation.

The principle of net neutrality is being updated via the DNA proposal, which repeals several core articles of the original Open Internet Regulation and re-integrates them into the new Regulation to provide a broader and more stable legal foundation for innovative specialised services, such as 5G network slicing. The proposal keeps the principles of net neutrality but creates a regulatory framework where open internet rights are directly linked to broader quality-of-service. Furthermore, it provides the Commission and the ODN with enhanced mechanisms to shape, measure, and enforce open internet obligations through new implementing acts.

Law stated - 5 May 2026

Platform regulation

Is there specific legislation or regulation in place, and have there been any enforcement initiatives relating to digital platforms?

As part of the Digital Single Market Strategy, a comprehensive assessment of the role of online platforms has been conducted. It is also one of the three emerging challenges identified in the Digital Single Market Strategy mid-term review.

In its mid-term review on the implementation of the Digital Single Market Strategy, the Commission identified actions to be implemented concerning online platforms. Thus, the

Commission launched an action plan against disinformation and, on 26 September 2018, a self-regulatory code of practice was published to measurably reduce online disinformation on online platforms, leading social networks and in the advertising industry. On 5 December 2018, the Commission reported on the progress made and published an action plan that foresees an increase of resources allocated to counter-disinformation efforts.

On 1 March 2018, the Commission also adopted a recommendation including a set of (non-binding) operational measures to be taken by companies and member states to tackle illegal content online. Also, Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services was adopted on 20 June 2019. This Regulation aims at establishing a legal framework that guarantees transparent terms and conditions for business users of online platforms (that is, that the terms and conditions of platform services are plain and easily available for business users, as well as that any modification to the terms and conditions is notified with proportionate and reasonable advance to their business users), as well as effective possibilities for redress when these terms and conditions are not respected by online platforms (ie, online market places, online software application stores, online social media and online search engines). Online service providers will need to change their terms and conditions to include these new requirements. The Regulation entered into force with direct effect in EU member states on 12 July 2020.

The DMA entered into force on 1 November 2022, and has applied since 2 May 2023. The DMA is intended to ensure fair and contestable digital markets by addressing the structural position of large online platforms that function as critical gateways between business users and end users, by introducing a set of directly applicable "dos" and "don'ts", including obligations intended to prevent unfair self-preferencing, restrictions on interoperability, data access, and conduct that locks in users or business users. The Regulation applies not to all digital actors, but specifically to undertakings designated as gatekeepers, namely, large platforms service providers (including social media, search engines and operating systems) that occupy a particularly important intermediary position in the digital economy and meet certain quantitative thresholds. The Commission is the central enforcer of the DMA, and non-compliance might lead to fines of up to 10% of the gatekeeper's worldwide turnover, or up to 20% in the event of repeated infringements to ensure the effectiveness of the new rules. In September 2023, the Commission designated the first six gatekeepers, which were required to achieve full compliance by March 2024. Enforcement has since intensified. In 2025, the Commission issued its first major non-compliance fines.

On 19 October 2022, Regulation (EU) 2022/2065 (Digital Services Act (DSA)) was adopted. The DSA regulates the obligations of online intermediary services providers to counter illegal content, while promoting traceability and effective safeguards for users. The DSA is directly applicable across the European Union. As of 17 February 2024, the DSA rules apply to all platforms. Since the end of August 2023, these rules had already applied to designated platforms with more than 45 million users in the European Union (10% of the European Union's population), the "very large online platforms" or "very large online search engines". In the 2025-26 period, the Commission launched several formal investigations into major platforms regarding systemic risks, protection of minors and advertising transparency.

In February 2025, a Code of Practice on disinformation was incorporated into the DSA. Initially established in 2018 and subsequently reinforced in 2022, this Code has been signed by approximately 40 entities, including major online platforms alongside stakeholders from the advertising industry, media outlets, research bodies and civil society organisations.

Effective since 1 July 2025, the Code constitutes the primary reference instrument for determining whether signatories are in compliance with the DSA's provisions concerning.

Law stated - 5 May 2026

Next-Generation-Access (NGA) networks

Are there specific regulatory obligations applicable to NGA networks? Is there a government financial scheme to promote basic broadband or NGA broadband penetration?

The European Regulatory Framework for electronic communications and the EECC Directive are technologically neutral so apply to NGA networks in the same manner that they apply to other networks. However, the 2010 Commission Recommendation of 20 September 2010 on regulated access to the NGA sets out a common approach for promoting the consistent implementation of remedies concerning NGAs and provides for regulatory principles that NRAs should follow. NGAs are also dealt with in the 2013 Commission Recommendation on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment.

Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks also aims at facilitating and incentivising the roll-out of high-speed electronic communications networks by reducing its cost. It includes measures such as the sharing and reuse of existing physical infrastructure, which are expected to create conditions for more cost-efficient network deployment.

The EECC Directive introduced a new mission for NRAs, which is to promote access to, and take-up of, very high-capacity connectivity for both fixed and mobile networks. The new EECC Directive sets out provisions concerning co-investment and NGAs, in particular, "very high-capacity networks". The EECC Directive establishes an exception on access market and price regulation for operators with "significant market power" undertaking to build or to co-invest in the infrastructure necessary for the creation of high connectivity networks.

In accordance with article 82 of the EECC Directive, the BEREC has established a harmonised definition for "very high-capacity networks" to provide NRAs with specific criteria and performance thresholds to identify networks that offer the highest level of connectivity. BEREC published the first version of these Guidelines in 2020, and set out the criteria that a network must fulfil to be considered a very high-capacity network, particularly in terms of down and uplink bandwidth, resilience, error-related parameters, latency and variation. As at the time of the adoption of the initial guidelines, it was not yet possible to take 5G fully into account, BEREC updated the original Guidelines in 2025.On 23 February 2023, the Commission published a package to make deployment and utilisation of digital infrastructure, including electronic communications networks, more efficient. The package included a draft regulation on measures to reduce the cost of deploying the gigabit electronic communications network, the GIA.

The GIA was finally adopted on 29 April 2024. This regulation modernised the EU rules for broadband rollout by replacing the 2014 Broadband Cost Reduction Directive with a directly applicable regulation. Its main purpose is to make the deployment of very high-capacity networks, especially fibre and 5G, faster, cheaper and simpler across the European Union. It has been fully applicable since 12 November 2025, with some rules applying from February

and May 2026. The amendments to Regulation (EU) 2015/2120 in relation to intra-EU communications have applied since 15 May 2024.

In practical terms, the GIA brought four main improvements:

- first, it promotes the shared use of existing physical infrastructure, such as ducts and poles, so operators do not need to duplicate civil works unnecessarily;
- second, it strengthens coordination and co-deployment of civil works, allowing telecom deployment to be aligned with other public works in order to reduce cost and disruption;
- third, it streamlines administrative procedures for network rollout, with the aim of cutting delays and regulatory fragmentation; and
- fourth, it improves the rules on in-building high-speed-ready infrastructure, so buildings are better equipped for gigabit connectivity and operators can access that infrastructure more easily.

This legislative initiative forms part of the European Union's broader strategy to achieve the objectives of the Digital Decade 2030, notably the goal of ensuring universal access to gigabit connectivity and high-speed mobile data services throughout the European Union by 2030 and to reduce the environmental footprint of network deployment by encouraging reuse of infrastructure and more efficient rollout of fibre and 5G.

Complementing the GIA, the Commission issued Recommendation (EU) 2024/523 in February 2024, focusing on the regulatory promotion of gigabit connectivity. This updated guidance replaced 2010 Recommendation on regulated access to the NGA and the 2013 Recommendation on consistent non-discrimination obligations and costing methodologies. BEREC published detailed guidelines on coordinating civil works and in-building access on 2 October 2025. Despite these measures, the 2025 "State of the Digital Decade" report warned that fibre and 5G standalone rollout still lags behind 2030 targets.

Law stated - 5 May 2026

Data protection

Is there a specific data protection regime applicable to the communications sector?

Data protection and privacy in the European Union is currently governed by Regulation (EU) 2016/679 (General Data Protection Regulation (GDPR)) and the ePrivacy Directive, as amended by the Citizens' Rights Directive.

Since 25 May 2018, the GDPR directly applies in all EU member states, without having to be transposed into national law. The GDPR fully regulates the processing of personal data in the European Union. By setting uniformly high standards of data protection, it ensures the free flow of personal data in the European Union. It has, in particular, a significantly broader territorial scope than the previous EU Data Protection Directive. It places, among others, greater emphasis on the documentation obligations of data controllers to demonstrate their accountability and significantly strengthens data subjects' rights to give them more control over their personal data. The GDPR also introduced significant fines for any data breaches in the amount of up to 4% of a company's global revenue or €20 million, depending on

whichever is higher. These pose a significant financial risk to data controller organisations, such as telecommunication service providers. Many telecommunication service providers use third-party service providers that process and store data on their behalf and thus, must comply with the provisions outlined in GDPR to avoid any sanctions by the competent authority.

The ePrivacy Directive ensures the protection of fundamental rights and freedoms, in particular the respect for private life, the confidentiality of communications and the protection of personal data in the electronic communications sector. It obliges EU member states to ensure the privacy of communications and related traffic data. Under the ePrivacy Directive, any interception or surveillance of communications (including listening, storage or tapping) is prohibited, unless explicitly permitted under national law. To be permissible, such interception would have to be necessary, appropriate and proportionate for specific "public order" purposes; namely, to safeguard national security, defence or public security or for the purposes of law enforcement and would have to comply with the general principles of EU law and the European Convention on Human Rights.

On 10 January 2017, the European Parliament and the European Council published the first draft of a new Regulation on Privacy and Electronic Communications, which was intended to replace the current ePrivacy Directive and be directly applicable in the EU member states.

The proposal included fines for breaches to the amount of up to 4% of a company's global revenue or €20 million, depending on whichever was higher. The European Council published several amended drafts of the proposal since September 2017.

In May 2021, the trialogue negotiations with the European Parliament finally began but there were some points of contention regarding the current text of the Regulation. On 11 February 2025, the Commission announced in its 2025 Work Programme that it will withdraw the long-discussed proposal for a new ePrivacy Regulation. This decision is based on two main reasons: first, "no agreement is expected from the co-legislators"; and second, "the proposal is outdated in view of some recent legislation in both the technological and the legislative landscape".

In October 2022, the European data protection authorities (DPAs) established a list of topics requiring harmonisation of national laws to ensure better implementation of the GDPR in the European Union. This list is part of the actions included in the EPDS Vienna Declaration on law enforcement cooperation and has been sent to the Commission for consideration. The list addresses, among others, investigative powers of DPAs, practical implementation of the cooperation procedure at national level, status and rights of parties to administrative proceedings, procedural deadlines, requirements for the admissibility or rejection of complaints by DPAs.

On 4 July 2024, the Commission introduced a new law aimed at enhancing cooperation between DPAs in enforcing the GDPR in cross-border cases. This new regulation, Regulation (EU) 2025/2518, laying down additional procedural rules on the enforcement of the GDPR, which entered into force on 1 January 2026, and becomes applicable on 2 April 2027, outlines specific procedural rules for authorities to follow when handling GDPR cases that impact individuals in more than one member state.

The proposed law is designed to minimise disputes and promote consensus among authorities from the early stages of the process. It will clarify the requirements for individuals when filing a complaint and ensure their active participation in the process. For businesses,

the regulation will provide clarity on their rights during an investigation by a DPA into a potential GDPR violation, leading to faster case resolutions, quicker remedies for individuals, and increased legal certainty for businesses.

For DPAs, the new rules will streamline cooperation and improve the efficiency of enforcement. The regulation also includes specific rules to facilitate the effective operation of the cooperation and consistency mechanism established by the GDPR.

Following the Commission's decision to abandon the proposed ePrivacy Regulation, the regulatory landscape may nevertheless continue to evolve. On 19 November 2025, the Commission presented the Digital Omnibus package as part of its broader effort to simplify the EU digital rulebook. The package takes the form of several proposed regulations, in particular one covering data, privacy and cybersecurity rules, and a separate one on AI. Together, these proposals would introduce targeted amendments to a wide range of existing instruments, including the GDPR, the ePrivacy Directive, the Data Governance Act and other parts of the EU digital acquis. The Commission has presented the reform as a simplification exercise intended to reduce regulatory fragmentation, lower compliance burdens and adapt the legal framework to technological developments, including the growing use of AI.

In the field of data protection, the proposed amendments are particularly significant. The Digital Omnibus would clarify the application of the GDPR to AI-related processing, including by framing the use of personal data for training AI models under the legitimate interests regime, subject to safeguards and an unconditional right to object for data subjects. The proposal would also codify recent CJEU case law by clarifying that pseudonymised datasets may, in certain circumstances, fall outside the scope of personal data for the recipient where that third party is not reasonably likely to be able to re-identify the individuals concerned, while the controller that performed the pseudonymisation would remain fully subject to the GDPR.

The package is also important for the communications sector because, if adopted, it would reform the current cookie rules, which are presently governed by the ePrivacy Directive, and move them into the GDPR framework. The Commission explains that this reform is intended to address widespread "consent fatigue" by introducing more user-friendly mechanisms, including single-click acceptance or refusal, a requirement that websites respect users' choices for at least six months, and the possibility of centralised browser or device-based privacy preferences. The proposal would also exempt certain low-risk uses, such as some audience measurement practices, from repetitive consent prompts. This marks a significant policy shift: rather than replacing the ePrivacy Directive with a standalone sector-specific regulation, the Commission now appears to favour integrating at least part of communications privacy regulation into the broader GDPR architecture.

Law stated - 5 May 2026

Cybersecurity

Is there specific legislation or regulation in place concerning cybersecurity or network security in your jurisdiction?

The Commission has launched several initiatives concerning cybersecurity.

On 5 July 2026, the Commission adopted the Communication Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry. It sets a series of measures aiming, inter alia, at stepping up cooperation across the European Union, promoting the emerging single market for cybersecurity products and services. During this event, as part of the Digital Single Market Strategy presented in May 2015, a public-private partnership (PPP) on cybersecurity was signed. It aims to foster cooperation between public and private actors to allow people in the European Union to access innovative and trustworthy European solutions including ICT products, services and software. The PPP also aims to stimulate the cybersecurity industry by helping to align demand and supply sectors, especially in sectors where cybersecurity solutions are important, such as energy, health, transport and finance. The PPP includes a wide range of actors, from innovative small and medium-sized enterprises, producers of components and equipment, critical infrastructure operators and research institutes.

On 18 October 2018, the European Council called for measures to build strong cybersecurity in the European Union. EU leaders particularly referred to restrictive measures to respond to, and deter, cyberattacks. The proposal sets out new initiatives, inter alia:

- building a stronger EU cybersecurity agency;
- introducing an EU-wide cybersecurity certification scheme; and
- swiftly implementing the NIS2 Directive concerning measures for a high common level of security of network and information systems across the Union.

In December 2020, the European Union released its new Cybersecurity Strategy, aimed at tackling cyberattacks and at strengthening resilience against major security breaches by proposing several new initiatives. The strategy identifies three priorities:

- the increase of cyber resilience and technological sovereignty;
- to build operational capacity to prevent deter, and respond to cyberattacks; and
- to advance a global and open cyberspace through increased cooperation.

It also provides concrete proposals for regulatory, investment and policy initiatives to safeguard a global and open internet and to protect European values.

The strategy forms part of the EU's wider digital and security agenda, alongside initiatives such as Shaping Europe's Digital Future, the Recovery Plan for Europe and the Security Union Strategy 2020–2025.

It also paved the way for major legislative developments, including the proposal for a revised NIS Directive (NIS2) and the Directive on the resilience of critical entities, reflecting the EU's intention to address both cyber and physical threats to essential infrastructure.

More broadly, cybersecurity has become a structural priority of EU policy and funding. Under the 2021 to 2027 budget, and in particular through the Digital Europe Programme, the European Union has increased support for cybersecurity research, innovation, infrastructure, cyber defence and industrial capacity. This policy focus was further reinforced in the context of the covid-19 pandemic, which highlighted the growing exposure of public and private actors to cyberattacks and accelerated investment in cyber resilience.

Institutions

The European Union Agency for Cybersecurity (ENISA) is a European cybersecurity centre of expertise, located in Greece. Founded in 2004 by Regulation (EC) 460/2004, ENISA actively contributes to a high level of network and information security within the European Union, thus contributing to the smooth functioning of the internal market.

ENISA works closely with EU member states and the private sector to provide advice and solutions. This includes:

- pan-European cybersecurity exercises;
- the development of national cybersecurity strategies;
- Computer Emergency Response Team's (CSIRT) cooperation and capacity-building;
- studies on data protection issues;
- secure cloud adoption; and
- technology aimed at improving life and trust services.

ENISA also supports the development and implementation of EU Network and Information Security policy and legislation.

After a year-long pilot phase, the EU institutions set up a permanent Computer Emergency Response Team (CERT-EU) for the EU institutions, agencies and bodies in September 2012. It is composed of a team of IT experts and cooperates closely with other CERTs in EU member states as well as with companies specialising in IT security.

In addition, the EU cybersecurity framework relies on several cooperation structures which include the CSIRTs Network for operational cooperation, EU-CyCLONe, for the coordinated management of large-scale cyber incidents and crises, and the NIS Cooperation Group for strategic coordination between member states. These bodies are especially relevant under NIS2 and the EU cyber crisis architecture.

Legislation

In 2010, the Commission published a proposal for a directive on attacks against information systems, which was eventually adopted in 2013 (Directive 2013/40/EU on attacks against information systems and replacing Council Framework Decision 2005/222/JHA). Under this Directive, EU member states are required to criminalise the "intentional access, without right, to the whole or part of an information system", at least concerning cases deemed not to be minor. It also requires that illegal system interference and illegal data interference be punished as criminal offences. Provisions also oblige EU member states to criminalise the instigation or aiding and abetting of any of these acts.

The is the first EU-wide piece of legislation on cybersecurity. It was adopted in July 2016, and EU member states were required to transpose it at the latest by 9 May 2018 and to identify operators of essential services by 9 November 2018. It provides for legal measures to boost the overall level of cybersecurity in the European Union and requires EU member states to adopt a national strategy on the security of network and information systems defining the strategic objectives and appropriate regulatory measures to achieve and maintain a high level of security of network and information systems.

On 13 September 2017, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy published a Joint Communication on Resilience, Deterrence and Defence: Building Strong Cybersecurity for the European Union. This wide-ranging cybersecurity package builds on existing instruments and presents new initiatives to further improve EU cyber resilience and response in three key areas:

- building EU resilience to cyberattacks and stepping up the European Union's cybersecurity capacity;
- creating an effective criminal law response; and
- strengthening global stability through international cooperation.

On 11 December 2020, Regulation (EU) 2021/887 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres was adopted. It was published on 8 June 2021. The Centre, in cooperation with the Network, is the European Union's new framework to support innovation and industrial policy in cybersecurity and relies upon financial support from the Horizon Europe and Digital Europe programmes. The Centre and the Network together will enhance EU technological sovereignty through joint investment in strategic cybersecurity projects. The Centre is currently being set up and will be located in Bucarest, Romania.

On 13 September 2017, the Commission adopted Communication COM (2017)476 final/2, (NIS Toolkit), which aims at supporting EU member states in their efforts to implement the Directive swiftly and coherently across the European Union. It presents the best practices from the EU member states and provides an explanation and interpretation of specific provisions of the Directive to clarify how it should work in practice.

On 13 September 2017, the Commission issued a proposal for a regulation on ENISA, the EU Cybersecurity Agency, and on Information and Communication Technology cybersecurity certification (the Cybersecurity Act). The Cybersecurity Act was adopted on 17 April 2019 and grants a permanent mandate for ENISA and introduces the creation of an EU certification framework for ICT products and services. The certifications will be recognised in all EU member states, making it easier for businesses to trade across borders and for purchasers to understand the security features of the product or service.

On 6 December 2020, the Commission published its proposal for the NIS2 Directive. The NIS2 Directive was designed to update the current NIS Directive and extend its scope to strengthen European cooperation on cybersecurity. Indeed, although the NIS Directive significantly improved the EU level of cyber resilience, its review has revealed shortcomings that prevent it from responding effectively to current and emerging cyber security challenges. On 12 May 2022, the European Parliament and the Council reached an agreement on the NIS2 Directive. It was published in the Official Journal on 27 December 2022, and entered into force 20 days after publication, on 16 January 2023. It replaces and repeals the NIS Directive.

The NIS2 Directive reiterates the objectives of the NIS Directive and takes into account the evolving cyber threats to strengthen the cybersecurity requirements and enhance cooperation between EU member states.

The NIS2 Directive extends the scope of the current NIS Directive. While the NIS Directive addressed the energy, transport, banking and financial institutions, health and water sectors,

the NIS2 Directive significantly expands the list of sectors covered and make a new distinction between:

- sectors of high criticality:
- health;
- drinking water;
- waste water;
- digital infrastructure;
- ICT services management;
- public administration; and
- space; and
- other critical sectors: postal and courier services;
- waste management;
- manufacturing, production and distribution of chemicals;
- food;
- manufacturing;
- digital services providers; and
- research.

The NIS2 Directive also abolished the former distinction established by the NIS Directive between operators of essential services and digital service providers. Entities would be classified based on their importance, and divided into two categories: essential and important entities, according to the importance of the sectors in which they operate. These entities are subjected to different supervisory regime, with an ex ante or ex post supervision, or both, depending on the whether the entity is essential or important.

Under the former NIS Directive, EU member states were responsible for determining which entities were considered to be operators of essential services. The NIS2 Directive introduces a size-cap rule that provides that all public as well as private medium-sized and large entities operating in the sectors it covers are automatically considered to be "essential" or "important" entities if they met the following criteria:

- employ more than 250 persons;
- have an annual turnover of more than €50 million; or
- have an annual balance sheet of more than €43 million.

The NIS2 Directive also leaves it to each EU member state to establish a list of further essential and important entities as well as entities providing domain name registration services by 17 April 2025. EU member states could decide that the requirements of the NIS2 Directive would apply to public administration at national level. This list will have to be regularly reviewed, at least every two years.

The NIS2 Directive imposes stricter cybersecurity obligations and requires EU member states to ensure that essential and important entities within its scope take appropriate

technical, operational and organisational measures to manage the risks related to the security of networks and information systems.

Under the previous NIS Directive, each EU member state must designate a national competent authority on the security of network and information services, which will be in charge of monitoring the application of the NIS Directive at the national level. One or more CSIRTs must be designated by each EU member state, covering at least the sectors listed in the NIS Directive. These CSIRTs must be allocated adequate resources to carry out their tasks, which include, inter alia:

- the monitoring of incidents at a national level;
- providing early warnings, alerts, announcements and the dissemi nation of information to the relevant stakeholders;
- participating in the CSIRTs network; or
- establishing cooperation relationships with the private sector.

The NIS2 Directive expands the existing incident reporting requirements under the current NIS to require that essential and important entities must notify any significant security incident to the competent national NIS authority or one of the EU member states' CSIRTs. In particular, the NIS2 Directive introduces notification phases and deadlines. Entities are required to submit an early warning within 24 hours of becoming aware of the significant incident, and an incident notification without undue delay and in any event within 72 hours of becoming aware of the significant incident. The NIS2 Directive also formally creates the European Cyber Crisis Liaison Organisation Network (EU-CyCLONe), to support the coordinated management of large-scale cybersecurity incidents.

EU member states had until 17 October 2024 to transpose the NIS2 Directive into national law. The NIS2 Directive repeals and replaces the NIS Directive, with effect from 18 October 2024.

On January 2026, the Commission has proposed a new cybersecurity package to further strengthen the EU's resilience and capabilities in this area, with a proposal for a directive amending NIS2 Directive (Proposal for the Cybersecurity Act 2). The targeted amendments to the NIS2 Directive are intended to provide greater legal clarity and support a more coherent and streamlined implementation of the cybersecurity framework, particularly with regard to scope, definitions, ransomware reporting and the supervision of entities providing cross-border services. The proposal would also strengthen ENISA's coordinating role.

On 16 January 2023, Regulation (EU) 2022/2554 (Digital Operational Resilience Act (DORA)) came into force, which strengthens the management of cyber threats in the European Union and completes the application of NIS2 in the financial sector. DORA addresses the digital operational resilience of the financial sector and aims to harmonise and strengthen the rules on the ICT-related risk management for EU financial entities.

DORA introduces new requirements that can be categorised into five key pillars:

- ICT risk management;
- ICT-related incidents management, classification and reporting;
- digital operational resilience testing;
- managing of ICT third-party risk; and

- information sharing arrangements in relation to cyber threats between financial institutions.

DORA also introduces a new supervisory framework for critical third-party IT service providers as well as new binding obligations for contractual agreements between third-party ICT service providers and financial entities. Each critical third-party IT service provider will be monitored by a supervisory authority, which will assess whether the service provider has adequate arrangements in place to control ICT-related risks that may impact financial institutions. DORA provides for the adoption of a series of Regulatory Technical Standards (RTS) and Implementing Technical Standards (ITS), developed by the three European Supervisory Authorities (ESAs): the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (ESMA). The ESAs submitted a comprehensive set of final RTS and ITS to the Commission between June 2024 and April 2025 to further specify the DORA requirements. DORA and related Directive (EU) 2022/2556 (Critical Entities Resilience Directive (CER Directive)) have been applicable since 17 January 2025 and EU member states were required to transpose the Directive into national law by the same date. Standards submitted by ESAs were then adopted by European Parliament and published in the Official Journal of the European Union as implementing and delegated acts.

Along with NIS2 and DORA, another EU legislative instrument aiming to strengthen cybersecurity in the European Union entered into force on 16 January 2023, the CER Directive. It replaces the European Critical Infrastructure Directive 2008/114/EC of 8 December 2008. The CER Directive focuses on strengthening the physical resilience of organisations that provide essential services to a range of threats (natural hazards, terrorists attacks, insider threats, sabotage) and covers 11 sectors:

- energy;
- transport;
- banking;
- financial markets infrastructures;
- health;
- drinking water;
- wastewater;
- digital infrastructure;
- public administration;
- space; and
- food.

To achieve a high level of resilience, EU member states are required to adopt a national strategy and carry out regular risk assessments to identify entities that are considered critical. Critical entities will need to identify the relevant risks that may significantly disrupt the provision of essential services, take appropriate measures to ensure their resilience and notify disruptive incidents to the competent authorities. EU member states have 21 months to transpose the Directive into national law.

On 10 December 2024, the Regulation on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020 (EU Cyber Resilience Act (CRA)) entered into force. The Regulation establishes a harmonised EU framework imposing mandatory cybersecurity requirements on products with digital elements placed on the Union market, and aims to address gaps in EU law that does not cover mandatory requirements for the security of products with digital elements. The CRA applies broadly to all products with digital elements whose intended and reasonably foreseeable use includes a direct or indirect logical or physical data connection to a device or network. Its main obligations will apply from 11 December 2027, while certain earlier obligations – including reporting duties relating to exploited vulnerabilities and incidents – will apply from 11 September 2026.

On 18 April 2023, the Commission proposed a regulation on the EU Cyber Solidarity Act laying down measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to significant and large-scale cybersecurity threats and incidents. The proposal has since been adopted as Regulation (EU) 2025/38, published in the Official Journal on 15 January 2025 and in force since 4 February 2025. It is directly applicable across the European Union. The EU Cyber Solidarity Act aims to make Europe more resilient and responsive to cyber threats, while strengthening the existing cooperation mechanism. The actions proposed under the Cyber Solidarity Act cover situational awareness, information sharing, as well as support for preparedness and response to cyber incidents. Its central pillars include a European Cybersecurity Alert System, built around interconnected National and Cross-Border Cyber Hubs, a Cybersecurity Emergency Mechanism to support preparedness and response, and a Cybersecurity Incident Review Mechanism to assess and review specific or large-scale cybersecurity incidents. The EU Cyber Solidarity Act also creates an EU Cybersecurity Reserve, consisting of incident response services from private service providers – "trusted providers" – on request of EU member states, EU institutions, bodies and agencies, to help them address significant or large-scale cybersecurity incidents.

On 7 January 2024, the new Cybersecurity Regulation (Regulation (EU) 2023/2841) laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the European Union entered into force. The purpose of this amendment is to ensure an adequate level of cybersecurity for ICT products, ICT services and ICT processes in the European Union.

The Regulation introduces measures for the establishment of an internal cybersecurity risk-management, governance and control framework for each EU entity. It also establishes a new Interinstitutional Cybersecurity Board (IICB) to monitor and support its implementation by EU entities. It provides an extended mandate of CERT-EU. This expanded role transforms CERT-EU into a hub for threat intelligence, information exchange, and incident response coordination. It also designates CERT-EU as a central advisory body and service provider. In line with its mandate, CERT-EU is renamed to Cybersecurity Service for the Union institutions, bodies, offices and agencies, but it retains the short name CERT-EU.

In accordance with the timeline defined in the Regulation, the EU entities will establish internal cybersecurity governance processes and will progressively put in place specific cybersecurity risk-management measures foreseen by the Regulation. The IICB will be established and operationalised promptly, with the aim of providing strategic direction to CERT-EU under its expanded mandate, offering guidance and support to EU entities, and monitoring the Regulation's implementation.

Big data

Is there specific legislation or regulation in place, and have there been any enforcement initiatives in your jurisdiction, addressing the legal challenges raised by big data?

Big data plays a major role in the European Union and was subject to various actions taken by EU institutions. The European Union recognises the potential of big data as a driver of the economy and innovation in its EU Digital Single Market Strategy and points out that it is becoming essential to the development of data-driven technologies and services. The European Council marked big data as a high priority in its political agenda in October 2013. In the context of the action plan of 2 July 2014 on how to maximise the EU's data-driven economy, the Commission recommended investing in big data solutions and infrastructure. In this context, it suggested setting up a €2.5 billion big data PPP, creating a network to help individuals build sustainable businesses using big data and adopting new rules on data ownership and liability.

The European Data Protection Supervisor (EDPS) stressed the importance of coherent rights enforcement in the age of big data in several opinions and initiatives. The EDPS is an independent institution of the European Union responsible for ensuring the protection of an individual's rights in the context of processing personal data. It set up the Ethics Advisory Group in February 2016, which assesses the ethical implications of how personal data is defined and used in the context of big data and AI.

As requested in the EDPS opinion of 23 September 2016, a voluntary network of regulatory bodies (the Digital Clearing House) was established. The goal of the Digital Clearing House is to share information about possible abuses in the digital ecosystem and the possibilities to handle them. The report also recommends that the EU institutions, together with external experts, investigate the possibility to create a common cyberspace where individuals can interact without being tracked.

The text of a European Parliament resolution on the implications of big data on fundamental rights was tabled by rapporteur Ana Gomes in October 2016. The European Parliament passed this non-legislative resolution on 14 March 2017. The European Parliament stressed that the immense opportunities of big data could only be fully enjoyed by citizens and institutions within the European Union if public trust in new technologies was ensured by strong enforcement of fundamental rights, compliance with current EU data protection law and legal certainty for all actors involved. According to the resolution, big data analytics pose specific challenges to fundamental rights and raise concerns over discrimination and security. The most pressing risks associated with data processing activities include security breaches, unauthorised access to data and unlawful surveillance. In that regard, the European Economic and Social Committee has published a study concerning the ethics of big data and how to balance its economic benefits and ethical questions of it in the EU policy context.

According to the European Parliament, the intrinsic purpose of big data analysis should be the achievement of comparable correlations with as little personal data as possible. Science, business and public communities should therefore focus on research and innovation in the

field of data anonymisation. The resolution also points out that it is of particular importance to raise the awareness of EU citizens about digital rights, privacy and data protection. It concludes that the corresponding risks in the context of big data analysis should be addressed with specific guidelines, more transparency and accountability.

Together with various initiatives in the field of public-sector data, research data and private-sector data, the Commission announced its intention to fund a support centre for data sharing under the Connecting Europe Facility. This support centre will make it easier to share private-sector data by providing best practices and know-how. Also, the Commission announced several initiatives that will make different types of data available for re-use in Communication COM(2018)232 final Towards a Common European Data Space and accompanying Commission Staff Working Document SWD(2018)125 final Guidance on Sharing Private-Sector Data in the European Data Economy. This Staff Working Document aims to provide a toolbox on legal, business and technical aspects of data sharing and transfers for companies that are data holders or data users.

On 19 February 2020, the Commission published Communication COM(2020)66 "A European strategy for data", which outlines a strategy for policy measures and investments to enable the data economy for the coming five years. This Communication announces the creation of nine European common spaces and the continuation of work on the European Open Science Cloud. This data strategy is presented at the same time as the Commission's Communication on "Shaping Europe's digital future" and a white paper on AI. That same day, the Commission launched a public online consultation regarding the European strategy for data.

As part of its data strategy, on 25 November 2020, the Commission released the Data Governance Act, which plays a vital role in ensuring the European Union's future leadership in the global data economy. This new regulation aims to create a framework that encourages greater reuse of data by increasing trust in data intermediaries and strengthening various data-sharing mechanisms across the European Union. It complements the Open Data Directive of 20 June 2019, which regulates and encourages the re-use and publication of public sector information held or funded by public institutions (such as governments, libraries and archives). The European Parliament and EU member states have reached a political agreement on the Commission's proposed Regulation on European data governance in December 2021. The Regulation has been validated in a plenary vote of the European Parliament, and in the European Council on 16 May 2022 following EU Parliament approval. It entered into force on 23 June 2022 and, following a 15-month grace period, will be applicable as from September 2023.

On 23 February 2022, the Commission released Regulation (EU) 2023/2854 (the Data Act), a proposal for a regulation to establish a harmonised framework for data sharing in the European Union. The proposal aims at making more data available for reuse and is expected to create €270 billion of additional gross domestic product by 2028.

This proposal includes:

- measures to allow users of connected devices to gain access to data generated by them;
- measures to rebalance negotiation power for small and medium-sized companies by preventing abuse of contractual imbalances in data-sharing contracts;
-

measures for public entities to request access and use of the data held by the private sector that is necessary for exceptional circumstances; and

- measures on cloud and data processing services to further allow customers to switch between services providers.

The Data Act entered into force on 11 January 2024, after lengthy EU-level negotiations. The Data Act will become applicable on 12 September 2025, except for certain provisions that will be implemented at a later date. The new rules will encourage the use of data and ensure it is shared, stored and processed in full respect of European rules.

The Data Act also enables the public sector to access and use data held by the private sector to help respond to public emergencies, such as floods and wildfires. It will also protect European businesses from unfair contractual terms in data sharing contracts, so that small businesses can take part more actively in the data market.

On 13 April 2024, the European Parliament approved the Artificial Intelligence Act (AIA), which aims to establish a common horizontal regulatory framework for AI systems within the EU internal market. It provides for the implementation of a compliance approach, based on the adoption of data governance throughout the life cycle of a product or service based on AI.

The AIA stands as the world's first comprehensive AI legislation. Its primary objective is to shield fundamental rights, democracy, rule of law, and environmental sustainability from the risks posed by high-risk AI, while simultaneously fostering innovation and positioning Europe as a global leader in the AI sector. The regulation imposes obligations on AI based on a risk-based approach, categorising AIs into "unacceptable", "high", 'limited', "minimal" risk, and a category for general-purpose AI (GPAI).

The AIA entered into force on 1 August 2024 and its provisions apply on various dates in accordance with a phased roll-out, depending on the type of AI application:

- for "unacceptable risk" AI systems: 2 February 2025;
- for codes of practice for GPAI systems: 2 May 2025;
- for GPAI systems: 2 August 2025;
- for certain "high-risk" AI systems: 2 August 2027; and
- for all other obligations: 2 August 2026.

The AIA also provides for clear definitions for the different actors involved in the AI ecosystem: AI providers, deployers, importers and distributors.

Most obligations fall on the providers of high-risk AI systems, whether they are based within the European Union or in a third country. Indeed, like the GDPR, the AI Act has an extraterritorial effect, applying to providers outside the European Union, if the outcomes produced by the system are intended for use within the European Union. The focus is therefore on whether the impact of the AI system occurs within the European Union, regardless of the provider location.

The majority of the Act's provisions focus on high-risk AI systems, which are subject to regulation. While AI applications deemed to pose unacceptable risks are prohibited, AIs with limited risk are subject to lighter transparency obligations: developers and deployers must ensure end users are aware they are interacting with an AI system. AIs with minimal risk are

not subject to regulation. For GPAI, transparency requirements are enforced, with additional obligations required for general-purpose AI with systemic-risk.

Unacceptable risk AI systems

AI systems that pose an unacceptable risk are "prohibited" under the AIA, as they are considered a threat to the fundamental rights of individuals, will be banned. These include:

- subliminal manipulation: AI systems that employ subliminal, manipulative or deceptive techniques to alter behaviour;
- exploitation of vulnerabilities: AI systems that exploit the vulnerabilities of specific groups (such as the elderly or disabled people or children) to alter behaviour;
- biometric categorisation: AI systems that categorise individuals based on sensitive characteristics such as race, political opinions, trade union membership, religious or philosophical beliefs, sex life or sexual orientation;
- social scoring: AI systems that evaluate or classify individuals based on their behaviour, socio-economic status, or personal traits, leading to detrimental or unfavourable treatment;
- real-time remote biometric identification: AI systems used in publicly accessible spaces for the purpose of law enforcement, such as facial recognition systems, are prohibited, subject to narrow exceptions;
- emotion recognition: AI systems used for emotion recognition in workplaces and educational institutions, unless it is for medical or safety reasons; and
- untargeted scraping: the untargeted scraping of the internet or CCTV for facial images to build or expand databases is prohibited.

In February 2025, the Commission published the Guidelines on prohibited AI practices, as defined by the AIA, to ensure consistent, effective and uniform application of the Act.

High-risk AI systems

AI systems that have negative impacts on safety, fundamental rights, the environment, democracy and the rule of law will be classified as high risk. These will be the most regulated systems permitted in the EU market. High-risk AI systems are divided into two categories:

- AI systems that are incorporated into products subject to EU product safety legislation, which include items such as toys, aviation, automobiles, medical devices and lifts; and
- AI systems that fall into specific sectors that must be registered in an EU database, which include AI systems used in health, education, recruitment, critical infrastructure management, law enforcement or justice.

High-risk AI providers must establish a risk management system before they are placed on the market and also throughout the high-risk AI system's lifecycle, provide instructions for use and ensure human oversight. Citizens may submit complaints about AI systems and receive explanations about decisions based on high-risk AI systems that may affect their rights.

General purpose AI systems

A GPAI system is an AI model designed to serve a wide range of functions. It can be used directly or incorporated into other AI systems. GPAIs are will have to comply with transparency requirements (users may be inform that the content has been generated by AI) and EU copyright law. The AIA considers the potential systemic risks that could arise from GPAI models, including large generative models like the advanced GPT-4 AI model. GPAI models that may pose systemic risks are subject to extra requirements (ie, performing model evaluations, assessing and mitigating systemic risks, and incident reporting).

Limited-risk AI systems

AI systems that fall under the limited-risk category, such as chatbots, specific emotion recognition systems, biometric categorisation systems, and systems that produce deepfakes, will be subject to minimal transparency requirements. Any content that has been created or altered using AI must be clearly marked as AI-generated so that users can easily identify when they encounter such content.

All other AI systems not specifically addressed by the new regulations can be developed and used subject to the existing legislation without additional legal obligations. Providers may voluntarily opt to comply with the requirements for trustworthy AI and adhere to voluntary codes of conduct.

To facilitate a smooth transition before the AIA comes into full effect, the Commission has launched the AI Pact. This initiative encourages industry players to voluntarily commit to anticipating the AIA and begin implementing its requirements ahead of the legal deadline.

In July 2025, the Commission published three key tools to support the responsible development and deployment of GPAI models:

- guidelines clarifying which providers are subject to GPAI obligations under the AI Act;
- a voluntary code of practice to help providers comply with rules on transparency, copyright and safety; and
- a public training data summary template, requiring providers to give an overview of the data used to train their models.

On 19 November 2025, through its proposal for a Digital Omnibus on AI, the Commission's proposed to simplify the implementation of the AI Act. Its main impact on the AI Act concerns the timetable for high-risk AI obligations. Under the proposal, the application of those rules would be linked to the availability of harmonised standards or other support tools. Once the Commission confirms that those tools are available, the rules would apply six months later for Annex III systems and 12 months later for Annex I systems, with latest fallback dates of 2 December 2027 and 2 August 2028 respectively. Providers of GPAI already on the market before 2 August 2026 could also benefit an additional six-month transition period to comply with AI-generated content marking obligations. The proposal would give the AI Office a larger supervisory role, notably for AI systems integrated into very large online platforms and search engines, and for AI systems based on GPAI models where the model and the downstream system are supplied by the same entity. The Digital Omnibus also introduces several compliance simplifications. It would extend some lighter compliance modalities

currently reserved for small and medium-sized to small mid-cap companies. On AI literacy, the Digital Omnibus would soften the framework by shifting from a broad direct duty on providers and deployers to ensure AI literacy among staff toward a model in which the Commission and member states promote literacy initiatives.

The Council adopted its position on 13 March 2026, and the European Parliament adopted its position on 26 March 2026, so the text is still moving through the EU legislative process.

Law stated - 5 May 2026

Data localisation

Are there any laws or regulations that require data to be stored locally in the jurisdiction?

The GDPR contains provisions concerning international transfers of data, but it contains no data localisation obligations. Conversely, the principle of the free flow of data is enshrined in the GDPR. At the time of writing, no specific legislation or regulation is yet in place at the EU level concerning data localisation.

Some EU member states have adopted data localisation laws. For instance, Germany has passed the Data Retention Act, which requires public electronic communication and internet providers to retain various call detail records for law-enforcement purposes. The European Union is concerned that this type of rule might hinder the free flow of data. The then Digital Single Market vice president, Andrus Arsip, declared that:

> "Data should be able to flow freely between locations, across borders and within a single data space in the European Union, data flow and data access are often held up by localisation rules or technical and legal barriers."

The Building European Data Economy initiative, part of the Digital Single Market strategy, aims at fostering the best possible use of the potential of digital data to benefit the economy and society. Following the adoption of a Communication on Building a European Data Economy, a Staff Working Document in January 2017 and a public consultation, Regulation (EU) 2018/1807 on a framework for the free flow of non-personal data in the European Union was adopted. The Regulation entered into force in December 2018, with effect in June 2018. This Regulation prohibits EU member-state governments from putting in place data localisation restrictions, except if they are required for national security and similar objectives because these represent a form of protectionism for which there is no place in a true single market. The goal is to create legal certainty for businesses, with reassurance that they can process their data anywhere in the European Union. According to the Council of Europe, it will, in the long run, increase trust in cloud computing and counter vendor lock-in, resulting in a more competitive cloud-computing market and a boost of operational efficiency for EU businesses that operate across borders.

Law stated - 5 May 2026

Key trends and expected changes

Summarise the key emerging trends and hot topics in communications regulation in your jurisdiction.

The main emerging trends in EU communications regulation are simplification, convergence and resilience. The regulatory agenda is moving beyond traditional telecoms rules and increasingly overlaps with platform governance, consumer protection, cybersecurity.

A first major hot topic is the DNA. The Commission adopted the proposal on 21 January 2026 to modernise the connectivity framework built around the EECC. The DNA is intended to respond to market fragmentation, strengthen the competitiveness of the connectivity sector and the wider digital economy, and facilitate investment in advanced and resilient digital infrastructure across the European Union.

A second major trend is the Commission's effort to simplify and rationalise the EU digital acquis through the Digital Omnibus. Adopted by the Commission in November 2025, the proposal for a Digital Omnibus is designed to simplify the EU digital framework to reduce overlaps and compliance burdens across data, privacy, cybersecurity and AI legislation.

Another important development is the expected Digital Fairness Act, which the Commission's 2026 Work Programme schedules for Q4 2026. Although formally rooted in consumer protection law, the initiative is likely to have wider implications for communications and digital services regulation, as it is expected to address dark patterns, addictive design and unfair personalisation, particularly where online practices exploit behavioural vulnerabilities.

It should also be noted that, upon the expiry of BEREC's Strategy for 2021–2025, BEREC adopted a new Strategy for 2026–2030 in December 2025. This strategy defines the medium-term direction for BEREC's work and consolidates its previous strategic documents into a single framework. The strategy is built around five strategic orientations:

- promoting full connectivity and the Digital Single Market;
- supporting sustainable, open and competitive digital markets and ecosystems; empowering and protecting end users;
- fostering sustainable and resilient digital infrastructures and services; and
- strengthening BEREC's institutional and international role.

In anticipation of this new strategy, BEREC has published in early 2025 its Action Plan for 2030, setting out long-term priorities to ensure that Europe's regulatory environment remains fit for purpose throughout the digital decade.

The Action Plan outlines five strategic orientations:

- fostering national and international connectivity to reach the objectives of Europe's Digital Decade by 2030;
- facilitating an open and sustainable Internet ecosystem and monitoring the evolution of the digital landscape;
- providing for the security and resilience of the networks and services;
- contributing to the achievement of environmental sustainability goals; and
- strengthening BEREC's agility, independence, inclusiveness and efficiency as a centre of expertise.

Looking ahead, these priorities are already being carried forward into the Outline BEREC Work Programme 2027, adopted on 28 January 2026. The Programme maintains BEREC's four key objectives:

- promoting connectivity and access to VHCNs;
- promoting competition and efficient investment;
- contributing to the development of the internal market; and
- promoting the interests of the citizens of the Union.

Although this is only a preparatory document, on 19 March 2026 BEREC launched a consultation process to stakeholders to submit proposals on the regulatory priorities that should shape its agenda for 2027. The draft programme is expected in October 2026, with final adoption scheduled for December 2026.

Law stated - 5 May 2026

MEDIA

Regulatory and institutional structure

Summarise the regulatory framework for the media sector in your jurisdiction.

Articles 167 and 173 of the Treaty on the Functioning of the European Union (TFEU) can be considered the legal basis for audiovisual policy in the European Union, with the main objective being to create a single European market for audiovisual services. It encourages cooperation between the EU member states, in particular, in the audiovisual sector, and supports them where necessary. Within the European Union, the European Commission (the Commission) is responsible for any media policy.

Within the European Union, audiovisual media services (including broadcasting and on-demand services) are broadly regulated under Directive 2010/13/EU (Audiovisual Media Services Directive (AVMS Directive)). The AVMS Directive was adopted to codify and harmonise the existing legislation concerning audiovisual media services. Audiovisual media service is defined under article 1, paragraph 1a, of the AVMS Directive, as a service that is:

> "under the editorial responsibility of a media service provider and the principal purpose of providing programmes, to inform, entertain or educate, to the general public by electronic communications network".

On 6 November 2018, the Commission adopted a revised version of the AVMS Directive, Directive 2018/1808 (AVMS Directive 2.0). EU member states had to transpose the new rules into their national legislation by 19 September 2020. AVMS Directive 2.0 ensures that EU regulation is adapted to the advanced convergence of audiovisual media services and current technological developments.

AVMS Directive 2.0 applies to broadcasts over terrestrial, cable, satellite and mobile networks as well as over the internet (platform and technology neutrality). It distinguishes between linear services (which push content to viewers, eg, by broadcasting via traditional television,

internet or mobile phones) and non-linear services (which pull content from a network, eg, video-on-demand services), as well as video-sharing platforms (which, without bearing editorial responsibility, provide programmes or user-generated videos, or both). Under AVMS Directive 2.0, all three services are subject to tight regulations.

The AVMS Directive, in particular, aimed to harmonise national rules on:

- regulation of television broadcasts, including satellite broadcasts, under the country of origin, including the right for EU member states to restrict the retransmission of unsuitable broadcast content from another EU member state;
- promotion, production and distribution of television programmes within the European Union, including quotas for EU-produced content and content made by independent producers;
- access by the public to major (sports) events;
- television advertising, product placement and programme sponsorship;
- protection of minors from unsuitable content; and
- the right of reply (of any natural or legal person whose legitimate interest has been damaged by an assertion in a television programme).

AVMS Directive 2.0 added in particular the following new elements:

- providing broadcasting companies with more flexibility on the time frame of television advertising;
- the general permission of product placement;
- simplification of the country-of-origin principle;
- clarification of cooperation procedures between EU member states;
- extension of the provisions on EU-produced content to on-demand service providers;
- alignment of the rules on the protection of minors for television broadcasting and on-demand services; and
- extension of the scope of applicability of the AVMS Directive on video-sharing platforms.

In November 2025, the Commission launched a call for evidence as part of its evaluation of the AVMS Directive, which was open until 21 December 2025. The initiative seeks to assess whether the directive, last revised in 2018, remains fit for purpose in a rapidly evolving audiovisual media environment, the growing role of online platforms and influencers, and the protection of minors. The Commission plans to publish the results of this evaluation in 2026, which may inform potential future amendments to the AVMS Directive.

On 1 May 2024, the European Media Freedom Act (EMFA) (Regulation (EU) 2024/1083) entered into force. The majority of its provisions will become are applicable since 8 August 2025. The EMFA contains both procedural and substance rules as well as a revised regulatory framework for regulatory cooperation to address identified problems like uncoordinated national rules and procedures related to media pluralism, insufficient cooperation between national media regulators and interference in editorial decisions of media services. The aim of the EFMA is to contribute to the functioning of the internal media market – the essential characteristics of which are democracy and the rule of law. For these purposes,

the EMFA is built on the AVMS Directive and AVMS Directive 2.0; it refers to some regulations and definitions, but also amends some clauses. As the EMFA does not clearly define its relationship with the AVMS Directive and AVMS 2.0 Directive, it is necessary to check each provision carefully and whether it applies and, if so, as to which modifications.

An important institutional change resulting from the EMFA is the replacement of the European Regulators Group for Audiovisual Media Services by the European Board of Media Services. The European Board of Media Services consists of national media authorities and promotes the effective and consistent application of the EU media law framework, in particular by assisting the Commission in preparing guidelines on media regulatory matters. It commenced its work in February 2025.

The EMFA adds and amends, among others, the following provisions:

- protection of editorial independence;
- protection of journalistic sources including strong safeguards against the use of spyware against media, journalists and their families;
- ensuring the independent operation of public service media including adequate and stable funding;
- protection of media from unjustified deletion of content by very large online platforms;
- requirements for transparent state advertising on media service providers and online platforms; and
- the right to personalise media offerings on devices and via interfaces.

In February 2018, Regulation (EU) 2018/302 (Geo-Blocking Regulation) was adopted and entered into force on 22 March 2018. The regulation took effect on 3 December 2018 and aims to prevent geo-blocking – whereby businesses discriminate (private or commercial) end customers in obtaining goods or certain services being offered within the European Union. To this end, the following measures are prohibited:

- electronic measures blocking or restricting the access of end customers to online offers of goods or services (non-finance, gambling, healthcare and transportation) based on their nationality, residence or customer place of establishment; and
- indirect restrictions on cross-border online trade, including discriminatory use of general terms and conditions (including prices, conditions and acceptance of payment methods).

The Geo-Blocking Regulation currently does not cover audiovisual content (eg, e-books, online music, software and video games). On 20 November 2020, the Commission published a report on the first short-term review of the Geo-Blocking Regulation. Concerning extending the scope of the Geo-Blocking Regulation, the report identifies potential benefits, particularly for audiovisual content, the availability of which is often limited within the national territory. However, the report also identifies possible challenges for investment in content production and implications for the overall sector ecosystem and welfare impact requiring further assessments. Overall, the effects of extending the scope of the Regulation would largely depend on copyright-licensing practices and copyright-law considerations. Therefore, it remains to be seen whether the scope of the Geo-Blocking Regulation will be extended shortly. A formal review of the Geo-Blocking Regulation is planned for 2025.

Ownership restrictions

Do any foreign ownership restrictions apply to media services? Is the ownership or control of broadcasters otherwise restricted? Are there any regulations in relation to the cross-ownership of media companies, including radio, television and newspapers?

The ownership of broadcasters is, to a great extent, regulated by the EU member states under their national broadcasting laws. National law must, however, comply with EU law, including (among others) the provisions of the TFEU, AVMS Directive 2.0 and the EMFA.

EU law prohibits, in particular, any discrimination on grounds of nationality. Consequently, foreign ownership restrictions are generally prohibited. EU law also prohibits any actions that can prevent or impede the activities of persons or companies established in other EU member states. The TFEU outlines the following fundamental freedoms with which any national laws must comply:

- article 34: prohibition of national restrictions on the freedom of movement of goods within the European Union (eg, including material, sound recordings and other apparatus for broadcasting);
- article 49: the right of EU citizens and companies to establish businesses in other EU member states (eg, including broadcasting businesses);
- article 56: prohibition of national restrictions on the freedom to provide services by EU citizens (eg, including television and radio broadcasting); and
- article 63: free movement of capital in the European Union (eg, including, capital for purchasing shares in a company).

National laws restricting any of these fundamental freedoms may be compliant with EU laws under certain circumstances (eg, where necessary for public safety or public health reasons) or in the case of an overriding public interest (eg, maintenance of the social order, protection of consumers' rights, guarantee of the freedom of speech and plurality of media). However, such restrictions have to be interpreted narrowly and must be objectively justified.

According to recitals 8 and 94 of the AVMS Directive, EU member states shall prevent any actions that create dominant positions or a concentration of media ownership and shall contribute to the promotion of media pluralism.

The EMFA requires all EU member states to introduce national rules on transparency regarding information on media ownership, turning the previously optional possibility into a binding obligation (article 6, recitals 32 to 35). This includes information obligations for all media service providers not only on contact details but also on financial backgrounds as well as information about owners who are able to influence the operation and strategic decisions of the media service and about the public funds the provider has received for advertising. This information must be made easily and directly accessible to the recipients.

In similar vein, Regulation (EU) 2019/452 (EU FDI Screening Regulation) establishing a framework for the screening of foreign direct investments (FDI) encouraged member states in their review of FDI to consider the freedom and pluralism of the media as a factor in

determining whether an FDI is likely to affect security or public order. On 11 December 2025, the Council and the European Parliament reached a provisional agreement to revise the EU framework for the screening of FDI, which, inter alia, envisages a more harmonised and, in parts, mandatory screening regime at national level, while leaving certain key elements of the future scope and practical application to be further clarified in the legislative process.

Law stated - 5 May 2026

Licensing requirements

What are the licensing requirements for broadcasting, including the fees payable and the timescale for the necessary authorisations?

The licensing requirements, fees and timescales for authorisations are generally regulated by the EU member states. The AVMS Directive, however, specifies which EU member state is competent to regulate a broadcaster (under the country-of-origin principle) and sets out certain common minimum requirements and standards with which broadcasters have to comply and that are enforceable by national authorities. These minimum standards include, among others:

- transparency and information obligations;
- prohibition on discrimination based on race, religion or nationality;
- accessibility for users with a visual or hearing disability;
- prohibition of surreptitious or subliminal commercial communication;
- rules on commercial communications for alcoholic beverages;
- protection of cinematographic works;
- protection of minors; and
- promotion of EU and independent works.

AVMS Directive 2.0 further introduced, among other things:

- prohibition of incitement to violence or hatred directed against any groups or members of such groups because of an affiliation to one of the categories that are subject to equal treatment principles (eg, race, religion or nationality) (as per article 21 of the EU Charter of Fundamental Rights);
- prohibition of public provocation to commit a terrorist offence; and
- even stronger rules on commercial communications for alcoholic beverages.

EU member states are not entitled to apply less stringent rules to broadcasters but may impose stricter rules on audiovisual media service providers under their jurisdiction, provided that these do not violate fundamental rights.

In light of the war in Ukraine, legislation has been put into force to invalidate the broadcasting licences of Russian broadcasters and ban them from broadcasting. Pursuant to Regulation (EU) 833/2014, as amended, broadcasting licences or authorisation, transmission and distribution arrangements with certain media outlets, such as Russia Today and Sputnik, are suspended from 1 March 2022 onwards. Council Decision (CFSP) 2025/394 extends the

suspension of broadcasting licences in the European Union for Russian media which are under the permanent control of the Russian leadership.

Law stated - 5 May 2026

Foreign programmes and local content requirements

Are there any regulations concerning the broadcasting of foreign-produced programmes? Do the rules require a minimum amount of local content? What types of media fall outside this regime?

According to the AVMS Directive, EU member states shall ensure, where practicable, that broadcasters reserve a majority of their production, budget and transmission time (except for time allocated to news, sport, games, advertising, teletext services and teleshopping) for "European works" (as defined in article 1 of the AVMS Directive). EU member states shall report on the implementation of this obligation. Such report shall, in particular, include a statistical statement on the achievement of the proportion for each television programme.

EU member states shall also ensure, where practicable, that broadcasters reserve at least 10% of their transmission time for European works supplied by independent producers. Alternatively, EU member states may reserve at least 10% of their programming budget for independent European works. EU member states shall define such "independent works", taking into account the ownership of the production company, the number of programmes supplied to the same broadcaster and the ownership of secondary rights.

The AVMS Directive does not distinguish services through transmission (eg, online or mobile content). It rather distinguishes between linear and non-linear services. To the extent online or mobile content qualifies as audiovisual media services, they are, thus, regulated in the same way as "traditional" broadcast networks and fall under the scope of the AVMS Directive.

AVMS Directive 2.0 introduced a content quota according to which providers of non-linear services must secure at least a 30% share of European works in their catalogues and ensure prominence of those works. However, this quota shall not apply to media service providers with a low turnover or a low audience.

In light of the war in Ukraine, legislation has been put into force to invalidate the broadcasting licences of Russian broadcasters and ban them from broadcasting. Pursuant to Regulation (EU) 833/2014, as amended, it is prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content by certain media outlets, such as Russia Today and Sputnik, including through transmission or distribution by any means such as cable, satellite, internet protocol TV, internet service providers, internet video-sharing platforms or applications, whether new or pre-installed, from 1 March 2022 onwards. Under the EMFA, the newly established European Board for Media Services shall coordinate relevant measures where a media service from outside the Union or provided by media service providers established outside the Union prejudices or presents a serious and grave risk to public security (article 17).

Law stated - 5 May 2026

Advertising

How is broadcast media advertising regulated? Is online advertising subject to the same regulation?

The delivery of television advertising, sponsorship and teleshopping are broadly regulated by the AVMS Directive. A prerequisite for the applicability of the AVMS Directive is that the online service is qualified as an audiovisual media service or as a video-sharing platform.

The AVMS Directive aims at protecting consumers against excessive television advertising. It, therefore, outlines strict rules to ensure consumer protection, stipulating, in particular, that television advertising and teleshopping shall be recognised as such and shall be distinguishable from editorial content, either by optical, acoustic or spatial means. It allows for an interruption of the transmission of films (excluding series, serials and documentaries) once for each scheduled period of at least 30 minutes. Under the AVMS Directive, the proportion of television advertising and teleshopping spots within a given hour was not permitted to exceed a total of 20%. Under the AVMS Directive 2.0, broadcasting companies are provided with more flexibility on the time frame of television advertising, changing the limit for advertising from 20% per hour to 20% per day (between 6am and 6pm, and between 6pm and 12pm).

The AVMS Directive prohibits certain types of advertising, namely, advertising or teleshopping inserted during religious services and teleshopping for medicinal products subject to a marketing authorisation or medical treatment. It also restricts the advertising of alcoholic beverages to a large extent. However, AVMS Directive 2.0 widely waived the ban on product placement.

In addition to the restrictions under the AVMS Directive, Directive 2003/33/EC (Tobacco Advertising Directive) contains an EU-wide ban on cross-border tobacco advertising and sponsorship in the media other than television. The ban covers print media, radio, internet and events' sponsorship involving several EU member states (eg, the Olympic Games or Formula One racing).

Aiming to tackle one aspect of biased allocation of economic resources in the media sector, the EMFA contains rules on state advertising (article 25). The term "state advertising" is intended to be understood broadly and means any placement, highlighting, publication or dissemination of an advertisement, self-promotion, public communication, information media campaign in a media service or an online platform by or for a public authority or public body. The term "state advertising" must be distinguished from the term "political advertising", which is governed by Regulation (EU) 2024/900.

In March 2024, the European Union adopted Regulation (EU) 2024/900 on the transparency and targeting of political advertising. It fully entered into force 10 October 2025. The rules will require any political advertisement to be clearly labelled as such and include information such as who paid for it and how much. Political targeting and amplification techniques will need to be explained publicly in unprecedented detail and the use of sensitive personal data for such activities without the explicit consent of the individual will be banned. The proposed Regulation builds on and complements relevant EU law, including Regulation (EU) 2016/679 (General Data Protection Regulation) and the Digital Services Act.

In general, any form of advertising is also subject to the fundamental principles of human dignity, non-discrimination on the grounds of race, nationality, religious or political belief as well as the protection of minors, health, safety and the environment. Furthermore,

Directive 2006/114 concerning misleading and comparative advertising stipulates general requirements for advertising, irrespective of the means of transmission. Additionally, article 13 of the ePrivacy Directive establishes certain requirements for unsolicited communications such as electronic mail for direct marketing. These rules must be implemented into national law by the EU member states.

In 1992, advertising industry representatives in Europe launched the European Advertising Standards Alliance (EASA), an independent coordinating body promoting responsible advertising. EASA provides detailed guidance on how to advertise self-regulation for the benefit of consumers and businesses. It has become the single authoritative voice on advertising self-regulation and promotes high ethical standards in commercial communications. In 2016, the Commission explicitly recognised the role and effectiveness of advertising self-regulation.

Depending on the sector, additional national legislation on advertising remains possible. For example, with regard to gambling advertising, there are separate member-state regulations. Most states of the European Union have imposed certain restrictions, including the requirement to obtain a licence to be allowed to advertise. In many cases, the national regulations are aligned with the 2020 "Code of Conduct on Responsible Advertising for Online Gambling" by the European Gaming and Betting Association. For example, in 2021, Germany's new State Treaty on Gambling (GlüStV 2021) came into force. According to the GlüStV 2021, holders of a licence for games of chance pursuant to paragraph 4 of the GlüStV 2021 are allowed to advertise their services, subject to provisions for the type and scope of advertising set out in paragraph 5 of the GlüStV 2021 (which are in addition to the requirements set out in other applicable legislation, eg, media law).

Law stated - 5 May 2026

Must-carry obligations

Are there regulations specifying a basic package of programmes that must be carried by operators' broadcasting distribution networks? Is there a mechanism for financing the costs of such obligations?

According to article 31, paragraph 1 of Directive 2002/22/EC (Universal Service Directive), EU member states may impose must-carry obligations for the transmission of specific broadcast channels or services on companies providing electronic communications networks for the distribution of radio or television broadcast (eg, cable companies or telecoms operators). The prerequisite is that a significant number of end users use such networks as the principal means for radio and television broadcasts.

Must-carry obligations shall only be imposed to the extent necessary to meet clearly defined objectives of general interest (eg, media plurality). According to the Court of Justice of the European Union, economic considerations would not be considered general-interest obligations.

The rules for must-carry obligations must be transparent, proportional and subject to periodical review at least every three years. They must be clearly identified and based on objective non-discriminatory criteria known in advance. Broadcasters and network operators have to be able to know their specific rights and obligations.

Must-carry obligations may also entail a provision for proportional remuneration. However, it must be ensured that there is no discrimination in the treatment of different companies providing electronic communications networks in similar circumstances.

Article 31, paragraph 1 of the Universal Service Directive does not cover the content of the services delivered (eg, which broadcasters benefit from must-carry obligations). Such content issues are, however, subject to the principles of non-discrimination and proportionality.

AVMS Directive 2.0 introduced a content quota of 30% share of European works. Where EU member states require media service providers under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contribution to national funds, they may also require media service providers targeting audiences in their territories, but established in other EU member states to make such financial contributions, which shall be proportionate and non-discriminatory.

Such financial contribution shall be based only on the revenues earned in the targeted EU member states. If the member state where the provider is established imposes such a financial contribution, it shall take into account any financial contributions imposed by targeted EU member states. However, the obligation to contribute financially to the production of European works shall not apply to media service providers with a low turnover or a low audience.

Law stated - 5 May 2026

Regulation of new media content

Is new media content and its delivery regulated differently from traditional broadcast media? How?

The delivery of new media content is regulated by the AVMS Directive, if and as far as it qualifies as an audiovisual media service.

Regulation (EU) 2017/1128 (the Portability Regulation) obliges providers of online content, including audiovisual media services, to enable paying subscribers to access and use such service under terms equal to the offering at each subscriber's residence, within all EU member states.

If a service does not qualify as an audiovisual media service, it is covered by Directive 2000/31/EC (e-Commerce Directive). A prerequisite for the applicability of the e-Commerce Directive is that the service qualifies as an information society service. According to article 1, paragraph 1 of Directive 98/34/EC (Information Society Services Directive), such information society service is any service normally provided for remuneration, at a distance, by electronic means and at the individual request of the recipient of the service (eg, web-based content, video portals, e-commerce and web-hosting).

Similar to the AVMS Directive, the e-Commerce Directive is also based upon the country-of-origin principle. A provider of information society services is therefore generally subject to regulation in the EU member state in which it has its establishment. In general, providers of information society services do not require prior authorisation under the AVMS Directive or the e-Commerce Directive.

On 16 November 2022, Regulation (EU) 2022/2065 (Digital Services Act (DSA)), entered into force, amending the e-Commerce Directive. The expressed purpose of the DSA is to update the EU's legal framework, in particular by modernising the e-Commerce Directive adopted in 2000. The DSA is directly applicable across the European Union and became effective on 17 February 2024.

The DSA contains EU-wide due diligence obligations that will apply to all digital services that connect consumers to goods, services or content, including new procedures for faster removal of illegal content as well as comprehensive protection for users' fundamental rights online.

In the scope of the DSA are various online intermediary services. Their obligations under the DSA depend on their role, size, and impact on the online ecosystem. These online intermediary services include (among others):

- intermediary services offering network infrastructure;
- hosting services such as cloud computing and web-hosting services; and
- online platforms bringing together sellers and consumers such as online marketplaces and social media platforms.

Building on the DSA, the EMFA includes safeguards against the unjustified removal of media content on very large online platforms produced according to professional standards. In cases not involving systemic risks such as disinformation, very large online platforms that intend to take down certain legal media content considered to be contrary to the platform's policies have to inform the media service providers about the reasons, before such take down takes effect. Any complaints lodged by media service providers will have to be processed with priority by those platforms.

On 6 May 2015, the Commission adopted the Digital Single Market Strategy, which announced a legislative initiative on harmonised rules for the supply of digital content and services and online and other distance sales of goods. These initiatives were followed by two new directives.

Directive (EU) 2019/770 on certain aspects concerning contracts for the supply of digital content and digital services was enacted on 10 June 2019. This Directive creates a holistic framework for business-to-consumer transactions regarding digital content and digital services. "Digital content" means data created and made available in digital form (eg, audio and video content, video games and other software). Digital services are such that enable processing of or access to digital data; or interaction with data uploaded by any user of the service (eg, over-the-top communications services). EU member states are free to adopt this framework for business-to-business transactions as well. The Directive stipulates criteria for defects in digital content and services, and minimum standards for sellers' warranty obligations (eg, provision of updates). Guidance on the relation between (IT and cybersecurity) vulnerabilities and defectiveness in such products, however, is not included. Warranty obligations for digital content and services might also be imposed on sellers of hardware with pre-installed software (apart from those according to Directive (EU) 2019/771) (Sale of Goods Directive).

The Sale of Goods Directive entered into force on 11 June 2019. It shall be transposed into EU member states' national law by 1 July 2021 and enforced no later than 1 January 2022. The initial proposal envisages the regulation of online and other distance sales of goods.

However, the enacted version aims to ensure the proper functioning of the internal market, while providing consumers with a high level of protection. It does so by laying down certain common rules on sales contracts between sellers and consumers. These cover:

- conformity of goods with the contract;
- remedies if there is no conformity;
- ways to exercise these remedies; and
- commercial guarantees.

Law stated - 5 May 2026

Digital switchover

When is the switchover from analogue to digital broadcasting required or when did it occur? How will radio frequencies freed up by the switchover be reallocated?

According to the Commission, the European Union is leading the world in switching from analogue to digital television. The Commission recommended that switch-off in all EU member states should be completed by 2012. By the end of 2015, all EU member states had finally completed the switchover.

The re-farming of freed-up spectrum is mainly regulated by the RSPP, which was established in 2012. The RSPP covers all types of radio spectrum use and sets general regulatory principles and policy objectives to enhance the efficiency and flexibility of spectrum use in the European Union. A key aspect of the programme is the establishment of an inventory of spectrum bands identifying the current use of spectrum together with an analysis of technology trends, future needs and spectrum-sharing opportunities. Through the use of spectrum bands, the Commission aims to identify inefficient spectrum allocations and to free up capacity for new (more economic and efficient) uses of such spectrum.

Law stated - 5 May 2026

Digital formats

Does regulation restrict how broadcasters can use their spectrum?

No. This is regulated by the EU member states themselves.

Law stated - 5 May 2026

Media plurality

Is there any process for assessing or regulating media plurality (or a similar concept) in your jurisdiction? May the authorities require companies to take any steps as a result of such an assessment?

Media pluralism is protected at the EU level as a part of the fundamental right to information and freedom of expression, which is stipulated in article 11 of the EU Charter of Fundamental Rights and article 10 of the European Convention of Human Rights. Also, article 30 of the AVMS Directive assumed the independence of audiovisual media regulators. However, under the AVMS Directive, there were no clear and enforceable safeguards available to ensure the independence of regulators.

In October 2011, the Commission appointed a high-level expert group on media pluralism and freedom to provide recommendations on media plurality. The Commission also established the Centre for Media Pluralism and Media Freedom (CMPF). The CMPF's objective is to accompany the process of EU integration regarding media pluralism and to develop policy reports on EU competencies in this area.

In 2013, the CMPF conducted a pilot test implementation of the Media Pluralism Monitor Tool (MPM Tool). The MPM Tool was to identify potential risks to media pluralism in the European Union and provide support to policy and rulemaking processes. On 30 June 2014, the Commission adopted the Work Programme for 'Measures concerning the digital content and audiovisual and other media industries' and related pilot projects in the field of media pluralism and freedom to finance the implementation of the MPM Tool.

In 2016, an examination of the 28 EU member states, as well as two candidate countries, was carried out via the MPM Tool. The result showed that none of these countries was free from risks relating to media pluralism and media freedom. It also showed the erosion of freedom of expression and protection for journalists in one-third of the countries. The key findings of the examination were the following:

- high concentration of media ownership with a significant barrier to a diversity of information and viewpoints represented in media content as a result;
- lack of transparency of media ownership, which makes it difficult for the public to understand the biases in media content;
- media authorities in many countries were under strong political pressure, particularly concerning appointment procedures and the composition of authorities;
- underdeveloped media literacy policy;
- lack of adequate access to media; and
- underrepresentation of women in media.

In November 2016, the Commission organised a colloquium on fundamental rights focusing on media pluralism and democracy, including topics such as:

- how to protect and promote media freedom and independence from state intervention or undue political or commercial pressures;
- how to empower journalists and protect them from threats of physical violence or hate speech; and
- the role of media and ethical journalism in promoting fundamental rights.

On 16 September 2021, the Commission published the Commission Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union. EU member states are expected to ensure full implementation of the European and national legal frameworks on confidentiality of

communications and online privacy with a view to ensuring that journalists and other media professionals are not subject to illegal online tracking or surveillance.

Having passed relatively swiftly through the legislative process compared to other EU legal acts in just under 15 months after its proposal, the EMFA entered into force on 1 May 2024. Its rules are set explicitly to protect media pluralism and independence in the European Union. The Regulation includes, among others, safeguards against political interference in editorial decisions and against surveillance. It puts focus on the independence and stable funding of public service media as well on the transparency of media ownership and of the allocation of state advertising. The newly set up European Board of Media Services plays an important role in protecting media pluralism, as it is able to issue opinions on national measures and decisions affecting the media market and media market concentrations as well as coordinate national regulatory measures regarding non-EU media that present a risk to public security. The Board will also organise a structured dialogue between very large online platforms and the media sector.

Law stated - 5 May 2026

Key trends and expected changes

Provide a summary of key emerging trends and hot topics in media regulation in your country.

Even though the initial proposal for the EMFA was met with doubts concerning the competence of the European Union to regulate media services in such broad manner under the single market harmonisation clause, the final text of EMFA can certainly be regarded as the beginning of a new era of media regulation by the European Union. In times of disinformation and political interference in media the EMFA is also a political message of the European Union towards safeguarding media freedom and media pluralism in the EU internal market. The European Union remains active in its regulatory activities concerning the media sector.

Even in highly liberal media systems, civil law claims relating to allegedly unlawful reporting may be brought without genuine prospects of success in order to exert pressure, intimidate journalists, and deter legitimate public participation. Against this background, on 11 April 2024, the European Union adopted Directive (EU) 2024/1069 (Anti-SLAPP Directive). The Directive introduces procedural safeguards in civil matters with a cross-border dimension, including mechanisms for the early dismissal of manifestly unfounded claims and remedies against abusive litigation. Member states are required to transpose the Directive by 7 May 2026.

Law stated - 5 May 2026

REGULATORY AGENCIES AND COMPETITION LAW

Regulatory agencies

Which body or bodies regulate the communications and media sectors? Is the communications regulator separate from the broadcasting or antitrust regulator? Are there mechanisms to avoid conflicting

jurisdiction? Is there a specific mechanism to ensure the consistent application of competition and sectoral regulation?

At EU level, the European Commission (the Commission) is the central institution responsible for communications and media policy, as well as for the enforcement of EU competition law. There is no single standalone "communications regulator" at EU level separate from the antitrust authority; rather, sectoral regulation and competition law enforcement are exercised within the Commission, supported by specialised Directorate-Generals and a growing number of EU-level regulatory coordination bodies and boards.

Within the Commission, the following bodies are relevant for the communications and media sectors:

- the Directorate-General for Communications Networks, Content and Technology (DG Connect): responsible for carrying out and developing the Commission's Digital Single Market Strategy (including policies on the digital economy and media) and for supervising and monitoring the implementation of the EU telecoms and broadcasting regulations in the EU member states;
- the Directorate-General for Competition (DG Comp): responsible for the application and enforcement of EU competition law in the area of telecoms and broadcasting at the EU level;
- the Directorate-General for Internal Market, Industry, Entrepreneurship and Small and Medium-sized Enterprises: responsible for ensuring an open internal market for goods and services in the European Union, in particular relating to electronic and online commerce;
- the Directorate-General for Justice and Consumers: responsible for EU policy on justice, fundamental rights and consumers, including the protection of EU citizens' personal data anywhere in the European Union and other data protection policies at the EU level; and
- the Directorate-General for Communication: responsible for informing the public about EU policies as well as political developments and trends in public opinion and the media.

The Commission's Directorate-Generals cooperate with each other. DG Comp will, in particular, consult the other Directorate Generals if the telecommunications, media or data protection sector is involved, before adopting a decision in a competition law case. DG Comp and DG Connect cooperate, in particular, in developing specific policies that may have an impact on competition law in the telecommunications or media sectors.

There are several other competent EU bodies and committees within the field of communications and media at the EU level, including, in particular, the following:

- Regulation (EU) 2018/1971 establishing the Body of European Regulators for Electronic Communications (BEREC): comprising the heads of the national regulatory authorities within the European Union and is responsible for the promotion of greater coordination and coherence between the national authorities regarding the establishment and regulation of the electronic communications market within the European Union;
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the Communications Committee: comprising representatives of the EU member states and responsible for the provision of opinions on draft measures of the Commission, in particular regarding the regulation of roaming and notification obligations for personal data breaches;

- the Radio Spectrum Committee: comprising EU member-state representatives and responsible for the harmonisation of the use of radio spectrum at the EU level, in particular, advice on the specific technical measures required to implement the EU Radio Spectrum Policy;
- the European Union Agency for Cybersecurity: assists the Commission and the EU member states in meeting the requirements of network and information security;
- the Radio Spectrum Policy Group: comprising governmental officials and experts in the field of radio spectrum regulation and assisting the Commission in the development of radio spectrum policy at the EU level;
- the European Board for Media Services established by the European Media Freedom Act, replaced the European Regulators Group for Audiovisual Media Services;
- European Board for Digital Services (under Regulation (EU) 2022/2065 (Digital Services Act (DSA)): composed of the member states' Digital Services Coordinators and chaired by the Commission, this Board supports the consistent application and enforcement of horizontal platform regulation across the European Union, including in relation to very large online platforms and search engines; and
- European Artificial Intelligence Board, supported by the AI Office within the Commission (under Regulation (EU) 2024/1689 (AI Act)): coordinates national authorities and ensures coherent implementation and application of AI rules across the European Union.

At EU level, regulatory responsibilities are institutionally integrated within the Commission. While different DGs and specialised EU bodies address telecommunications, media, platform regulation and competition law respectively, there is no strict institutional separation comparable to some national systems. Instead, sector-specific expertise is organised through cooperation between DGs and through EU-level coordination bodies (eg, BEREC, Media Board, DSA Board). Consistency between competition law and sectoral regulation is achieved through a combination of structural and procedural mechanisms: ex ante sector regulation aligned with competition law principles (eg, market definition and significant market power analysis under Directive (EU) 2018/1972 (the EECC Directive)); formal EU notification and veto mechanisms in telecoms regulation (EECC articles 32 and 33), which directly link national regulatory measures to EU competition principles; Commission-led enforcement across regimes, including competition law, the DSA, Regulation (EU) 2022/1925 (Digital Markets Act (DMA)) and (increasingly) the AI Act, enabling consistent interpretation and enforcement; EU-level boards (BEREC, Media Board, DSA Board, AI Board), which promote convergence of national regulatory practices and coordinated supervision. Overall, the EU framework relies on institutional integration at Commission level combined with structured cooperation mechanisms and EU-wide coordination bodies to ensure consistency across communications regulation, media regulation, platform regulation and competition law.

Law stated - 5 May 2026

Appeal procedure

How can decisions of the regulators be challenged and on what bases?

Any EU member state, the European Parliament or the Council can appeal decisions of the Commission to the General Court of the European Union on points of law or fact, article 263, paragraphs 1 and 2 of the Treaty on the Functioning of the European Union (TFEU). A further appeal on points of law can be made to the Court of Justice of the European Union. Natural or legal persons are only entitled to challenge a decision of the Commission if such decision is either addressed to that person or of direct and individual concern to that person, article 263, paragraph 4 of the TFEU. Natural or legal persons are also entitled to challenge an EU regulatory act, if such act is of direct concern to them and does not require its transposition into national law by the EU member states.

Concerning decisions of the national regulatory authorities, EU law obliges the EU member states to provide effective appeal mechanisms to challenge such decisions under their jurisdictions. According to AVMS Directive 2.0, however, any such appeal shall normally not suspend the enforceability of the contested regulatory decision; such effect shall only be granted if the plaintiff also seeks interim measures according to applicable national laws.

Law stated - 5 May 2026

Competition law developments

Describe the main competition law trends and key merger and antitrust decisions in the communications and media sectors in your jurisdiction over the past year.

Legislative changes and trends

Over the course of the last few years, the European Union has been rather active in the regulatory sphere affecting competition law. The most important and impactful new pieces of related legislation on the intersection between competition law and the telecommunications and media sectors are:

- the DMA;
- Regulation (EU) 2023/2854 (the Data Act);
- Regulation (EU) 2024/1309 (the Gigabit Infrastructure Act (GIA));
- the proposal for a Regulation on the screening of foreign investments and repealing Regulation (EU) 2019/452 (EU FDI Screening Regulation); and
- the proposal for the Digital Networks Act.

In the past year, EU competition policy has shifted from adopting new rules to enforcing and refining them. The DMA, now fully in force, has moved into its enforcement phase, with the Commission imposing the first non-compliance fines on gatekeepers under the DMA and launching a review of the DMA's effectiveness (a public consultation ran through September 2025, with results expected in mid-2026). Meanwhile, EU merger control policy is under review: in May 2025 the Commission initiated a comprehensive overhaul of its Horizontal

and Non-Horizontal Merger Guidelines for the first time in two decades, aiming to modernise merger assessments in light of digitisation, innovation and the need for scale in strategic sectors. The move comes amid calls from leading European telecom operators to relax strict merger rules and allow greater consolidation to support 5G and fibre investments.

The Data Act is fully applicable as of 12 September 2025. It aims to remove barriers to data access, promote investment, and ensure a fair distribution of data through clear rules across all sectors. The Data Act defines rights to access and use data – particularly machine-generated data – and obliges manufacturers and service providers to enable access and reuse. For connected devices, it introduces data access rights similar to competition law claims but without requiring market dominance, giving users (and designated third parties) greater control over IoT-generated data. Regulation (EU) 2016/679 (General Data Protection Regulation) continues to apply in parallel.

The GIA will apply from November 2025. It aims to accelerate and simplify the roll-out of gigabit networks by promoting shared use of infrastructure (eg, ducts and poles), coordinating network deployment with public works, streamlining administrative procedures, and requiring high-speed-ready building infrastructure. The GIA also introduces fair, reasonable and non-discriminatory-based access rights, modelled in part on competition law.

The Commission published a proposal to repeal its EU FDI Screening Regulation. The Commission's proposal aims at ensuring that all member states have a screening mechanism in place, with better harmonised national rules, identifying minimum sectoral scope where all member states must screen foreign investments as well as extending the EU screening to investments by EU investors that are ultimately controlled by individuals or businesses from a non-EU country. With regard to the sectors that should come under scrutiny, the Commission's proposal includes critical infrastructure, critical technologies and also the freedom and pluralism of the media, among others. A political agreement on the proposal was reached by the European Parliament and the Council in December 2025. The new rules are expected to enter into force sometime in 2027.

The Commission is undertaking a comprehensive review of its Horizontal and Non-Horizontal Merger Guidelines. The draft revised guidelines were published in April 2026 and final adoption is expected by late 2026. This initiative aims at an update of the Commission's merger assessment framework (non-legislative guidance) for the first time in about 20 years. While not a regulation, the guidelines have material effects by shaping how the Commission evaluates mergers, including in telecoms and media. The expected changes aim to balance traditional antitrust concerns about market power with dynamic factors: giving greater weight to efficiency, innovation, resilience and investment incentives in strategic sectors (like telecommunications networks). EU officials have signalled openness to consider broader benefits of consolidation.

The Commission proposed the Digital Networks Act in January 2026. This aims at a comprehensive reform of EU telecoms law, replacing the EECC and consolidating rules on connectivity, spectrum, net neutrality and governance to modernise high-capacity networks. It will have an impact on competition policy as well as it represents an ex ante framework to simplify regulation by enabling EU-wide operation under a single authorisation, longer and renewable spectrum licences, use-it-or-share-it spectrum rules, reduced reporting burdens, and modernised access via symmetric sharing and standardised wholesale products. The proposed Digital Networks Act will impact competition as it aims at lowering cross-border

barriers, supporting scale and investment, preserving net neutrality, clarifying rules for innovative services, and promoting competition in telecoms and media distribution, including a voluntary IP interconnection cooperation mechanism without new fees.

Antitrust and merger decisions

In April 2025, the Commission took the first landmark enforcement steps under the new DMA. The decisional practices also mirror the uptake of regulatory topics. Meta and Apple have been fined €200 million and €500 million, respectively, by the Commission for non-compliance with the DMA. Meta has been found to breach the obligation to give consumers the choice of a service that uses less of their personal data rules (the consent and pay model), while Apple has been found to breach the anti-steering obligation under the DMA by preventing iOS app developers from steering users to alternative purchasing options outside Apple's App Store, a restriction the Commission deemed neither necessary nor proportionate.

The Commission also continued to pursue traditional antitrust enforcement against Big Tech. On 5 September 2025, the Commission fined Google €2.95 billion – one of its largest fines to date – for abusing its dominant position in the online advertising technology (adtech) sector. The Commission found that Google had engaged in systematic self-preferencing by using its market power in publisher ad servers and ad-buying tools to favour its own ad exchange over rival adtech platforms. It is important to note that the Commission highlighted that only structural remedies may fully resolve Google's adtech conflicts, indicating that a divestiture of parts of Google's adtech services could be required if Google's proposed compliance measures prove insufficient. This case underscores the Commission's continued willingness to impose far-reaching measures against dominant digital platforms in the media and communications value chain.

In September 2025, the Commission also accepted commitments from Microsoft to remedy concerns about tying its Teams collaboration app with the dominant Office 365/Microsoft 365 suites. The investigation found Microsoft's bundling of Teams from 2019 onwards hindered competition in the market for communication and collaboration software.

The Commission is currently investigating Meta in relation the updated WhatsApp terms to ban third-party AI assistants from the app (effective from January 2026). Facing Commission scrutiny, Meta modified the policy in March 2026 to allow such assistants only for an access fee. In April 2026, the Commission sent Meta a Supplementary Statement of Objections signalling its intention to impose interim measures to reverse Meta's restrictions on third-party AI assistants in WhatsApp.

In the merger space, the Commission has shown openness to certain telecom and media mergers that help European firms scale up against global competition. It unconditionally cleared two major in-market deals – a broadcasting merger (***RTL/Sky DACH***) and a sports media merger (***Liberty Media/Dorna***) – after finding limited competitive overlaps and citing strong pressure from global streaming platforms and alternative content providers.

The Commission continues with its detailed scrutiny of deals involving sensitive data assets and focuses on targeted remedies to preserve competition. In a Phase II decision, Universal Music's acquisition of Downtown was approved only with a structural remedy (divestiture of Downtown's Curve royalty platform) to prevent Universal Music from gaining rivals' data.

The Commission has also acted to enforce merger rules. The Commission issued formal charges in two high-profile cases – ***Vivendi/Lagardère*** (alleged gun-jumping) and ***KKR/Telecom Italia NetCo*** (alleged misleading information provided in merger proceedings). The Commission signals zero tolerance for violations of the standstill obligation or incomplete disclosures.

Law stated - 5 May 2026