

# **BEREC's Position on the Sustainability Provisions of the DNA**

2 June 2026

**Key messages**

- BEREC strongly supports the introduction of environmental sustainability as a regulatory objective.
- The context in which “sustainability” is referred to in the DNA needs to be clearly defined to avoid ambiguity and divergent interpretations, especially given that the introduced responsibilities relating to environmental sustainability are dispersed across the DNA.
- The reference to "low-carbon" digital networks in Article 3(1)(g) should be removed, given the practical challenges associated with applying this concept at network level; instead, the notion of "low-carbon" should relate to specific solutions.
- The DNA should clearly define the purpose and intended use of environmental data collection to ensure legal certainty regarding the mandate conferred on NRAs and to prevent fragmentation across national methodologies.
- References suggesting that OCAs could request or trigger BEREC Guidelines under Article 182 (4) should be removed.

**Commission proposal:**

In the Digital Networks Act (DNA) (hereinafter: “the proposal”), the European Commission introduces several environmental provisions relating to electronic communications networks and services (ECN/ECS).

Article 3(1)(g) of the proposal **sets out the overarching objective of promoting sustainability by facilitating investments in energy-efficient and low-carbon digital networks and solutions and incentivising end-to-end traffic efficiency.**

Article 115(1)(c) of the proposal assigns NRAs a mandate to collect data, including on sustainability and resilience. It further provides in Article 182(4) that, where information on sustainability referred to in Article 3(1)(g) is collected, national regulatory and other competent authorities shall first assess the information provided by undertakings under other relevant Union legislation. Where this information is assessed as insufficient for the completion of the tasks set out by this Regulation, BEREC may update the guidelines referred to in Article 182(1). by providing for the collection of additional data needed.

Moreover, to closely align with the EU climate objectives, Recital 23 of the proposal emphasises the need to promote sustainable networks and services, foster connectivity in line with the EU Code of Conduct for Sustainability of Telecommunications Networks and foster cooperation among the actors involved in relation to end-to-end service delivery.

Article 68 refers briefly to the notion of “sustainable delivery of electronic communications services”, but does not explicitly state this is in the context of environmental sustainability.

Recital 404 states that the BEREC guidelines on ecosystem cooperation (set out in Article 191) should cover traffic forecasting and other aspects of energy-efficient, economically sustainable and reliable end-to-end traffic delivery, including a more harmonised use of data compression techniques, in order to reduce energy consumption and improve network usage efficiency.

The proposal also includes other provisions relevant to environmental sustainability, such as Article 22(1) on common authorisation conditions to reduce the cost of deployment or environmental impact.

Furthermore, Article 64(1) of the proposal allows for imposing co-location and network sharing as a tool to foster the environmental sustainability of ECNs, as similarly provided in Article 44(1) of the EU Electronic Communications Code<sup>1</sup>. Facility sharing for environmental purposes is also mentioned in relation to the deployment of new networks in Recital 162.

### **BEREC's assessment:**

#### **- Environmental sustainability objective**

BEREC has consistently underlined the positive contribution of ECN/ECS to the green transition, particularly by improving efficiency and supporting decarbonisation in other sectors, while also recognising the need to address their own environmental footprint and the risks of rebound effects. **BEREC therefore strongly supports the introduction of sustainability as a regulatory objective in Article 3(1)(g), and would welcome clarification or explicit reference to “environmental” sustainability.**

Moreover, the **notion of energy-efficient and low-carbon digital networks** would need to be refined. Fibre networks and modern mobile networks (5G and 6G) are currently the most energy-efficient technologies in terms of data transmitted per Gbit. Carbon intensity depends not only on energy efficiency, but also on the national energy mix, and it may require the life cycle assessment of the technologies used for data transmission. This would involve complex and bureaucratic calculations that would be overly burdensome for network operators, without necessarily resulting in different network investment decisions compared to those relating to “energy-efficient” networks.

Therefore, BEREC considers that the term “low-carbon” should relate to specific solutions, rather than to networks as such. It is proposed that Article 3(1)(g) is amended as follows: *“promoting environmental sustainability by facilitating investments in energy-efficient digital networks and low-carbon solutions.”*

#### **- Use of the “Sustainability” term throughout the DNA**

A clearer distinction between environmental sustainability and other uses of the term “sustainability”, such as those related to market viability, service continuity or economic sustainability or to the “sustainability conditions” linked to copper switch-off, would improve clarity and consistency across the proposal. Throughout the DNA, the term sustainability is mentioned in different contexts<sup>2</sup> - economic, environmental, or a combination of both, which can create ambiguity and divergent interpretations.

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<sup>1</sup> Directive (EU) 2018/1972 establishing the European Electronic Communications Code (EECC)

<sup>2</sup> Article 3(1)(g) refers to the objective of promoting “sustainability” by facilitating investments in “energy efficient” and “low-carbon” networks, implying environmental context.

Article 115(1)(c) assigns NRAs a role in data gathering on resilience and “sustainability” without specifying the context.

Article 182(4) mentions data gathering on “sustainability” in the context of the objective set out in Article 3(1)(g). Articles 56 – 58 refer to „sustainability” conditions, which do not explicitly relate to environmental aspects, although such a link could be inferred, for example, in the context of investments in environmentally sustainable networks.

Article 68(1) refers to “sustainable” delivery of ECS. Similarly, this could be interpreted as including an environmental dimension, although not explicitly stated.

Recital 404 mentions “energy efficient”, followed by “economically sustainable” and “reliable” traffic delivery, again, without specific reference to the environmental context.

Given that the introduced responsibilities relating to environmental sustainability are also dispersed across the DNA, rather than clearly set out in a dedicated section or article, the broad and inconsistent use of the term may further contribute to this issue. Ensuring precise terminology across the operative parts of the DNA is critical to prevent divergent national interpretations and safeguard regulatory consistency across the EU.

- **Environmental data collection**

**BEREC welcomes the role assigned to NRAs with regard to environmental data collection, as it has consistently stressed the need for a clearer and more harmonised mandate at the EU level in this area.** BEREC and its member NRAs have already analysed sustainability indicators in their reports and established a list of indicators for data collection on the environmental footprint of ECN/ECS<sup>3</sup>.

However, the proposal does not clearly define the purpose and scope of the environmental sustainability data to be collected by NRAs. While Article 115(1)(c) refers to data gathering on sustainability and resilience, and Article 181(2) requires information requests to be proportionate to the tasks set out in the Regulation, the relevant NRA tasks are not clearly specified.

Recital 376 also introduces the “once-only” principle to avoid unnecessary reporting burdens; however, it remains unclear how information already collected under other EU legislation should be taken into account before additional data is requested under the DNA. Greater clarity on these elements would help ensure a workable and legally certain framework for environmental data collection.

With regard to Article 182(4), its practical implementation will require close cooperation and data-sharing between NRAs and other competent authorities, which may prove challenging. In particular, the relevant data may be collected and stored across different authorities, with different formats, timelines and confidentiality constraints, that may compromise the completeness and comparability of the gathered information.

Furthermore, it is provided that, where the data is assessed as insufficient, BEREC may update the guidelines accordingly. The insufficiency assessment is to be carried out by both NRAs **and** OCAs, which raises the question of whether OCAs would, in practice, trigger additional tasks for BEREC.

In addition, the assessment of the information referred to in Article 182(4) and specified in Article 3(1)(g) is particularly important and would benefit from further specification. Clarity is needed on whether this assessment of information should be based on harmonised standards and indicators, such as those found in the EU Code of Conduct for the Sustainability of Telecommunications Networks<sup>4</sup>, which is a voluntary framework mentioned in DNA’s Recitals 23 and 376. The sustainability-related reporting obligations under the Corporate Sustainability Reporting Directive (CSRD) and the EU Taxonomy Regulation (both currently undergoing revision), which are referred to in Recital 376, alongside the Code of Conduct, are particularly

<sup>3</sup> BoR (23) 166 BEREC Report on Sustainability Indicators for Electronic Communications Networks and Services, 5.10.2023, see: <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-sustainability-indicators-for-electronic-communications-networks-and-services>.

<sup>4</sup> Published by the European Commission’s Joint Research Centre (JRC) in January 2026. The framework sets out uniform EU sustainability indicators and standards for telecommunications network operators.

relevant for the provision of information requested under the Article 182(4). It is important to note that should telecommunications networks be recognized as a “green” economic activity under the EU Taxonomy, the indicators set out in the Code of Conduct could be incorporated into the technical screening criteria of this taxonomy. However, they should not be regarded as exhaustive, nor should they restrict the actions or data requests of NRAs. This is particularly relevant given that, at present, telecommunications networks are not covered by the EU Taxonomy. If they were included, certain relevant information could become subject to mandatory disclosure. Otherwise, the application of the Code of Conduct will remain voluntary, and it will remain unclear which telecommunications network operators will publish information on the energy consumption and Greenhouse Gas (GHG) emissions of their network operations.

From a Single Market perspective, greater clarity in this area would help to prevent divergent national approaches to sustainability-related data collection, reduce unnecessary administrative burden for operators active in several Member States, and ensure greater consistency, comparability and coherence in the regulatory environment for cross-border operators.

- **Ecosystem cooperation for environmental sustainability**

In addition, BEREC welcomes the emphasis placed on promoting end-to-end traffic efficiency and suggests that the DNA should adopt a more comprehensive approach by promoting, in terms of transparency and awareness, the eco-considerations of digital services (e.g. eco-design). This would help reduce both their impact on network usage and their broader environmental footprint across digital infrastructures.

In this regard, the provisions on ecosystem cooperation, and particularly the related BEREC guidelines under Article 191, could play a role in giving practical effect to the objective of end-to-end traffic efficiency. A clearer link between those provisions and environmental sustainability would therefore be beneficial.

For example, providers of digital services could be encouraged to adopt design and operational measures to reduce unnecessary data traffic and energy consumption. Other possible measures that could be considered to enhance environmental sustainability under the ecosystem cooperation procedure, in line with Recital 404 of the DNA, include the adoption by video services of efficient codec and compression techniques, optimised resolution and frame rates adapted to the user’s device, and measures to avoid unnecessary pre-loading of content. Consideration could also be given to ensuring user control over such features and avoiding the loading of additional content without a clear user action. BEREC notes that these measures and provisions should be considered in relation to other relevant digital legislation, such as the Digital Services Act (DSA), the forthcoming Digital Fairness Act (DFA) etc.

**Alternative proposals:**

**Environmental sustainability objective**

1. Regarding the “environmental” sustainability objective, **amend the text in Article 3(1)(g)** as follows, to include the word “environmental” and move “low-carbon” to solutions, rather than networks: **“promoting *environmental* sustainability by facilitating investments in energy-efficient and ~~low-carbon~~ digital networks and *low-carbon* solutions.”**

### Use of “Sustainability” term throughout the DNA

2. The draft Regulation should clearly **identify the meaning of “sustainability” across various contexts** throughout the articles and the preamble, by distinguishing between economic, environmental and other sustainability.

### Environmental data collection

3. Second sentence in Article 182 (4) to be amended as follows: **"If national regulatory authorities conclude that this information is insufficient for the completion of the tasks set out by this Regulation, BEREC may publish the guidelines referred to in paragraph 1 of this Article by providing for the collection of the additional data needed"**.
4. **Clearly specify the conditions and procedures governing NRAs' responsibility for data-gathering, in relation to Article 115 (1)(c):** in particular, a clearer mandate for NRAs to monitor the **environmental** sustainability of fixed and mobile digital networks would be welcome, as it would enable them to evaluate the environmental footprint of the networks and their contribution to the EU's green transition.