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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(1.12.2025)

The Network and Information Systems (NIS)2 Directive¹ requires providers of public electronic communications networks and services to take appropriate and proportionate cybersecurity risk-management measures, including to guarantee confidentiality of communications. The European Free Trade Association countries that are members of the European Economic Area participate in the NIS Cooperation Group.

The European Media Freedom Act² introduces safeguards for the confidential communications of journalists whereby Member States shall not deploy intrusive surveillance software on any material, digital device, machine or tool used by media service providers, their editorial staff or any person who, because of their regular or professional relationship with them, might have information related to or capable of identifying journalistic sources or confidential communications. Journalists are able to seek judicial protection and challenge in courts any future use of intrusive surveillance software against them.

The European Electronic Communications Code requires national regulators (NRAs) to monitor the compliance with the general authorisation conditions and obligations for rights of use of scarce resources. Unlike market surveillance authorities under the product legislation, they have no oversight competences on the hardware/software sold on the market. The functions of the Body of the European Regulators in Electronic Communications (composed of Members of the NRAs) exclude any control functions.

The future Digital Networks Act is expected to be with similar scope, while being complementary to the forthcoming revision of the Cybersecurity Act, and the NIS2 Directive.

¹ Directive (EU) 2022/2555 of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148.

² Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU.