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Executive Vice President Henna Virkkunen

Executive Vice-President of the European Commission for Technological Sovereignty, Security, and Democracy

European Commission
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1049 Brussels
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Dear Executive Vice-President,

Thank you for your letter of 18 May 2026 regarding access to emergency services during technological migration.

We welcome the fact that the Commission has recognised the importance of this issue in the proposal for a Digital Networks Act. The provisions you refer to may help prevent similar problems in the future. However, they do not address the immediate issue raised in our letter of 28 November 2025.

The problem is not primarily the absence of future legislation. The problem is that the existing legal right of citizens to access emergency services through 112 and other emergency numbers is already being put at risk as 2G and 3G networks are switched off and emergency communications increasingly depend on LTE, IMS, VoLTE, VoNR and related roaming arrangements. People may already be using devices and services that appear to work for data, or even for ordinary calls, but cannot reliably place an emergency call to 112. Others may be able to reach 112 but without reliable caller location, call-back capability or emergency-call priority, particularly in roaming situations.

This is unacceptable under existing EU law. Articles 108 and 109 of the European Electronic Communications Code (EECC) establish clear obligations regarding uninterrupted access to emergency services and emergency communications to the single European emergency number 112. These obligations are not optional and provide a legal basis for action to ensure uninterrupted access to 112 during the transition to IMS. This point has now also been confirmed by BEREC in its statement of 2 June 2026 'BEREC urges operators, device manufacturers and all other stakeholders to ensure emergency calls access in the context of 2G/3G phaseout'¹.

BEREC also recognises that recent events in Australia and Sweden have shown that some 4G phones may be unable to make emergency calls over 4G networks, or may lack geolocation and identification data, even though they can still make and receive other calls. BEREC explicitly warns that phones which cannot call emergency numbers, cannot deliver handset-derived location information, or cannot be called back by emergency services "can lead to costly seconds lost, or worse." BEREC further stresses that MNOs planning to phase out both 2G and 3G networks must take the necessary steps to ensure compliance with their obligations regarding the continuity of emergency calls during and after phaseout, "even if this implies that some MNOs may have to consider to support 2G or 3G longer than they originally have planned."

This is therefore no longer only EENA's warning. It is now also the position of the European body of regulators that emergency-call access during the 2G/3G phaseout raises serious and immediate risks, that MNOs have obligations to ensure continuity, and that the continued support of legacy technologies may be necessary where reliable alternatives are not yet demonstrably available.

¹ BEREC, BEREC Statement: BEREC urges operators, device manufacturers and all other stakeholders to ensure emergency calls access in the context of 2G/3G phaseout, BoR (26) 85, 2 June 2026, available at: https://www.berec.europa.eu/system/files/2026-06/BoR%20%2826%29%2085_BEREC%20statement%202G_3G%20phaseout.pdf

The Commission's institutional role is also clear. Article 17(1) of the Treaty on European Union states that the Commission "shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them" and that it "shall oversee the application of Union law under the control of the Court of Justice of the European Union." The European Electronic Communications Code is one of those measures. The Commission therefore has a responsibility to ensure that the existing EU legal framework on access to emergency services is effectively applied. For this reason, we are concerned that your reply focuses almost entirely on the future Digital Networks Act. That proposal may be useful, but it cannot be the answer to an immediate risk affecting access to 112 today. Even if adopted in a timely manner, it will take years before its obligations are fully applicable, implemented, supervised and enforced. Citizens cannot wait years for the existing right to reach emergency services to be made effective in practice.

The context makes this even more urgent. There is a war at the border of the European Union. Europe is also facing rising climate risks, including more frequent and severe emergencies. In such circumstances, reliable access to emergency services is not merely a consumer protection issue or a technical migration issue. It is a matter of public safety, crisis preparedness and societal resilience.

Other jurisdictions have treated similar risks with the seriousness they deserve. In Australia, after serious problems linked to emergency calling and network migration, the authorities took responsibility and required action to protect access to the national emergency number. Devices unable to make emergency calls after the 3G shutdown were required to be blocked from mobile networks. Emergency-call failures also led to investigations, financial penalties and public accountability.

Europe should not wait for a fatal incident before acting with comparable seriousness. We therefore ask the Commission to treat this matter as an urgent enforcement issue under existing EU law. What immediate steps will the European Commission take to ensure that Member States, national regulatory authorities, mobile network operators and relevant market actors comply with their obligations under Articles 108 and 109 of the European Electronic Communications Code during the 2G/3G switch-off?

At minimum, the Commission should urgently assess whether ongoing and planned 2G/3G switch-offs in the Union are compatible with the obligation to ensure uninterrupted access to emergency services, including across affected devices, networks and roaming situations. Where risks are identified, it should be made clear that technological migration cannot proceed in a way that leaves end-users unable to reach 112. If ensuring access to 112 requires maintaining 2G or 3G longer than planned, then this must be considered as a necessary public safety measure, not as an optional commercial decision.

The Commission has now been repeatedly warned of a foreseeable and preventable risk to life. If a serious incident occurs, the question will inevitably arise whether all necessary and proportionate steps were taken at European level once the risk had been clearly identified and repeatedly brought to the Commission's attention. Access to 112 cannot depend on the specific handset model, operator, roaming arrangement or timing of a network shutdown. It must work when people need it most. Ensuring that it does is not only a future legislative objective. It is an existing legal obligation, and a basic responsibility towards everyone in Europe who may one day need emergency help.

Yours sincerely,

Gary Machado

Executive Director

European Emergency Number Association (EENA)