Connect Europe

Policy Paper on the

Digital Networks Act

Connect Europe

Connect Europe is the voice of the leading providers of connectivity networks and services in Europe. Our members are at the forefront of innovation in the telecom and technology ecosystems, connecting over 270 million Europeans with cutting-edge mobile and fixed networks, such as fibre and 5G. They also deliver advanced services, ranging from first-class IT, AI and cybersecurity solutions, to entertainment and content. As the main investors in the industry, our members drive the digital transformation of the Continent, accounting for more than 70% of total telecom sector investment in Europe. Formerly known as ETNO, we stand for an improved policy and regulatory environment that enables citizens and businesses to benefit from digital connectivity and services.

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Executive Summary

The Connectivity & Competitiveness Gap

Europe is living through a structural turning point. Companies now operate in a world defined by systemic rivalry, technological acceleration and industrial policy at scale, all requiring increased investment. Our global peers – from China to the United States, from South Korea to India – are aligning regulation, capital markets and industrial policy to mobilise unprecedented capital for digital infrastructure and AI. European citizens should also benefit from innovation and future opportunities for socio-economic growth.

Europe, by contrast, risks missing on the opportunity of reforming to unleash investment and innovation.

The competitiveness gap is measurable in investment per capita, scale, productivity growth and infrastructure performance. Europe's digital communications ecosystem represents €1.09 trillion – 5% of EU GDP – and telecom operators invested €64.6 billion in 2024. However, investment has declined for two consecutive years. At the current pace, 41.8 million Europeans will still lack FTTH access by 2030. Revenues per user remain below levels seen a decade ago, and Europe's fragmented market - 44 mobile operators and more than 70 large fixed operators - continues to weaken scale and investment[1].

This is not a lack of effort by European operators, as they are characterised by the highest levels of capital intensity in the world, meaning that they currently devote a higher share of their revenues to investment compared to global peers. Rather, it is the result of structural fragmentation and a regulatory framework designed for a different era.

Connectivity is not a peripheral sector, but a foundational layer for Europe's economy. It underpins AI deployment, advanced manufacturing, defence resilience, cybersecurity, cloud, digital public services and the green transition. Telecom operators are builders of Europe's digital stack, operating data centres, deploying 750 edge nodes, driving Open RAN innovation and generating €5.3 billion in cybersecurity revenues. Without scalable and sustainable networks, Europe's economic growth will suffer and technological sovereignty remain aspirational.

The Digital Networks Act (DNA) is therefore not a technical codification exercise. It is a strategic legal and economic decision with deep societal effects. It is an opportunity for Europe to align its regulatory environment with its competitiveness agenda and to build a new model that helps strengthen the infrastructure on which its economy depends. At stake is Europe's capacity to mobilise long-term capital, achieve scale and close the innovation gap.

A strategic choice for Europe

The Digital Networks Act stands at a strategic crossroads. Europe can choose a framework that restores investment confidence, enables scale, corrects regulatory imbalances and strengthens technological sovereignty. Or it can perpetuate a regulatory model designed for the past, one that constrains capital formation, fragments markets and weakens global relevance.

Connectivity is the backbone of Europe's digital, industrial and security ambitions. Without sustainable investment in networks, there is no AI leadership, no sovereign cloud, no digital resilience and no competitive green transition. The time for incremental adjustment has passed. The Digital Networks Act must become Europe's connectivity reset, a framework aligned with competitiveness, scale and strategic autonomy. Europe's digital future will be built on the strength of its networks. Policy must now match that ambition.

Our vision for a Connected Europe

If properly designed, the Digital Networks Act can become a real enabler of European competitiveness, innovation and resilience.

In this paper, we set out the changes needed to ensure that the DNA helps deliver the following outcomes for Europe's economy and society:

- **Unleash European innovation based on 5G Standalone, FTTH and future 6G.** All citizens and businesses must have access to the best networks.
- **Free up EU telecom innovation in edge cloud and network virtualisation.** Europe should be in lead of its own networks and become a telecom innovation exporter.
- **Secure global competitiveness and fairness.** The EU should act as a single market, leverage its scale and make sure that its telcos compete on fair grounds with big tech.

Our 12-point proposal to turn the DNA into a competitiveness booster

Our focus will be on the following policy pillars to boost investment and innovation and ultimately to achieve Europe's economic and societal goals:

1. Simplification, harmonization and level playing field

The DNA should cut duplicative rules instead of adding complexity and red tape, while reducing fragmentation, ensuring a genuine level playing field across the digital ecosystem in line with the "same services same rules" principle.

2. Reinforcing Long-Term Spectrum Certainty

Investment requires predictability. Spectrum licences should be indefinite or long-term (40 years), supported by predictable and legally secure automatic renewal frameworks. Market-shaping measures and mandatory sharing must remain justified and proportionate. Early clarity on future bands, including 6G, is critical to anchor ecosystem investment. Spectrum governance must reinforce scale, not introduce uncertainty.

3. Enabling a Market-Driven Transition to Fibre

With over 77% of FTTH coverage, fibre migration is well underway and high uptake has been achieved in many Member States without a regulatory mandate. Switch-off should remain market-driven. Uniform EU timelines disconnected from market realities lack proportionality and risk distorting competition and reducing infrastructure plurality. Policy should prioritise the sharing of best practices, support deployment and demand rather than imposing rigid deadlines that weaken confidence, investment incentives and legal certainty.

4. Replacing legacy access regulation with a future-proof "safety net" access regime

The DNA should make deregulation the default, limit regulatory intervention to genuinely exceptional local bottlenecks, reject one-size-fits-all EU access products, and ensure that any remedies are strictly justified, proportionate, time-bound, and supportive of investment in Gigabit infrastructure.

5. Updating Open Internet Rules for Advanced Networks

Open internet principles must be preserved while adapting the rules to technological evolution. Advanced 5G and cloud-native architectures rely on flexible traffic management, quality differentiation and network slicing, allowing more customised offers and innovative services. Business-to-business connectivity services (B2B) should be excluded from the scope of application to avoid constraining industrial digitalisation. The updated rules should enable innovation and allow consumers to benefit from modern networks.

6. Correcting Imbalances in the Connectivity Value Chain

Persistent asymmetries must be addressed. Large traffic generators that shape network traffic loads should engage in fair negotiations on interconnection and IP data transport under a binding EU framework with effective dispute resolution. Voluntary conciliation approaches are insufficient. In addition, key stakeholders in the internet value chain that impact traffic routing should abide by open internet principles. Leaving unjustified imbalances unresolved jeopardises Europe's ability to meet its connectivity, sustainability and industrial policy objectives.

7. Ensuring Technological Neutrality and Regulatory Parity

Equivalent services must be subject to equivalent rules. ePrivacy Directive, an outdated horizontal sector-specific regulation limiting operators' ability to innovate, fight fraud and protect users, should be repealed to rely on the GDPR equally applicable to all actors. As satellite providers expand into direct-to-device markets, regulatory parity must be ensured while safeguarding terrestrial spectrum certainty. A technologically neutral framework is essential to prevent distortions and protect long-term investment.

8. Refocusing End-User Policy on Proportionality and Coherence

End-user protection must remain strong but proportionate. Horizontal consumer frameworks should prevail over duplicative telecom-specific and national rules, and remaining sector-specific obligations should be fully harmonised. Universal Service should shift toward targeted public instruments to address affordability concerns or any remaining connectivity gaps. Emergency communication obligations must apply consistently across relevant actors. Fraud provisions should be consistent with other EU laws and ensure operators can act swiftly in real time to fight against fraud. Consumer protection and competitiveness must reinforce each other through coherent regulation.

9. Addressing Resilience as Horizontal, Not Sector-Specific Objective

A trustworthy connectivity ecosystem is a shared objective by policymakers and industry. Operators already deliver security and resilience through comprehensive technical, operational and organizational measures. New overlapping and sector-specific mechanisms will add confusion and complexity and are disproportionate. Resilience objectives should be addressed through the existing horizontal frameworks.

10. Ensuring General Authorisation does not create Additional Unjustified Burden

Operators already authorised should be considered compliant with any new system the DNA would introduce for general authorisation/ passporting and for spectrum general authorisation. In addition, any new requirement for market entry should not create legal uncertainty for stakeholders by referring to laws that are currently not in force.

11. Simplifying the Framework for Numbering Resources

Non-interpersonal M2M and IoT services should be excluded from consumer-focused obligations and regulatory complexity reduced where numbering is used only for machine connectivity.

12. Advancing Greener Networks without new Red Tape

Sustainability should be driven through modernisation, efficiency and investment incentives, not through overlapping telecom-specific reporting obligations that duplicate existing EU law and run against the EU simplification agenda.

1 Simplification, Harmonization and Level Playing Field

Complexity instead of simplification

While the DNA proposal takes an important step by proposing a directly applicable Regulation and aiming to reduce fragmentation and gold plating across Member States, it falls short of delivering genuine simplification of the regulatory framework. Combining four laws into one without noticeable reduction of regulatory obligations is not simplification. Arthur D. Little found that the telecom customer journey in the EU is shaped by 34 distinct regulatory obligations, stemming from 9 sector-specific and 19 horizontal regulations. Of these, at least 12 overlap between sector-specific and general consumer law, while 16 are classified as particularly stringent and telecom-specific[2]. A number of regulatory obligations stemming from the Universal Service Obligation (USO), the Open Internet Regulation (OIR) and sector-specific consumer protection law were identified as high-impact in terms of operational burden for telecom operators but were only partially addressed in the DNA proposal.

Additionally, through the DNA the European Commission (EC) introduces [35] pieces of secondary legislation or guidance, which will bring additional layers of specifications to the framework after adoption. This creates legal complexity in the long run. The proposed DNA is therefore at odds with the EC's target to cut red tape in this mandate by a value measure of EUR 37 billion (25% on the European level), the intention to "reduce existing reporting obligations (*up to 50%) and to remove unnecessary regulatory burdens*" expressed on the 2025 Call for Evidence, as well as the objective of *limiting the use of implementing and delegated acts wherever strictly necessary*.

DNA REPORTING OBLIGATIONS: "SIMPLIFICATION IN REVERSE[3]

Based on Cullen International's analysis, we conclude that:
- **3 reporting obligations are fully removed from the current framework**
- **12 entirely new reporting obligations are introduced in the DNA**
- **17 obligations carried over from the EECC/OIR (often with changes in scope or frequency)**

This is far from the Commission's stated ambition to cut reporting obligations by up to 50%.

Although the EC signals an intention to reduce reporting obligations, this effort is narrow, falls short of the aforementioned "up to 50%" goal and is clearly offset by new sector-specific requirements, such as areas of sustainability (Art. 115), resilience (Art. 6), fraud prevention (Art. 103), and Open Internet (Art. 94) which impose extended reporting, more monitoring, and additional governance layers. There is the introduction of a significant number of BEREC reviews, which we consider unnecessary where clear regulation is set out in the DNA. Similar

FIG 1. 34 sets of obligations along the customer journey. Source: Arthur D. Little.

approaches have been taken in areas such as voluntary conciliation and open internet, and risk introducing additional complexity for operators.

In addition, key areas where simplification was expected, such as the removal of duplicative consumer protection and ePrivacy rules already covered by horizontal legislation the phase out of the USO, the reassessment of obligations ill-suited to business markets, and a more material streamlining of end-user provisions (Art 95-102), remain largely unaddressed.

The DNA should only maintain end-user rights that are actually justified and really have an effect (effect-based approach). While substantial rights such as number portability and rules related to the sale of bundles are clearly sector-specific and necessary, outdated and unjustified rules as well as rules overlapping with existing horizontal legislation (e.g. contract information, duration, termination or rules on accessibility) should be removed from the DNA. In addition to this, we should acknowledge that evolutions in technology and in coverage are rendering the current USO particularly heavy handed, while being less and less relevant. Remaining connectivity gaps should primarily be addressed through national measures and targeted public funding (e.g. voucher schemes) rather than through an unclear mechanism like the USO, in order to avoid unnecessary administrative effort and create only short-term and geographically isolated solutions.

Similarly, the repeal of the 2002 ePrivacy Directive (particularly Articles 6 and 9, while maintaining the principle of confidentiality of communications) has become unavoidable. The telecom sector continues to be subject to significantly stricter requirements for the processing of mobile location data than large parts of the digital economy, for example, global internet companies are able to use even more precise data far more flexible under the GDPR framework. This creates a regulatory asymmetry that is unjustified and entirely outdated in the age of digital communications. The ePrivacy Directive should therefore be repealed (while maintaining the principle of confidentiality of communications in a horizontal framework).

In addition to this, the DNA still applies consumer-related provisions to the B2B market (Art. 99).

Overall, the DNA will increase the complexity and bureaucracy rather than reduce it, missing the opportunity to make a balanced framework supporting investment, innovation and competitiveness at a time when regulatory burden is heavily constraining Europe's connectivity sector.

Better Harmonisation

Advancing a single market for telecoms should aim for an effective harmonisation of rules, prohibiting any gold plating at national level. The overall focus should be on strengthening capabilities and reinforcing incentives for infrastructure investment. In this regard, the DNA proposal introduces greater consistency and convergence in spectrum licensing conditions effectively addressing some of the key barriers to investment.

Regarding general authorisation (Articles 9-10), the impact of the proposed Single Passport regime for cross-border operations on the existing operators is unclear, and it will be important to ensure that harmonisation efforts do not translate into new EU-level burdens, legal

Policy Asks

- **Simplification:** Streamline duplicative and outdated rules to achieve true simplification (e.g. ePrivacy, consumer protection), avoid introducing new reporting requirement (e.g. fraud, resilience, net neutrality), prioritise horizontal frameworks.
- **Harmonisation:** Keep proposed measures to harmonise spectrum licensing conditions, clarify Single Passporting mechanism, clarify open internet rules to support innovation, prohibit national gold-plating.
- **Level Playing Field:** Apply the "same services, same rules principles", for example, on general authorisation, by extending net neutrality rules to all key players of the ecosystem and by refraining from introducing new sector-specific obligations to operators e.g. in security and resilience instead of relying on horizontal rules.

uncertainties and risk of additional gold-plating (see more detailed remarks in section 9). Also, the proposed Single Passport does not extend harmonisation to existing fragmented national requirements related to security (e.g. lawful interception), privacy, and consumer protection.

In other existing regulations, notably the Open Internet rules, unclarity and complexity of the framework has led to fragmented implementation at national level. Arthur D. Little identified various different net neutrality implementation approaches across Europe, already affecting the rollout of innovative services.

Addressing these aspects is a prerequisite for a fully integrated EU single electronic communications market. Moving forward, it will be important to avoid regulatory approaches that could inadvertently undermine sustainable investment, such as unjustified mobile wholesale access obligations, as such measures would not align with the objective of building a more integrated and resilient European telecoms market.

Level playing field considerations

The DNA proposal explicitly recognises the structural imbalance in today's connectivity ecosystem, where EU telecom operators are subject to significantly stricter regulatory, security and compliance obligations than other digital actors offering equivalent or competing communications services. At the level of objectives (in Article 3) and recitals (in particular in Recitals 2 and 16), the proposal acknowledges the need for a fairer and more balanced relationship across the digital value chain, as well as the growing role of large content and application providers (CAPs) in shaping traffic flows, network usage and user experience.

However, this approach is not translated into binding, obligations on major digital players according to the "same service, same rules" principle. In particular, the DNA does not introduce enforceable responsibilities regarding interconnection, traffic generation or the material influence exercised over quality of service and network performance. For example, the open internet rules are not extended to other digital players that impact traffic routing, and the distinction between Number Based Interpersonal Communication Services (NB-ICS) and Number Independent Interpersonal Communication Services (NI-ICS) still persists e.g. NI-ICS are explicitly excluded from the scope of the General Authorisation (Art. 9). Also, Art. 191 & 193 define the ecosystem cooperation as voluntary and without binding obligations, therefore lacking effectiveness. As a result, the longstanding imbalance persists: telecom operators continue to face the most extensive regulatory requirements and have an unbalanced bargaining power with other powerful actors in the ecosystem.

2 Spectrum Provisions

License duration and renewals

Spectrum proposals set out in the DNA can help reset licensing practices to support investment and related long-term connectivity outcomes. The move towards indefinite spectrum licenses by default across the EU will benefit the continent's digital infrastructure, but any safeguards (e.g., proposed possibility to revoke licenses to ensure efficient and effective use must remain proportionate, transparent and predictable so they do not undermine the overall positive spectrum reforms.

Longer and more predictable license terms (at least 40 years) give operators the predictability to innovate and commit to sustained investment needed to meet growing consumer and business demand. Where Member States exceptionally opt for time-limited licenses under the proposal, the draft Article 24 stipulates that the license duration should be no less than 40 years. This strengthens the tenure certainty for operators compared to the EECC's minimum 15+5 year term.

With more than 500 spectrum licenses due for renewal across Europe in the next decade, the DNA's direction on automatic renewals detailed in draft Article 25 is also welcomed. However, the timing will be decisive. This makes the design of the new renewal framework especially important: a large share of Europe's future 5G and 6G investment case will depend on whether

operators can count on predictable, long-duration spectrum rights.

The transitional provision under Article 25(5), which excludes licenses expiring within seven years from the new renewal framework, is significantly undermining or even negating the overall effectiveness of the reform, because it could leave a large share of spectrum rights outside the enhanced renewal certainty introduced by the DNA.

At a time when Europe must accelerate 5G Standalone deployment and prepare for 6G, preserving predictability and tenure security is essential. The renewal framework should therefore apply immediately once adopted to all existing licenses.

Investment assignments

Total spectrum costs in Europe have tripled over the past decade as a proportion of operator revenues, reaching around 8%. In the same timeframe, since 2014, the revenue generated from each MHz unit of spectrum has declined by 54%[4]. Prices paid by mobile operators have often been driven by non-market factors, including high reserve prices, excessive annual fees and auction designs that artificially restrict spectrum supply.

The DNA introduces greater consistency and convergence in spectrum assignments with pro-investment awards. Recognizing that high spectrum costs have been a burden to 5G rollouts, the EC will adopt a recommendation on a common pricing methodology (covering both annual fees and reserve prices), which is welcomed. Any pricing methodology should avoid any inflationary costs effects and ensure that the efficient use of spectrum is optimally balanced with the incentives and capacities to invest in the rollout of 5G SA and 6G networks and the development rise of related ecosystem of advanced services to the benefit of all stakeholders.

The proposals are supported by stronger EU-level scrutiny through a binding single market spectrum procedure (draft Article 31) - covering both new assignments and renewals to replace the existing peer review process - which we support.

The EC, BEREC, and the RSPB (former RSPG) would be able to intervene where assignments go against internal market principles, and the EC could veto limited licence durations and market shaping measures. This represents a welcome strategic attempt to address sub-optimal assignments that hampered 5G rollouts in some countries.

In Article 22, the proposal empowers the EC to potentially authorize parts of radio spectrum at Union level, to promote pan-European services (this may include satellite but also terrestrial services). However, EU-wide assignment should be used only where clearly justified. The proposal risks discriminating national players willing to enhance their existing networks in a subset of EU markets. It could also reduce the spectrum available for existing investing operators, increasing scarcity and undermining investment predictability.

Similarly, any competition-related obligations should not weaken the pro-investment principles set in the spectrum provisions. Under the DNA proposal, the Commission may be able to veto NRA decisions on competition, but national authorities remain the primary decision-makers on imposing network access and sharing obligations. In the past, such measures were in some cases imposed by NRAs without justification in light of strong market competition, curbing innovation and diverting funds from network expansion and modernization. The DNA should therefore set clear limits on when market-shaping interventions may be used on an exceptional basis.

Spectrum roadmaps

Article 17 of the draft DNA will introduce long-term spectrum roadmaps that are designed to be updated following each World Radiocommunication Conference. Importantly, these roadmaps will carry a binding status and the first of these roadmaps is anticipated to focus on the development and deployment of 6G technology.

The latest estimates project that mobile data usage per connection in Europe will reach over 225 GB per month by 2040, while countries will require an average of 2-3 GHz of mid-band spectrum by 2035-2040[5]. Early clarity on future bands, including those relevant for 6G, such as upper 6 GHz, 7-8 GHz, and sub-700 MHz, enables operators to plan investment, develop ecosystems and engage in international harmonization efforts, while providing clear direction on timing and policy objectives, consequently supporting predictability for investments.

Spectrum sharing, access obligations

There is a strong shift towards spectrum sharing, with shared use of spectrum established as a principle of spectrum management, as reflected in draft Articles 15 and 27.

Mandatory spectrum sharing mechanism raises issue as it can force license holders to disclose commercially sensitive information on future refarming, capacity planning, quality strategy or investment plans, even to justify why sharing would not be possible. On the contrary, voluntary sharing allows a targeted and case-specific sharing where it is technically feasible and economically justified. Any imposed sharing mechanism should not lead to a general "use it or share it" presumption nor reverse the burden of proof to the license's holder; it should be proportionate, based on clear and objective criteria, and limited to situations of clear and lasting underuse.

Exclusive rights are key to maintaining spectrum value and giving operators the legal certainty and economic predictability needed to invest. We understand that the DNA's strong emphasis on mandatory spectrum sharing is a consequence of its move towards indefinite licenses, so if those provisions are weakened, the mandatory sharing requirement should be reconsidered. In addition, the secondary market generally provides other spectrum users the possibility to buy or lease spectrum on competitive terms, facilitating competitive entry and innovation. Any sharing framework should take this into consideration, and preserve the rights of the primary license holder, granting mobile operators protection against interference from secondary users and allowing them to deploy whenever and wherever they desire.

There are also concerns regarding the EU-level database to support spectrum sharing, as better consideration should be given to privacy, confidentiality of sensitive and strategic information, and national security aspects linked to mobile networks.

Role of RSPB

The DNA proposal formalises the role of spectrum governance by upgrading the Radio Spectrum Policy Group (RSPG) to the Radio Spectrum Policy Body (RSPB) with a secretariat provided by the Office for Digital Networks (ODN). The ODN, that replaces the BEREC Office, will support both BEREC and the RSPB. While the RSPB, like BEREC, will lack binding decision-making powers, its advisory role is significantly strengthened

📢 Policy Asks

- **Maintain the proposed approach towards indefinite licenses and longer licenses duration of at least 40 years with automatic renewal, together with EC enhanced oversight.**
- **Apply the proposed principles on the license renewal to existing licenses, without the proposed transition period, to avoid unpredictability to the licenses expiring within a few years.**
- **Strengthen consistency, convergence and predictability in spectrum assignments with pro-investment approach.**
- **Ensure any common approach on setting spectrum prices (reserve prices, one-off and recurring fees) support investment in mobile infrastructure and services and the whole connectivity ecosystems.**
- **Develop a proportionate approach to spectrum sharing ensuring that spectrum sharing remains only a safeguard in the context of indefinite licenses.**

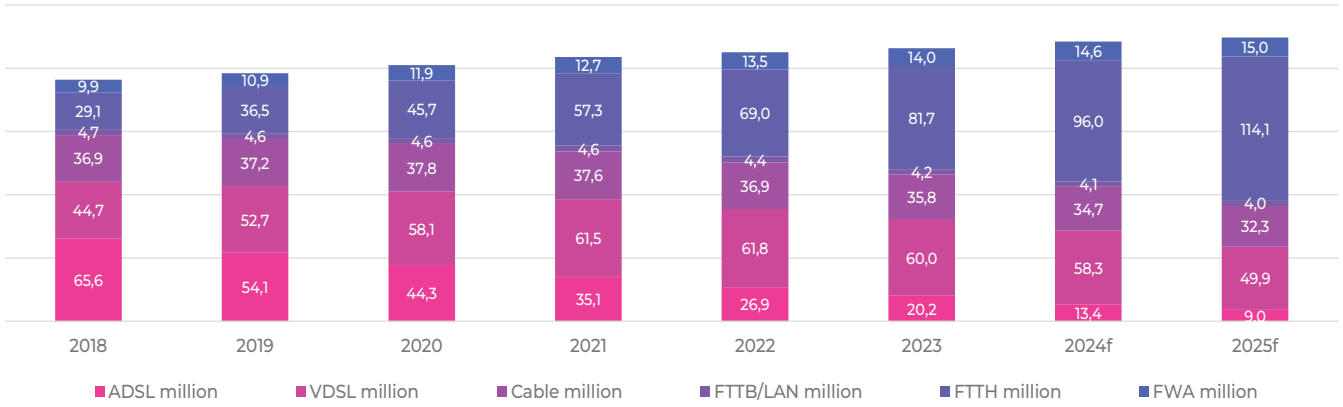
3 Transition to Fibre

Technological evolution of networks should be market-driven

European telecom operators fully support the digital transition and are actively progressing with fibre rollout across the EU. It is our priority to offer our customers the best connectivity possible.

The transition to fibre is already well underway. By the end of 2025, FTTH coverage had reached 77.2% of European households and gigabit-capable networks 86.6%, showing that Europe is making real progress even if the pace remains uneven across Member States.

FIG. 2. Fixed broadband connections by technology, Europe, 2018-2025f
Source: Analysys Mason / State of Digital Communications, 2026



The migration from copper to fibre is a key part of the DNA legislative proposal, and one of its most controversial aspects. The concept proposed by the EC is complex, lacks operational clarity and economic rationale, and does not create incentives for a smooth, market-led, efficient copper switch off. It is not aligned with requests for caution voiced by both industry, regulators and consumer associations. Migration is a natural and gradual technological evolution that follows an investment choice so that its pace should be market-driven. Letting the market demand set the pace of migration ensures investments are efficient, sustainable, and directly meet consumer demand. Ultimately, this will bring legacy copper networks to the end of their operational life, as already showed in some EU countries.

Mandating switch-off based primarily on formal availability of alternative FTTH networks, rather than on effective customer migration that preserves choice and infrastructure-based competition, risks disconnecting regulatory decisions from operational and commercial realities. Network migration is not driven by coverage alone, but by actual customer demand and take-up, residual cost structures (arising from operating a legacy network while developing the next generation) and technical readiness.
The economic benefits of an accelerated migration assumed by the EC are not proven. In particular, the expectation that such a measure would generate clear efficiency gains, investment incentives or consumer welfare improvements remains subject to significant uncertainty.

Moreover, the argument that this policy inherently serves a general interest objective is questionable. Consumers, when forced, do not necessarily migrate toward FTTH networks, instead, they may opt for alternative technologies (e.g. mobile) undermining the assumption of a predictable transition path to FTTH.

On the other side, the additional costs, premature loss of infrastructure-based competition to the detriment of user choice and loss of valuable network infrastructure (i.e. FTTC networks) are an

imminent consequence along with the limitation of important rights enshrined in EU law, such as the freedom to conduct a business and private property rights pursuant to articles 16 and 17 of the Charter of Fundamental Rights of the EU.

A flexible framework, not a one-size-fits-all solution

There are different approaches to migration across the EU, partly influenced by different approaches to fibre rollout. In some countries new fibre networks are being deployed while legacy copper networks are being upgraded to xDSL speeds and continue to operate, in others, parts of legacy copper networks are being replaced with fibre at an increasing speed. Under either approach, this transition is inherently complex and must preserve existing competition, remain aligned with commercial realities, investment cycles, technical feasibility and national market conditions.

In several Member States, copper switch-off is already taking place in a progressive and coordinated manner, closely aligned with industrial planning and real migration dynamics. This demonstrates that transition can be managed without a rigid EU framework potentially leading to copper owner penalties.

A one-size-fits-all EU intervention disregards the competitive landscape, the operational reality and therefore ultimately endangers the interests of end-users. This is supported by evidence: wherever copper has already been decommissioned or is undergoing a gradual phase-out, while safeguards have been adopted to preserve competition, this has been largely driven by the network owner.

Copper switch-off in the DNA proposal

The proposed framework under articles 53-61 DNA raises substantial concerns:

- it is overly prescriptive and rigid without real incentive-based mechanisms to encourage migration;
- it wrongly considers FTTC networks as being merely "copper networks", disregarding their high performance and the fact that these networks are predominantly fibre-based;
- it is harming end-user choice and the level of quality available and risk leaving a large number of consumers without a viable option for a high-quality connection (in locations where it mandates copper switch off where fibre is not readily available).
- it disregards the rational principle that the switch-off should be led by the copper owner, in cooperation with national authorities, as currently provided for in Art. 81 EECC;
- it would negatively affect both inastructure-based and service-based competition significantly undermining customers' ability to choose between providers based on service quality, performance and reliability. Infrastructure competition is not only about the physical presence of fibre, but about differentiation in network architecture, resilience and service levels. By a de facto removal of competing infrastructures in many areas, the proposal risks reducing competition to a single-layer fibre access model, disregarding qualitative differences between networks and thus weakening incentives for service differentiation and quality improvements.
- it will create asymmetric and disproportionate effects in areas with only one VHCN network available, as copper switch-off can be triggered irrespective of infrastructure ownership, potentially forcing a copper-only incumbent to exit the market. It has thus the potential to substantially lessen infrastructure-based competition and therefore competition in broad terms- by creating local fibre monopolies through a forced copper switch-off;
- it is not justified: it is based on inconsistent and hypothetical assumptions contrary to real-life evidence, e.g. concerning the interrelation between copper switch-off and fibre rollout;
- it is not legally justified: it would amount to expropriation by intervening in ownership rights - raising fundamental questions as to its compatibility with Article 16 of the Charter of Fundamental Rights of the European Union, which guarantees the freedom to conduct a business under Union law.
- it is unnecessarily intrusive: the switch-off of legacy infrastructure falls within the scope of the owner's strategy based on technology maturity, market demand and effective cooperation with national and local authorities. As a result, switch-off process should not be made dependent of exogenous agenda ignoring all the relevant market-specific parameters shaping the dynamics of fixed broadband.
- it raises serious doubts as to its compatibility with the principle of subsidiarity: while EU Member States and their regulatory authorities are formally tasked with "implementing" the migration[6], they are, in substantive terms, subject to far-reaching and binding requirements that leave no room for national regulatory discretion.
- it proposes unrealistic processes and timing of steps, with extensive EC discretion and

procedural complexity, calling for several plans, updates, reporting obligations;
- it is imposing or enabling the introduction of uniform EU-level timelines for copper switch-off, disregarding significant differences in national market structures, fibre rollout maturity, demographic density, civil engineering constraints and investment cycles;
- it creates legal uncertainty through sanctions and penalty mechanisms which may apply even where delays are driven by factors outside the operator's control (e.g. permitting procedures, supply chain constraints, civil works capacity or customer migration complexity).

The impact assessment assumes that the continued presence of copper networks structurally delays fibre take-up, conversely, that switching off fibre is an explicit driver of fibre adoption. However, empirical evidence does not support this assumption. In France, fibre coverage reaches approximately 95% of premises and fibre accounts for around 80% of total fixed broadband subscriptions[7]. Despite copper still being operational in many areas and the national switch-off process gradually progressing, fibre adoption has reached one of the highest levels in Europe. This demonstrates that high fibre take-up can be achieved under a phased and market-led transition, without requiring an immediate or centrally mandated copper withdrawal. It also shows that the Commission should focus on providing the positive incentives for fibre expansion and take-up, rather than regulating it through mandated copper switch-off plans.

A market and investment-friendly approach to copper switch-off

A sustainable and future-proof copper switch-off process must remain voluntary and market-led. It should be a prerogative of the infrastructure owner, aligned with fibre rollout realities and commercial incentives. The framework must preserve existing competition, respect property rights and operator autonomy and economic freedom, ensure legal certainty and respect the fundamental principle of technology-neutrality.

Further to this, it would be crucial to consider enabling conditions for fibre rollout and take-up: regulatory flexibility that incentivises investment, faster permit-granting procedures, improved access to in-building infrastructure and strengthened civil works capacity. While these are the real bottlenecks which are slowing down the transition to fibre in Member States, they remain largely unaddressed in the DNA proposal. An alternative and more appropriate approach could for instance be to propose a toolbox that would share best practices with national and local authorities to support and accompany the transition with relevant actions taken vis à vis copper network users at local level to ease the migration according to specific local market parameters. Europe's Gigabit future will not be achieved through disproportionate and legally uncertain mandates, but through a stable, predictable and investment-friendly environment that allows the fibre transition to proceed at the most appropriate, efficient, economically sound technical pace.

📢 Policy Asks

- **Transition from copper to fibre should remain market-driven and continue to be led by the infrastructure owner, rather than imposed through a rigid EU-level copper switch-off mandatory date that would harm competition, investment incentives and consumer choice.**

4 Access Regulation

A future-proof "safety net" access regime in the DNA

Incentivising investment, promoting innovation, and sustaining competition are key for Europe's connectivity. Europe's challenge is no longer opening closed markets. The DNA access framework for fixed networks, which will apply for at least the next decade to a full or nearly full-fibre environment, needs to reflect the shift towards market-based competition driven by multiple infrastructures. Therefore, the current SMP regime should be phased out, and ex post competition law and GIA should be the default regime.

There may be exceptional cases when a "safety net" is still necessary. For such situations, the DNA should implement a new approach – instead of SMP – which would apply symmetrically to all market players, addressing local bottlenecks irrespective of who controls them. The key element of this approach must be the availability of competing retail connectivity offers to end-users, instead of the aim of the promotion of wholesale access. The analysis should be tailored to "access bottlenecks" at the local level and result in more symmetric remedies for these local bottlenecks, compared with today's SMP-based regulation. Where enduring non-replicable access bottlenecks are expected to persist and lead to an expected long-term lack of infrastructure-based competition that is not offset by any reasonable wholesale access agreement, targeted ex ante obligations will apply locally, case-by-case, to any identified bottleneck.

That implies the necessity of the following changes in the current DNA legislative proposal:

1. For Gigabit access networks [1]outside the building (until the so-called "concentration point" near the end user premises): set a clear path away from the SMP regime. Ex post rules and the GIA should become the primary tools addressing residual economic failures.

Any remaining residual bottlenecks that cannot be addressed through those legal instruments should be dealt with through "safety net" measures introduced under the DNA to tackle bottlenecks. These measures should apply only where end-users are deprived from competing retail connectivity offers and if the following cumulative conditions are met:
i. only one Gigabit network is available locally (e.g. a town, village or a city district level) without perspectives of a competing network in the mid-term, as documented by a forward-looking NRA assessment subject to EC review;
ii. the operator of this single Gigabit network is not providing wholesale access on fair and reasonable terms and conditions to third parties upon a reasonable and documented request;
iii. this local bottleneck is proven to be genuine, non-replicable and durable and cannot be addressed by competition law or the GIA. The NRA bears the burden of demonstrating the insufficiency of competition law and the GIA prior to any bottleneck designation during a dispute settlement.

In such "local bottlenecks" access will need to be provided under fair and reasonable conditions, taking into consideration competing access offers and the application of proportionate remedies.

To reflect the above approach Articles 72-80 of the DNA legislative proposal should be amended, replacing the SMP regime.

2. For buildings where fibre wiring is absent: the DNA should give operators a clear right to deploy new in-building fibre wiring – as currently proposed under Art. 71.4 of the proposal. However, this right should apply to all in-building infrastructure where fibre wiring is absent, whenever measures under Art. 11 of the GIA are insufficient, and should not be subject to a prior customer request.

Therefore, a new provision should be introduced under Art. 69 and the other proposed paragraphs of Art. 71 should be deleted from the DNA. This strengthening of the proposed rules is necessary to significantly speed up the deployment of fibre at the national level.

3.For the existing in-building fibre wiring (from the first "concentration point" until the user, as long as such an accessible point exists and is sufficiently close to the building): In-building fibre wiring can result in a natural bottleneck: owners of buildings, especially of residential ones (multi-dwelling units), are often reluctant to allow even the initial fibre wiring, due to the need of construction works. Further to that, obtaining the consent for additional wiring, which would trigger another wave of construction works, is often

1 Which refers to the definition in Article 2(2) DNA, and is currently understood to cover networks delivering Gigabit speed such as FTTH, some FTTP/FTTB, HFC networks, etc.

impossible.
Therefore, the following adjustments are necessary in the DNA: the conditions under Art. 69.1 triggering access to in-building wiring should be extended to impose such obligation also in case the building owner refuses the roll-out of another in-building wiring. The term "in-building wiring" should be clearly defined.

No obligation to provide active access, including VULA-type solutions or functionally equivalent active wholesale products, shall be derived from the DNA provisions laying out the rules for in-building access.

To implement the changes under 1, 2. and 3. above, Article 69 of the legislative proposal needs to be generally amended to also incorporate the useful and workable elements of the Article 71.4 of the proposal, thereby becoming the single, consistent article covering the rollout of, and access to, in-building wiring.

The current proposed Article 69.2 should be deleted. Any access issue beyond the first concentration point, as mentioned in 69.1 should be addressed with the bottleneck approach.

4. Transitional rules
To ensure a proper, harmonised transition and timely switch-over to the new regime, the DNA should foresee a gradual and predictable phase-out of SMP-based regulation and imposed obligations under the SMP regime. Changes should be introduced in Articles 72-80 of the DNA legislative proposal.

Access remedies

The proposed harmonised access products, open the door to a proliferation of remedies, contrary to the objective of simplification and regulatory certainty. In practice, harmonised access products are unlikely to be demanded, as it is impossible to define all technical and operational parameters at the EU level. They also risk creating a cumulative mechanism whereby such products could become the default remedy overriding effective national wholesale solutions and imposing costly technical adjustments without demonstrated market demand. In light of this, Article 81 should not be retained. The real beneficiaries of an EU-wide access product would likely be global internet companies, which would ultimately benefit from facilitated market entry through EU-wide standardised access conditions (combined with the "passporting" approach provided for in the DNA).

In addition, the proposed access remedies regime runs contrary to the overarching simplification agenda and further disincentivise network investments. By listing numerous obligations for network elements and associated facilities (Art. 78), it clearly replicates copper-era monopoly regulation in a highly competitive fibre environment. Many of these obligations are outdated or unnecessary for modern high-capacity networks and could create complexity, regulatory uncertainty, and above all, disincentives to invest. Far from simplifying the framework and creating harmonisation, the current approach adds layers of prescriptive rules that may deter operators from investment and slow network rollout.

Finally, the veto power on remedies granted to the EC should apply to all remedies without exception.

Governance

The future governance structure under the DNA should be aligned with the broader political objective of simplification and regulatory streamlining. It is essential that the governance framework is proportionate to a revised (and lighter) regulatory regime and supports a more efficient and predictable ex-ante regulatory approach. Indeed, such a revised regime should follow an analysis that is significantly more granular, evidence-based, and objective. At the same time, the discretion of National Regulatory Authorities (NRAs) should be balanced with the need to ensure consistent regulatory practices and a coherent application of the framework both within Member States and across

📢 Policy Asks

- **Deregulation by default while maintaining a safety net to address local bottlenecks.**
- **Refrain from introducing EU harmonised access products, and ensure that remedies are proportionate, geographically targeted, time-bound, and supportive of investment in gigabit infrastructure.**
- **Bottleneck remedies shall be individually justified by the NRA with documented reference to the cumulative conditions, and subject to EC veto power.**

5 Open Internet Rules

Modernisation needed

Europe's Open Internet Regulation (OIR) was adopted in 2015, in a fundamentally different technological and market context compared to the present day. At the time, 5G and fibre networks had not yet been deployed, and advanced use cases requiring guaranteed performance, ultralow latency or differentiated quality of service were largely theoretical. The OIR was therefore designed for a pre-5G / fibre world, focused on first generation data connectivity and a relatively simple internet ecosystem.

A decade on, the European Commission has chosen to "copy paste" the existing articles of the OIR within the proposed DNA in Article 93. In doing this, the DNA fails to address the structural misalignment between outdated rules and today's network capabilities. Even worse, it perpetuates these shortcomings for another decade and risks slowing down innovation in the connectivity value chain.

In today's fast evolving connectivity ecosystem, changes in the form and extent of the original net neutrality rules are necessary to preserve their aim and the spirit and to allow for new capabilities of advanced 5G and fibre networks. Moreover, while the DNA legislative process is ongoing, clear and prompt guidance from the European Commission is needed on specialised services to ensure legal certainty.

The DNA should encourage the broad adoption of advanced technologies such as networking slicing and encourage "choice of the consumer". This requires updating the provisions around traffic management, differentiated quality of services, and "services other than internet access services".

As such, Open Internet rules must be modernised, keeping the consumer at its centre, while being adapted to reflect the evolution of networks and the need to increasingly provide innovative and more customised services. Without such operational flexibility, network quality, resilience and innovation will suffer—ultimately harming users. Additionally, the newly introduced reporting obligation for operators set out in Article 94 of the draft DNA should be removed.

Focus on non-discrimination for consumers while acknowledging network evolutions

For consumer markets, the Open Internet rules should be simplified and refocused around their core objective: preventing harmful discrimination that undermines user choice or competition. The current framework is overly

This is happening in a very different network reality: by the end of 2025, 5G population coverage had reached 94.9% in Europe, yet 5G Standalone coverage stood at only 63%, compared with 81% in the USA and 93% in China. 5G also accounted for just 43% of mobile connections in Europe, versus over 70% in the USA and China. This matters because the real innovation value of 5G lies increasingly in advanced capabilities such as network slicing and guaranteed quality of service, and fragmented implementation is already affecting the rollout of such services.

prescriptive and complex. It is also based on assumptions that no longer reflect how modern networks operate, either today or in the near future. Electronic communication networks are undergoing major transformation as they rely more and more on software, cloud, network slicing and AI. All those evolutions impact the way networks are managed, for the benefit of all, as they allow more customised offers. Modern networks must manage exponentially growing traffic volumes, diverse application requirements and increasingly asymmetric traffic patterns.

The DNA should adopt a principle-based approach, centred on non-discrimination, transparency and user control in the provision of internet access services. This would provide stronger and more durable consumer protection than rigid, technology specific rules. It would also give operators the flexibility required to manage increasingly complex networks efficiently and responsibly. In practical terms, this means granting more choice to consumers via more flexible traffic management rules. Enabling differentiation where it brings increased networks' performance and does not undermine Open Internet principles; rather, it helps ensure that consumers continue to receive high-quality connectivity as demand grows and use cases diversify.

The DNA should provide enhanced legal certainty for the delivery of innovative services based on network slicing and allowing for differentiated and assured quality of service. The EC should issue with utmost urgency a Recommendation, ahead of DNA approval, with a non-exhaustive list of services that should be considered specialized services. For services included on that list, the required optimisation should in principle be presumed, so that providers are not required to demonstrate in each individual case that the conditions for qualification as a specialised service are met.

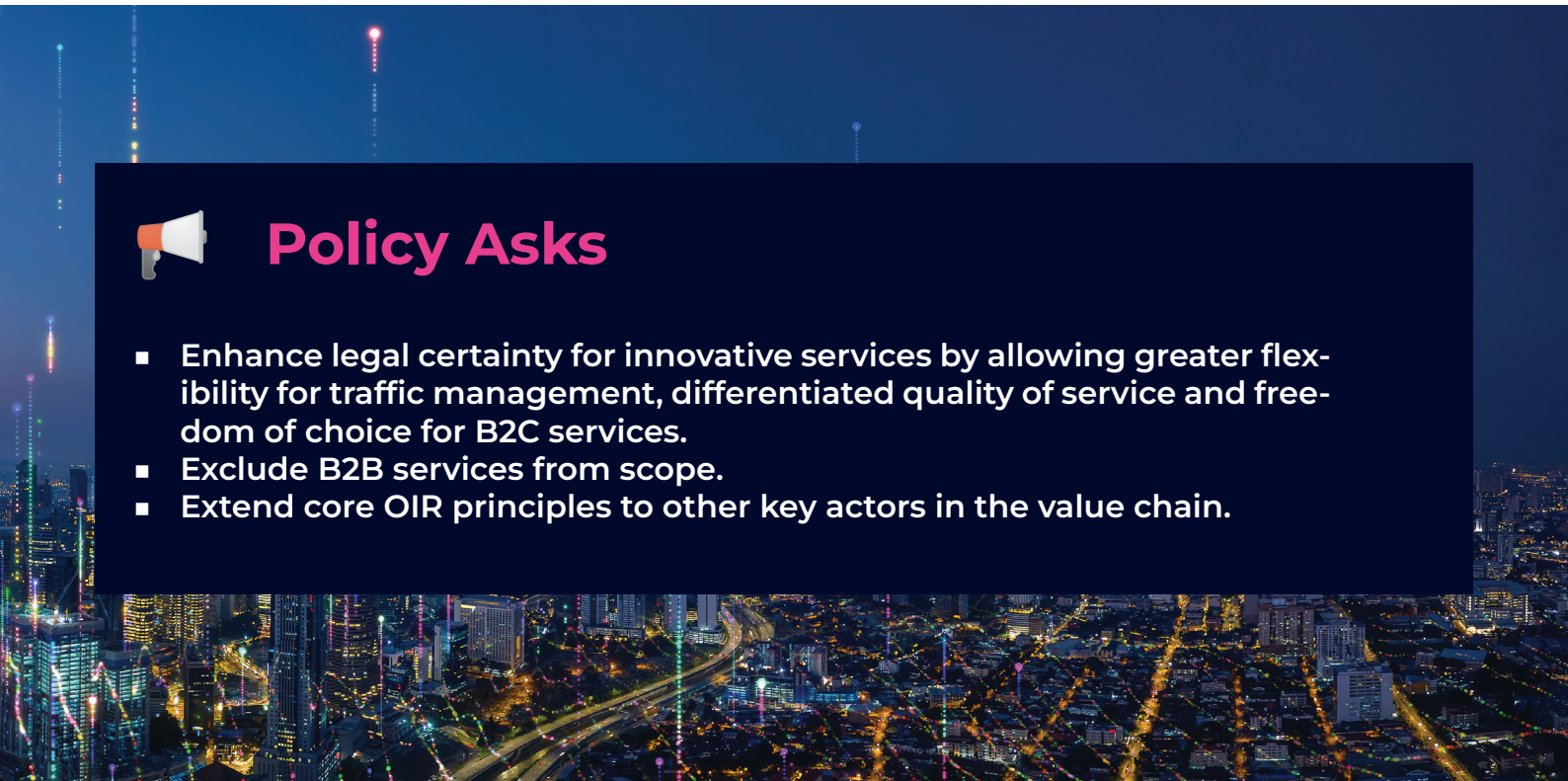
Exclude B2B services

The OIR was designed first and foremost to protect consumers in retail internet access markets. However, its current scope applies to all "end users", inadvertently capturing a wide range of business-to-business (B2B) services that are fundamentally different in nature and purpose from consumer internet access. This overbroad application has become a significant barrier to innovation and investment in enterprise connectivity.

The DNA should therefore modernise the scope of the Open Internet rules so that it applies only to consumers, while carving out B2B services. This distinction is critical to ensure that consumer focused protections do not unintentionally constrain bespoke, contractual services delivered between sophisticated parties. In B2B contracts transparency, performance guarantees and remedies are negotiated commercially.

Extend the core OIR principles to all key actors

Modernization of the Open Internet principles implies that they apply, not only to traditional providers of internet access services (IAS), but also to other key digital service providers with equivalent, or greater, influence over the quality of experience and traffic management.



Policy Asks

- **Enhance legal certainty for innovative services by allowing greater flexibility for traffic management, differentiated quality of service and freedom of choice for B2C services.**
- **Exclude B2B services from scope.**
- **Extend core OIR principles to other key actors in the value chain.**

6 Conciliation Mechanism

Addressing imbalances in the connectivity ecosystem

The connectivity ecosystem is characterised by persistent asymmetries in bargaining power and cost allocation. Telecom operators finance, build and operate networks that support continued traffic growth - significant both in mobile and fixed networks. The largest traffic generators operate global private backbone and delivery networks and account for over 70%[8] of the world's total internet traffic but contribute little or nothing to the costs of data transport. Operators face limited ability to negotiate fair commercial terms for IP interconnection and data transport. This imbalance is particularly problematic in a European market where telecom investment has already declined for two consecutive years, despite operators continuing to finance the infrastructure on which the wider digital economy depends.

This unjustified imbalance weakens investment incentives, risks undermining network quality, its green transition and resilience, and ultimately jeopardises Europe's competitiveness and ability to meet its connectivity, sustainability and industrial policy objectives.

The DNA: Recognition without a bold correction

The DNA proposal acknowledges (e.g., Recitals 2 and 15) the growing role of large traffic generators in driving traffic growth and recognises the resulting pressures on network infrastructure. However, the proposal falls short of establishing binding, obligations for these actors.

In particular, the draft DNA does not introduce enforceable responsibilities regarding traffic generation or a duty to negotiate fair and reasonable terms for interconnection and IP data transport. Instead, it relies purely on voluntary conciliation mechanisms (Art. 191-193). These mechanisms do not correct the underlying imbalance in negotiating power and does not provide the legal certainty needed to support sustained investment. Moreover, the proposed BEREC guidance in Article 191 on facilitating ecosystem cooperation (covering matters such as the provision of economically sustainable and innovative products and services) will further complexify the regime, increase uncertainty, and is not called for by operators. It should therefore be abolished. The role of a voluntary conciliation mechanism should be limited to asymmetric negotiations on interconnection, IP data transport and data traffic optimisation.

The proposed voluntary approach is particularly problematic given the DNA's broader objectives of market integration and competitiveness. By leaving the issue of structural bargaining asymmetries unresolved, the proposal risks perpetuating the very investment constraints that threaten Europe's Digital Decade ambitions.

Therefore, co-legislators should introduce a mandatory, binding regime with obligations for large traffic generators to negotiate with telecom operators backed up with an efficient dispute resolution mechanism.

📢 Policy Asks

- **Introduce an obligation on large traffic generators to negotiate with operators fair and reasonable terms for interconnection and IP data transport backed up by a binding dispute resolution mechanism.**
- **European Commission to be preferred over BEREC as the body designated to issue any guidance on dispute resolution related to interconnection and IP data transport.**

7 Satellite Services

Many satellite networks and services are cross-border by nature. They offer a useful complement to terrestrial mobile networks especially in some rural areas or in case of crisis. The proposed introduction of harmonised and centralised authorisation of satellite networks, services and spectrum signals an important shift toward EU-level regulatory coordination. This evolution is also consistent with wider market developments. The State of Digital Communications 2026 report notes that European operators are already preparing the ground for direct-to-device satellite connectivity as part of the next phase of Europe's digital infrastructure.

Harmonised processes can reduce fragmentation, lower administrative burdens thereby supporting pan-European satellite provision and deliver a more coordinated and comprehensive management of those networks in the EU.

Nevertheless, while the draft DNA demonstrates a commendable intention to create balanced market conditions between different connectivity providers, it does not fully deliver on the principle of "same service, same rules". Achieving regulatory parity for services being provided directly to end users, requires more explicit and consistent provisions than those set out in draft Article 38, which establishes an EU-level general authorisation framework for satellite systems, to ensure that comparable services are subject to comparable regulatory treatment.

Many of the complex regulatory requirements typically faced by telecom operators, such as obligations related to security or access to data (lawful intercept and data retention), are not fully harmonised under the proposed DNA framework and may therefore not apply in the same way, or at all, to all end-to-end communications service providers across all EU Member States.

Regulatory parity is also essential to ensure that customers receive the same level of protection when they buy the same type of services, and that societal outcomes are not weakened as new communication delivery models emerge. Where satellite and telecom operators provide functionally equivalent, direct-to-user services, obligations should be aligned in effect, support fair competition, clear accountability and long-term investment certainty.

It is essential to introduce safeguards regarding direct-to-device (D2D) operations in mobile bands. To this end, we support the draft Article 45 provision stipulating that shared use of radio spectrum between terrestrial and satellite systems must only be allowed with the explicit agreement of the primary holder of terrestrial rights. It is important that this is preserved throughout the legislative process.

This approach supports efficient spectrum use, safeguards current and future mobile network development, and ensures that the licence holder retains accountability for interference management and regulatory compliance.

📢 Policy Asks

- **Create balanced market conditions between different connectivity providers.**
- **Align all obligations in effect where satellite and telecom operators provide functionally equivalent, direct-to-user services.**
- **Safeguard mobile network operators' access to spectrum to secure evolution of mobile services.**
- **Confirm the need for an explicit agreement of the primary holder of terrestrial rights before any shared use of radio spectrum between terrestrial and satellite systems.**

Technical and regulatory measures must also guarantee that satellite operations do not cause harmful interference to terrestrial networks.

However, Recital 97 of the proposed DNA includes an indication that terrestrial spectrum could be repurposed for satellite use, which raises serious concerns for the mobile industry, as this could constrain the evolution of mobile services providing essential services to the whole European society. There should be clearer recognition in the DNA of the need to ensure certainty of access to terrestrial spectrum for mobile network operators.

8 End-user Rights and Universal Service Obligations

Connectivity and End-Users

Connectivity plays a vital role in enabling European consumers and businesses to participate fully in the digital economy, stay informed, and access essential services - contributing directly to the continent's economic growth and social inclusion. This is also clearly reflected in consumer sentiment. IPSOS found that 85% of Europeans consider connectivity a basic need, while more than 60% of small business owners believe that technologies such as 5G and fibre present an opportunity to improve and grow their business[9].

The horizontal EU policy framework for consumers and end-users already establishes the conditions that allow them to make informed choices, drive demand for high-quality and sustainable services, and support innovation. It is one of the strongest frameworks around the world in terms of protecting end-users and consumers. Therefore, rather than relying on fragmented, sector-specific rules, end-users would benefit from a simplified and harmonised, horizontal framework that ensures fairness, transparency, and legal certainty across all digital services and across all EU Member States.

This complexity is increasingly hard to justify in a market where 74% of consumers say there are enough providers to choose from, 67% see enough variety in offers, and 64% rate their provider 8 or higher out of 10.

Strong end-user rights and regulatory reform can coexist

The current regulatory framework for telecommunications in the EU requires significant reform to better serve end-users and providers alike.

While we commend the EC decision to propose a Regulation with a view to strengthening the single market and improving harmonisation by preventing fragmentation and national gold plating, the end-user provisions proposed in the draft DNA fall significantly short of the EC's political ambitions to improve the EU's competitiveness through simplification and harmonisation.

End-user rights (Art. 95-102)

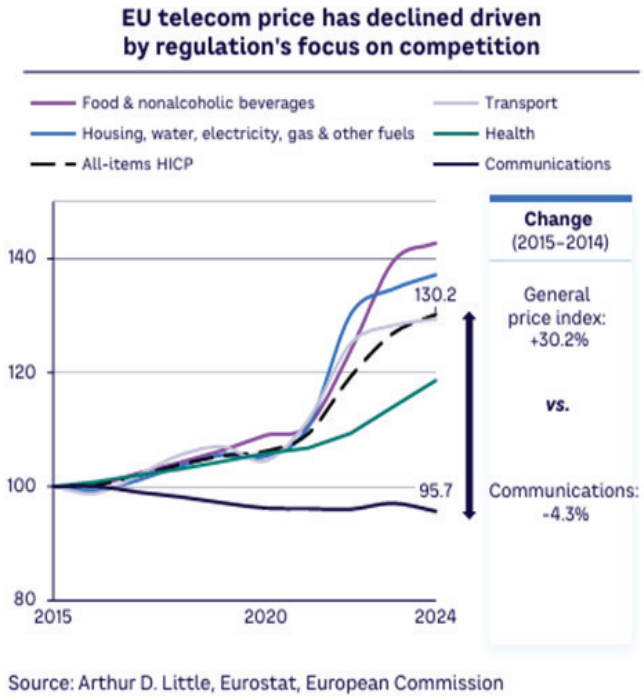
The consumer protection framework for telecommunications services at the EU level is a complex mix of horizontal, sector-specific and national rules. In order to reduce unnecessary complexity and bureaucracy, the DNA should only maintain end-user rights that are fully justified and truly have an effect (effect-based approach). Unnecessary end-user rights without added value should be deleted from the DNA (functional approach). Thus, only a limited number of truly sector-specific provisions of the EECC need to remain in the DNA: namely, provider switching and number portability, and conditions related to the sale of bundles (Art. 98, 100). The DNA misses an opportunity to decisively reduce the excessive information obligations in the context of transparency of contracts (Art. 95-96), which overlaps with horizontal consumer directives and causes information overload, thus not leading to the intended benefits. Similarly, the European Accessibility Act provisions on accessibility provide for sufficient coverage, which

makes some of the proposed DNA provisions duplicative (e.g. Art.102). In those cases, the draft DNA increases complexity and bureaucracy for providers without delivering clear added value for consumers. Furthermore, Member States are still allowed great discretion for gold-plating across the different provisions, which is contradictory to the overall harmonisation objective of the DNA.

In addition, today's consumer-related provisions of the EECC are not suitable for the B2B market. Remaining provisions under the DNA should therefore not apply to business users regardless of their size. The DNA should shift to a consumer protection framework that protects consumers by definition focusing on truly sector specific provisions.

Universal service obligations (Art.87-92)

Based on the current level of deployment and coverage of fixed, mobile and satellite networks, the universal service obligation mechanism is no longer justified to the extent it was more than 20 years ago. This is the case from the perspective of both availability and affordability. Today's markets feature a huge variety of offers that match the needs of consumers and ensure sufficiently wide broadband connectivity to ensure social and economic participation in society. Availability of adequate broadband has become nearly universal across the EU with 97.9% of households having fixed broadband coverage[10]. Affordability concerns must also be seen in context. Eurostat figures cited by IPSOS show that communications prices fell by 3.3% over the past decade, while the overall consumer price index increased by 27%.



Source: Arthur D. Little, Eurostat, European Commission

In addition to this, telecommunication prices in Europe have massively decreased over the last 20 years due to competition and technological progress. To protect vulnerable citizens across the EU who struggle with affordability concerns or with closing remaining connectivity gaps, we consider that the most efficient way to address these issues is by targeted public intervention through the provision of direct subsidies such as vouchers, rather than an unclear mechanism like the USO in order to avoid unnecessary administrative effort and create only short-term and geographically isolated solutions.

Allowing Member States to introduce mandatory social tariffs would shift responsibility for social policy from governments to telecom providers. This would place disproportionate financial and administrative costs upon telecom operators whilst only delivering limited take-up of these tariffs. Moreover, the changes introduced in Art. 87-92, which allow Member States to impose obligations on availability, raise serious and proportionality concerns; they do not adequately address concerns of due process nor mention compensation to undertakings leading to significant legal uncertainty.

Emergency communications

Europe's operators will continue to enable citizens to reach emergency services across the EU. It is, however, long overdue that emergency calling obligations should be extended equally to so-called over-the-top players, in order to future-proof the 112-emergency calling system. Moreover, new obligations (such as Art. 106) appear to lead to additional regulatory burdens and costs falling solely on the telecom sector.

Fraud (Art. 103)

While we welcome and share the objective of protecting end-users against fraudulent activities, the measures proposed in the draft DNA fail to provide the most effective protection for end-users and a sufficiently targeted approach. Constantly evolving fraud risks cannot be effectively fought with rigid and overly prescriptive regulatory systems. Instead, combatting fraud should be left for service providers to address with the most effective technical solutions available at a given point in time and constantly improving. In this regard, we commend the establishment of a platform such as the one approved in the newly agreed-upon Payment Services Regulation, which would gather all relevant stakeholders together to exchange on the most efficient ways to combat fraud.

In addition, the DNA should address long standing constraints in the ePrivacy Directive that limit operators' ability to deploy effective anti fraud tools. Greater clarity on the GDPR notion of "legitimate interest" and its interaction with the ePrivacy regime would be particularly helpful in this context (see below). This will serve end-users best and drive innovative solutions.

ePrivacy

While the draft DNA (Art. 207) proposes a partial deletion of Articles 7, 8, 10, 11 and 12 of the ePrivacy Directive, it fails to put an end to the discriminatory situation faced by European telecom operators for the management of their traffic and location data. Operators are currently covered by the GDPR and by the more restrictive sector-specific rules enshrined in Articles 6 and 9 of the ePrivacy Directive. The directive should be repealed, and in particular the Articles 6 and 9, to bring about a level playing field between operators and other digital players - solely governed by the GDPR - and to enable operators to effectively combat and prevent impersonation fraud. The principle of confidentiality should be maintained and embedded within a horizontal framework, to ensure a consistent protection across all digital services.

📢 Policy Asks

- **Prioritise EU-wide horizontal rules, rather than sector-specific rules, to ensure strong and consistent consumer protection across the EU. Residual sector-specific rules (portability, switching, bundles) should be harmonised across Member States. End-user rights should be refocused on consumers.**
- **Withdraw USO and use public support instruments to address affordability issues for vulnerable users, where needed.**
- **Ensure a level playing field by extending obligations on emergency communication services to NI-ICS and by repealing overlapping privacy obligations operators face today.**
- **Harmonise and streamline existing rules to fight fraud without adding overlapping or prescriptive measures.**

9 Security, Preparedness and Resilience

The telecommunications industry shares the objective of ensuring a trustworthy connectivity ecosystem. Telecom operators already deliver security and resilience through comprehensive technical, operation[11]al and organisational measures developed in coordination with national authorities. These measures protect infrastructure in both the physical and digital environment and address supply chain risks and dependencies.

While we support the EC's objective of strengthening preparedness, security and resilience in Europe, the current DNA proposal risks undermining that aim by introducing overlapping, top-down and sector-specific mechanisms that do not reflect the actual risk profile of different network segments. It adds new regulatory layers, disregards operators' expertise and operational realities, and introduces new EU-level security competences, notably through the ODN, that overlap with national authorities and create further confusion.

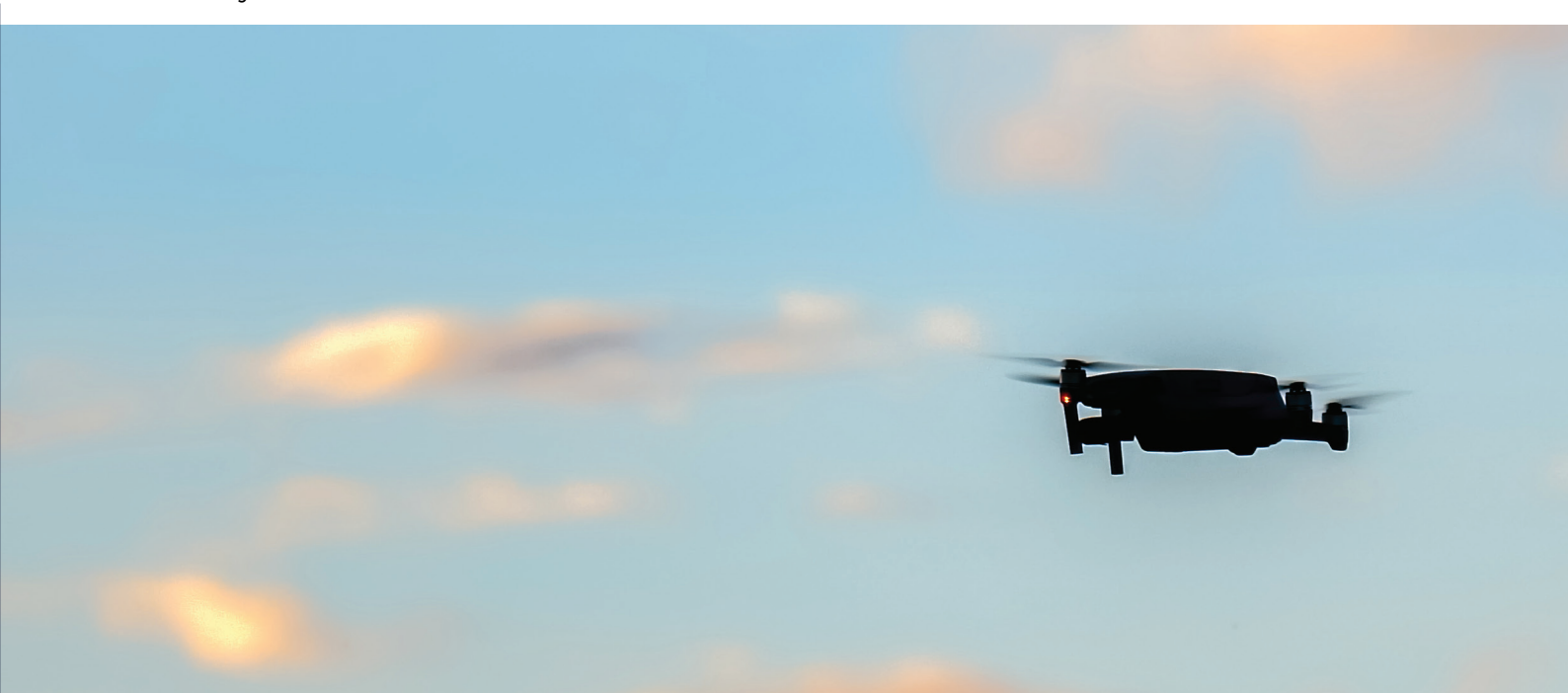
We therefore call for the removal of the over-prescriptive resilience and security regime proposed in Articles 4–8. The draft overlaps with existing horizontal frameworks under NIS2 and CER, which already provide a whole-value-chain approach with relevant and substantial requirements, while preserving operators' autonomy and allowing flexibility in implementation. Competences involving BEREC, the ODN and national authorities should be reviewed to eliminate overlap and legal uncertainty.

The proposal also creates uncertainty around the scope and mandate of the proposed "Union Digital Infrastructure Preparedness Plan", to be developed by BEREC and the ODN. By introducing new reporting obligations in highly sensitive areas, it moves away from simplification towards a rigid, top-down approach rather than building on horizontal, risk-based and operator-driven practices.

In several places, the draft also blurs the line between institutional cooperation and potential EU-level obligations on operators. It introduces unrealistic standards, such as ensuring uninterrupted connectivity under any circumstances (Art. 5), or anticipating and preventing any natural disaster, crisis or man-made disruption. These requirements go beyond the role of private operators and diverge from the principles established under NIS2 and CER.

The framework becomes even more burdensome with Article 5(4), which would require operators to submit a roadmap two years in advance of migrating from legacy technologies. This would add unnecessary documentation and risk slowing the rollout of next-generation networks and services.

Overall, the proposal is confusing, complex and disproportionate. It fails to take proper account of NIS2, CER and national frameworks, as well as network-specific characteristics, operators' expertise and a horizontal whole-value-chain perspective.



Given the existing legal landscape, we question the added value of Articles 4–8 and of the proposed Union Preparedness Plan for Digital Infrastructures. Any preparedness cooperation should remain non-prescriptive, avoid unjustified costs or liabilities for operators, and be fully aligned with existing EU and national crisis-management and cybersecurity frameworks. EU policymakers should instead engage with telecom operators to ensure that any future intervention genuinely fills a gap, remains horizontal, preserves stakeholder autonomy and allows flexibility in implementation.

As already recognised under NIS2 and CER, effective resilience policies should prioritise measures at critical network sites – such as those supporting emergency response, essential public services and key aggregation functions – rather than imposing identical obligations across all telecom infrastructure. Not all telecom infrastructures face the same threats, nor do they play the same role in supporting essential services. Over-engineering the entire network diverts resources away from where redundancy is genuinely needed.

📢 Policy Asks

- **Address resilience objectives through the existing horizontal frameworks, rather than sector-specific rules.**
- **Avoid introducing new reporting obligations for operators.**

10 Simplified and Fair Framework for General Authorisation

A genuinely integrated Digital Single Market requires simple, predictable, and harmonised market-entry conditions for providers of electronic communications networks and services. We support the objective of reducing fragmentation and enhancing legal certainty and of maintaining light-touch authorisation which has long ensured competitive market entry across the EU.

The proposed Single Passport might ease the administrative process for operators present in several countries but also raises questions regarding its enforcement and the possibility for Member States to impose specific obligations (Art 10.6). In addition, on its own it does not resolve the deeper structural fragmentation that providers continue to face once services are operational. Divergent national approaches to ongoing compliance, lawful interception, information requests, reporting obligations, and enforcement practices remain a significant barrier to genuinely seamless EU-wide provision. These issues sit largely outside the scope of the general authorisation or single passport regime and cannot be addressed through notification mechanisms alone. For this reason, the Single Passport should be positioned as a procedural facilitation tool within the general authorisation framework, rather than as a substitute for wider regulatory convergence in the DNA. Additionally, the single passport regime should improve the existing general authorisation regime rather than add complexity. To this end, the DNA should provide clear legal certainty that existing authorisations remain fully valid, are not subject to new or additional qualifying criteria, and allow authorised providers to make use of general authorisation or the Single Passport without reopening or reassessing market-entry conditions. The DNA proposal further increases bureaucracy by requiring an explicit confirmation of the responsible NRA before the services launch, which creates a new procedural element instead of removing them.

Regarding the obligations attached to general authorisation (Art. 9 and Art. 20 on use of spectrum), we understand the objective is to have a fully harmonised set of requirements for market entry which is welcome. However, the current list risks leading to a disproportionate outcome. Linking general authorisation to horizontal compliance regimes that have not even been adopted such as the Cybersecurity Act 2 (CSA2) creates legal uncertainty. Moreover, it would expose telecom operators to eventual cumulative sanctions, including the loss of authorisation rights, in addition to penalties under the relevant horizontal framework. This would result in significantly stricter consequences for one sector and is in conflict with the level playing field principle. The proposal risks duplicating obligations and introducing new and burdensome sector specific rules for telecom operators that do not apply elsewhere in the economy. This would undermine the role of CSA2 as a horizontal, risk-based framework and create unnecessary overlap between regulatory regimes. Rather than simplifying the regulatory landscape, this approach risks introducing parallel enforcement tracks, duplicative assessments, and uncertainty as to regulatory competence. The resulting complexity would increase compliance costs and administrative burden and reintroduce fragmentation at the point where greater coherence is most needed.

Legislators should therefore carefully review the minimum conditions attached to the general authorisation to ensure they remain targeted, proportionate, and clearly focused on market entry, and do not create undue burdens or regulatory asymmetries with functionally comparable providers, including satellite service providers.

The general authorisation framework should be targeted and light-touch, with a genuine focus on market entry rather than creating incentives for a "race to the bottom" towards jurisdictions with the lowest enforcement standards. The framework should be clear beyond doubt that NRAs in the Member State where services are provided retain effective supervisory and enforcement powers and the notified NRA assuming governance or enforcement competence for activities carried out in other Member States.

Last but not the least, the DNA is a chance to level the playing field by including the providers of Number-Independent Interpersonal Communication Services ("NI-ICS") into the general authorisation scope. The DNA foresees the possibility of NI-ICS being obliged to comply with the obligations of network resilience,

preparedness, cybersecurity, lawful interception and data retention. From a customer's perspective, the services provided by NI-ICS are increasingly seen as full substitutes to the traditional electronic communications. Therefore, including them into the general authorisation scope would be a natural step for a future-proof DNA.

Policy Asks

- **Remove harmful interlinkages with the CSA2 in general authorisation, including related to use of spectrum, and ensure minimum conditions genuinely reflect the conditions needed for market entry.**
- **Include drafting which makes it explicit that nothing in Articles 9 and 10 should mean that existing authorised operators across different Member States will be impacted and these are de facto compliant.**
- **Ensure NRAs in the Member State where services are provided retain effective supervisory and enforcement powers for those obligations.**
- **Include providers of NI-ICS into the GA scope.**

11 Numbering Resources

The DNA has an important focus on coordination processes for the exterritorial use of national numbering resources, with specific awareness on M2M/IoT-connectivity and M2M/IoT use cases (e.g. automotive). This reflects market realities in which numbering has not historically been a structural bottleneck. It also preserves operators' ability to rely on commercial arrangements, including in the sphere of permanent roaming, without introducing additional regulatory burdens.

There are still opportunities to simplify the framework further, particularly by clearly excluding non-interpersonal M2M and IoT services from consumer-focused obligations and by reducing unnecessary regulatory complexity where numbering is used only for machine connectivity.

In addition, the impact of the proposed shared system for numbering, with the EC setting overall strategy and harmonised cross-border number ranges as well as numbering ranges for pan-European services, requires further analysis.

Policy Asks

- **Simplify the framework for numbering resources by excluding non-interpersonal M2M and IoT services from consumer-focused obligations.**

12 Sustainability

The DNA's overall focus on modernisation, competitiveness, investment incentives, and the end-to-end approach to drive energy efficiency and reduce emissions is positive. These levers are essential for telecom networks to support the EU sustainability goals. Additionally, we believe that data efficiency should be improved via better bandwidth usage, more advanced codecs, and by enabling data-saving mode as the default setting.

Additional sector-specific reporting requirements should be avoided. Telecom operators are already subject to a wide range of sustainability reporting obligations through the Corporate Sustainability Reporting Directive ("CSRD")[12]. The CSRD relies on the publication of the transition plan, which is an ambitious exercise that addresses the issue of limiting Greenhouse gas (GHG) emissions for companies. In addition, CSRD reports are already externally audited, and they will become easier to access and benchmark thanks to a new machine-readable format. The telecom sector has an alliance[13] that works to assess, audit, and improve sustainability performance of telecom operators' supply chains. Concretely, the Alliance conducts joint supplier audits and promotes higher standards on human rights, environmental protection, and responsible sourcing in the ICT sector.

For these reasons, there is no justification for additional reporting. Moreover, adding parallel data-collection requirements to the DNA, for example via NRAs and/or BEREC, would run counter to the corresponding simplification / "Omnibus" initiative[14], risk duplicating existing requirements, without helping operators improve environmental outcomes. In addition, heterogenous requirements of NRAs risk inconsistencies between international subsidiaries of multi-national corporations. As a consequence, it will be more complicated for capital markets to benchmark corporate performance, which fully contradicts the intended transparency and may actually hinder carbon-friendly investments.

The DNA should therefore prioritise modernisation rather than expanding its scope into areas already governed by cross sector EU law.

Policy Asks

- **Remove additional red tape in line with the European Commission's simplification agenda.**

Sources & Supporting References

This paper builds in particular on the following reports and studies, which informed the data, analysis and policy considerations set out above:

1 Connect Europe, State of Digital Communications, 2026.
2 Arthur D. Little, A Simplification Agenda for European Telecoms, 2025.
3 Cullen, International Analysis, 2026
4 GSMA, Vision 2040: Spectrum for the future of mobile connectivity, 2025.
5 GSMA, Vision 2040: Spectrum for the future of mobile connectivity, 2025.
6 DNA: "At the same time, in line with the principle of subsidiarity, the design, sequencing and implementation of the transition are entrusted to the Member States and national regulatory authorities."
7 Arcep, Scorecard for fixed broadband and superfast broadband services, Q3 2025.
8 TeleGeography, Kristin Carlson, The State of the Network, 2024.
9 Ipsos, Europe's Digital Pulse: Connectivity Trends and Consumer Insights, 2024.
10 European Commission, Digital Decade 2025: Broadband Coverage in Europe 2024.
11 Copenhagen Economics, The Telecom Sector's Contribution to Europe's Security and Resilience, 2025.
12 Directive (EU) 2022/2464.
13 The Joint Alliance for Corporate Social Responsibility (JAC). More at: https://jointallianceforcsr.org/.
14 Directive (EU) 2026/470.

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