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STATEMENT

On the Proposal for a Regulation of the European Parliament and the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58 and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1972 and Decision No 243/2012/EU (Digital Networks Act)

Berlin, 15.06.2026

Executive Summary:

The proposal of the Commission Digital Networks Act (DNA) is set out to simplify and harmonise regulation of the telecommunication sector in Europe and to speed up the rollout of high-gigabit infrastructure.

eco welcomes the initiative of the Commission in general, however argues, that in terms of simplification and harmonisation much could be done to align the DNA better with other existing and upcoming European regulation.

The Digital Networks Act (DNA) presented by the European Commission on 19 January 2026 is intended to modernize and simplify the regulatory framework of the telecommunication sector in Europe. From an internet economy perspective, the general question is, whether the current proposal of the DNA actually adds up to this intention or poses a new building block for overregulation.

eco – Association of the Internet Industry would like to address the proposal DNA of the European Commission as follows:

▪ On Part I: Scope Objectives and Definitions

The DNA is set to "reinforce the competitiveness of the connectivity sector and industry at-large by facilitating investments in advanced digital infrastructures". With the creation of new reporting duties, the DNA is rather expanding the existing regulatory framework against the background of increasing costs for building and maintaining them. From a point of view of the internet industry, simplification with the aim of reducing cost and above all fostering competitiveness, investment, competition and innovation should be at the centre of the envisioned legislative project. While the DNA does put forward several changes, , which will enhance the market driven expansion of digital networks in Europe, these innovations will not suffice and will not compensate for the shortfalls in other relevant areas.

Additionally, the overall regulatory burden of the DNA should be carefully weighted. With the DNA being a regulation binding for all European Union Member

Sates specific provisions of the DNA need to be regarded in the context of the specific situations in respective Member States and the structure of their networks.

- **On Part II: Resilience**

eco acknowledges the fundamental role of the ecosystem of digital infrastructures for the functioning of economy and society. Recent years have underscored the significance of data centres, cloud solutions and open accessible, interoperable digital networks. Against this background, legislation has been passed, that provide the legislative instruments to address cybersecurity risk management and resilience measures, namely the NIS2 directive, the Cyber Resilience Act (CRA), the Critical Entities Resilience Directive (CER) in addition to sector specific regulation like the Digital Operational Resilience Act (DORA) or is currently in discussion like the Cyber Security Act II (CSA2). In parallel to this development guidelines set up by the Commission e.g. the 5G-Toolbox, which have been widely adopted by national regulators have imposed additional rules, reporting mechanisms and provisions for network operators and equipment vendors. The integration of CSA2 requirements and supply chain security measures into the DNA is problematic. These measures must align with NIS2 and the Cyber Resilience Act in order to avoid overlapping compliance obligations. Currently the cross-references to the CSA2 create additional and burdens for the telecoms sector alone. Telecoms operators will have to comply with CSA2 and face penalties under this legislation and introducing this interlinkage in the DNA will distort the level playing field, by imposing additional compliance obligations on telecom operators that do not apply elsewhere in the digital ecosystem. Removing interlinkages with CSA2 is necessary to preserve legal clarity, support investment certainty, and avoid unnecessary regulatory burden especially since the political debate on the CSA2 has not yet concluded and only a proposal is available. Mandatory replacement measures should also be supported by EU funding. Given that, eco questions the necessity to include further provisions for resilience in the DNA. They create legal ambiguity and bear the risk of legal fragmentation. eco advises against further requirements for resilience in the DNA and recommends adding them to existing respective regulation. Additionally, the establishment of a “Union Preparedness Plan for Digital Infrastructures” in Article 6 of the DNA creates additional administrative burden with unclear benefit for the safety and resilience of digital networks. eco advises against this report and supports the established reporting frameworks.

- **On Part III: Single Market Authorisation and Passporting**

eco generally welcomes the establishment of the single authorisation registration of the passporting principle in the DNA to streamline the formal notification requirement. However, eco advises that further efforts need to be made in order to establish a sound passporting regime. The current proposal suggests that the national regulatory authority (NRA) is acting as a passporting instance. However, it cannot act as sanctioning authority if violation of law has happened in another country. This may lead to legal ineffectiveness. The National Authorities of the country where the service is provided should ensure consistent enforcement of rules. Improving regulatory coherence and consistency across Member States is essential. Stronger coordination at EU level would enhance legal certainty and support a more effective Single Market. Measures aimed at reducing administrative barriers to cross-border service provision could help create a more integrated Single Market. However, even with the benefits of a robust passporting mechanism, this alone is not sufficient to resolve fragmentation across the EU. The main obstacle to cross-border market entry remains fragmented national legal frameworks regarding multiple areas of law.

Extending sector-specific telecom regulation to infrastructure operating at different functional layer of the digital ecosystem not only runs contrary to the DNA simplification objectives but also risks creating regulatory burden that will slow the deployment of key services that foster connectivity across the EU. eco therefore recommends amending Article 9(2) to narrow its scope to public networks used for the provision of public electronic communications services to end users.

While the registration procedures established in Part III of the DNA are generally understandable and acceptable this is undone by several references to the CSA2, which is currently in development and which is its own legislation with its own set of obligations and penalties. eco recommends removing these references and instead focussing them on existing regulation in order to avoid legal uncertainty through possibly unclear regulation. This especially addresses the Articles 9 (4) lit. d and 20 (2) lit. d, where the CSA2 is directly addressed. Removing these provisions would allow for a straightforward and clear implementation of the DNA without further regard to other regimes currently in development. In this context, eco would like to reiterate its general concern of overlapping and hence unclear regulation and in creating extra burdens and penalties for the telecoms sector above and beyond those on other sectors.

- **On Part IV: Resources (Radio Spectrum and Numbering)**

The DNA states, that numbers are a “key electronic communication resource”, serving as a means for different purposes, essential for connectivity, innovation and market development, as well as for consumer protection and fraud prevention, in national market contexts and within the EU. Accordingly, eco welcomes the overall goal of a forward-looking framework for the management, allocation and use of national numbering resources on a national level and within the EU.

Nevertheless, the new provisions related to a more coordinated numbering plan management between the EU and Member States should not result in disproportionate and burdensome changes without proven necessity. As business models differ with regard to target groups and technology, as well as geographical focus, it is important to preserve flexibility of NRAs when it comes to national number management and regulation. It is likewise necessary to ensure a coordinated EU-framework for the extraterritorial use of national numbering resources, which enables EU-wide services and cross-country developments.

Additionally, the formulation of Art. 25 (1) where “[…] radio spectrum subject to limited duration shall be automatically renewed for a similar duration and with similar conditions upon request […]" leaves room for interpretation on what additional burdens may be imposed and how far "similar conditions" may actually stretch.

The general question on the establishment of a resources management on a European level as established in Part IV of the DNA is, whether this approach aims at striking a balance between competencies of member states and EU Commission. The DNA proposes such balanced approach by leaving core competencies in the member states and only selectively introducing further steps for harmonized implementation of the DNA rules. For example, numbering has so far been effectively managed through NRAs while other forms of resource allocation e.g. machine-to-machine communication (M2M) or radio spectrum has been managed globally as Article 13 (3) acknowledges. It should also be taken into account, that the prospective radio spectrum management establishes the setup of a radio spectrum strategy in Article 17 and a database for radio spectrum use in Article 28. Both require additional information from the industry in order to be maintained and operated effectively.

In general, parallel procedures alongside established ITU-R and CEPT processes are to be avoided by the DNA. Without previous work in ITU and CEPT, there is no basis for regulatory and technical usage conditions, which could be harmonized. Therefore, harmonization of spectrum should remain within the established processes.

- **On Part V: Transition to Fibre, Markets Functioning and Competition**

Generally, eco supports the roll-out and the broad availability of high-speed gigabit internet. While there are economic and legal doubts whether central provisions for a Europe-wide approach towards fibre are feasible without national room for manoeuvre since the structure of national copper telecommunications infrastructures and their fibre replacements vary between member states, a common mechanism based on objective criteria and with efficient investment incentives in mind is necessary.

- **On Part VI: Services**

With central market actors considering that the Universal Service Obligation (USO) regime should be considered phased out with the adoption of the DNA the topic needs to be further elaborated upon. Since the introduction of the USO, the market for electronic communication services has evolved, and today's markets offer a wide range of services that meet consumer needs and provide broadband connectivity. The availability of adequate broadband has become nearly universal across the Union, with 97.7% of households covered by fixed broadband networks. Where connectivity gaps persist in exceptional cases, these should primarily be addressed through national measures and targeted public funding mechanisms, such as voucher schemes, rather than through complex legislative regimes.

The provisions of Part VI need to be taxed against other existing European regulation e.g. the Consumer Protection Cooperation Regulation (CPC) and other general consumer protection regulation in order to avoid double regulation. This would also apply to data protection provisions and the still existing ePrivacy Directive. The DNA should further be used to repeal ePrivacy provisions, which would overlap with the General Data Protection Regulation (GDPR). Where other provisions are not encompassed within the GDPR these articles should be transposed into horizontal EU regulation.

The provisions laid down to end-user protection in Title III of Part VI should also be critically reviewed in order to be taken in line with existing consumer-protection provisions so as to avoid double regulation. eco acknowledges the efforts by the Commission to harmonize the existing rules and welcomes the narrower application to consumers across many of these rules, however also believes, that they fall short against the criterion of simplification.

All in all the DNA should contain only strictly necessary consumer protection rules not covered by general consumer protection laws. This applies in particular to information and transparency obligations, which are already covered sufficiently by horizontal law. To this end, sector-specific provisions in consumer protection have become extensive and bear the risk of overloading consumers with information rather than being useful. Furthermore, there is no evidence of any sector-specific case where a relevant information gap has been identified; in fact, all providers offer sufficient information.

Against this background, Article 95 fails to make use of one of the key levers for reducing regulatory complexity. The internet industry therefore considers that consumer protection obligations going beyond the requirements of Directive 2011/83/EU should be deleted. Article 95(1) of the proposal still foresees mandatory contract information and transparency requirements that result in an information overload and do not deliver meaningful benefits to end users. The rule is duplicative as it overlaps with the horizontal consumer protection provision set out in Articles 5 and 6 CRD (Directive 2011/83/EU). This duplicative nature of the information obligation is particularly shown by the fact that Article 95(4) explicitly refers to the applicable provisions of the CRD containing identical information obligations. In other sectors that are likewise important from a consumer perspective, such duplicative information requirements do not exist. Rather, only the horizontal requirements of the CRD apply there.

Such duplicative requirements also bear the risk of national overregulation. In Germany, for example, the broad sector specific provisions on information obligations were utilized to introduce a complex and bureaucratic mechanism of duplicative information as providers are required to supply a product information sheet in addition to the contract summary. However, there is no evidence of any sector-specific case where a relevant information gap has been identified; in fact, all providers offer sufficient information as already required by horizontal law.

Also, the harmonization clause in Article 95(7) is not sufficient to prevent such national specific regulation in the future. The duplicative information obligation is so broad that there is a risk that Member States might classify national measures as suitable implementing measures.

Furthermore, there is no need for diversification in the regulation of contract durations. In this regard, Art. 97 (1) of the proposal still contains the right of Member States to maintain provisions on shorter contract duration periods instead of defining an EU-wide contract duration of 24 months uniformly. This leads to an inconsistent level of consumer protection throughout the single market, resulting in distortion of competition. Consumers expect to receive a very similar contractual framework throughout the digital single market. And operators need better planning certainty and similar rules when they operate in several member states. Although contracts with shorter terms are often offered at slightly higher prices, there is hardly any consumer demand for such contracts. Therefore, the discretion for the Member States regarding contract duration in Art. 97 (1) is not necessary and should be removed to ensure full harmonization.

Another example for extensive sector specific rules overlapping with general principles of domestic civil law is Art. 100 (6) of the proposal stating that the BEREC guidelines shall also detail the compensation process of end-users by their providers in the case of delays in, or abuse of, porting and switching processes, missed service and installation appointments or failure by the provider to comply with the obligations set out in Art. 100 of the proposal. This also leads to fixed contractual penalties, without even taking into account whether any damage has occurred. As outlined above, any intentional or negligent delays would already be sufficiently covered by domestic civil law as a breach of contractual obligations. There is no need for a blanket provision going beyond this. Rather, in the interests of simplification and reducing bureaucracy, the civil law principle of compensation should be reinstated. In most cases, the current model results in the end user receiving undue enrichment without there being any regulatory need for it. Therefore, Art. 100 (7) should be amended to ensure full harmonisation.

Today's consumer-related provisions of the EECC are not suitable for the B2B market. Whilst the Commission has emphasized that simplification applied to B2B business, Art. 99 of the proposal appears to be a step backwards in this regard. Again, this provision extends certain requirements – which are essentially consumer protection provisions – to micro-enterprises, small and medium-sized enterprises, and not-for-profit organizations. However, in order to achieve significant simplification, the DNA should shift to consumer protection that protects consumers by definition. Consumer protection in the EU is designed to protect consumers, i.e. people using services for purposes which are outside their trade, business, craft or profession, as these people are unexperienced. This need for protection does not apply to businesses and organizations, regardless of their size. Against this background, Article 99 of the proposal should be removed.

- **On Part VII: Governance**

As stated before, the Governance structure of the DNA is regarded as complex with lack of clarity in how far it may prove agile, responsive and will not create further bureaucracy. There is currently disparity within the internet industry as to whether more tasks should be governed centrally at EU-level or through NRAs. The future relation between BEREC, the to be developed ODN and the NRAs will be critical to the functioning of the DNA and the further alleviation of bureaucracy. Further, the expansion of the tasks of BEREC through Articles 122ff may prove counterproductive and has received criticism from amongst the membership of eco. The responsibilities of the Radio Spectrum Policy Board (RSPB) and BEREC should be kept separate, with the ODN ensuring RSPB's complete independence from BEREC to avoid the risk that BEREC could influence or indirectly control spectrum policy.

- **On Part VIII General and Final Provisions**

The final provisions should be critically reviewed in the eyes of the internet industry. Specifically, in Article 181 (4) the reference to the CSA2 still in development creates legal uncertainty. In addition to that the information procedures established in Article 181 and 183 should be reviewed and streamlined in order to reduce the administrative and reporting burden on telecommunications companies. The guidelines on harmonization established in Article 182 is not sufficient in the eyes of eco and should be binding notwithstanding the deletion of paragraph 4 of Article 182: It foresees that BEREC may amend such guidelines regarding the collection of information on sustainability if NRAs conclude that information provided by undertakings pursuant to other relevant Union legislation is insufficient for the completion of NRAs' tasks according to the DNA. Yet, there is no need for this new responsibility, as the CSRD and ESRS already define all necessary sustainability information to be made transparent, on the basis of a double materiality analysis. In other words, all relevant sustainability data are already transparent, comparable, externally audited and publicly available at a certain point in time each year. They are thus also readily available for NRAs.

As a consequence, and for the same reason, also Art. 115 para 1 c of the DNA, which introduces a new responsibility for NRAs to gather data, inter alia on sustainability, should be deleted, which is closely linked to the stated goal in Art. 3 (1g) of the DNA, which foresees the new general objective to "promote sustainability". This provision should also receive scrutiny, since, it is already enshrined in various EU horizontal and sector-specific legislation and action packages, i.a. the CSRD, the ESRS, the EU Taxonomy and the Code of Conduct for the Sustainability of the Telecommunications Sector (published only at the beginning of 2026 by the EU Commission).

Any new competences regarding sustainability for NRAs or BEREC would therefore interfere with the existing, and well-established transparency standards, and in sum only decrease the transparency levels achieved, and increase, rather than decrease reporting obligations.

- **Conclusion**

The Commission's proposal for the DNA leaves much room for debate implying impact of the regulation on fields adjacent to the classical telco sector e.g. cloud computing etc. Discussions on the DNA center around the future of net neutrality and the distribution of market power. Among the controversial issues are the proposed provisions on “cooperation within the ecosystem” and the voluntary conciliation procedure, as well as the future of net neutrality. After careful consideration, eco has decided not to comment on these issues.

Apart from that, eco points out, that the DNA correlates closely with other European legislation opening the risks of double regulation e.g. in the fields of cybersecurity or consumer protection, both of which should be aligned with existing regulation. As for data protection, the DNA does not synchronize with the existing data protection regime in place through the GDPR and does not consistently remove the ePrivacy Directive. The internet industry understands, that protecting citizens’ rights is crucial in the field of digital politics as a foundation for trust in digital services. However, this does not stand at odds with the aim of existing regulation to be harmonized and brought in line leaving little room for further sector specific regulation in this sensitive field.

About eco: With approximately 1,000 member companies, eco (international.eco.de) is the leading Association of the Internet Industry in Europe. Since 1995, eco has been highly instrumental in shaping the Internet, fostering new technologies, forming framework conditions, and representing the interests of its members in politics and international forums. eco has offices based in Cologne, Berlin and Brussels. In its work, eco primarily advocates for a high-performance, reliable and trustworthy ecosystem of digital infrastructures and services.