

## **EuroISPA Response to the Digital Networks Act Call for Evidence**

*June 2025*

### **Introduction**

EuroISPA takes note of the European Commission's initiative and the launch of the related consultations concerning the Digital Networks Act and the broader reform of the EU electronic communications framework.

While we support the objective of ensuring that European networks remain future-proof and competitive, we believe it is essential to approach such an ambitious overhaul with full transparency, robust legal methodology, and proper sequencing.

The current process, which involves multiple parallel consultations touching on fundamental regulatory pillars – such as access, symmetry, spectrum, net neutrality, and relevant markets – raises concerns about fragmentation and timing.

In the absence of a structured legislative draft or consolidated impact assessment, it remains difficult for stakeholders, particularly smaller and independent operators, to engage meaningfully and assess the cumulative implications of the proposed changes.

We therefore stress the need for a more integrated and coherent consultation path, which respects the principles of inclusiveness, evidence-based policymaking, and regulatory continuity as established by the European Electronic Communications Code.

### **1. Defining Limits to Harmonise Access Regulation and Network Transition**

- EuroISPA is concerned about the imposition of EU harmonised access products with pre-defined technical characteristics. Any harmonised "default access product" must be optional and respect market dynamics at national and sub-national level.
- Additionally, EuroISPA strongly opposes the introduction of a common date for copper switch-off plans. Indeed, this transition must rely on domestic specialties, in order to avoid unintended digital exclusion, particularly in underserved areas. A one-size-fits-all approach undermines the principle of subsidiarity and fails to reflect the diversity of national deployment contexts. In addition, an EU-wide date for the copper switch off could raise unrealistic expectations and confusion with citizens in those areas where the deployment

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situation is not sufficient to take this significant step. Therefore, it does not make sense to envisage an EU action in that matter.

## **2. Advancing Harmonisation and simplification**

- The EU's Better Regulation principles require that interventions be proportionate, necessary, and effective. Several existing frameworks, including competition law, the Open Internet Regulation, and recent legislation such as NIS2 and the Data Act, already provide comprehensive oversight of digital services.
- EuroISPA supports the European Commission's efforts to streamline administrative processes, such as reporting obligations and general authorizations, and reduce unnecessary complexity and facilitate efficient cross-border operations. Harmonization across Member States will help create a more integrated digital single market by lowering compliance costs and enabling faster deployment of networks and services. However, simplification efforts must preserve the flexibility to address structural differences across Member States and avoid imposing one-size-fits-all mechanisms that risk undermining functioning models and distorting competition, weakening the role of local regulatory and legal authorities.
- The consolidation of multiple legislative instruments (e.g. EECC, BEREC Regulation, Open Internet Regulation, RSPP) should be justified by clear evidence of added value, ensuring regulatory clarity and consistency without increasing burdens on operators. Regulatory clarity, proportionality, and consistency must remain core principles.
- The telecommunications sector is characterized by an enormous density of regulatory requirements, which entail high costs for providers and often offer dubious added value. A thorough review would be helpful here, particularly based on feedback from affected companies, to identify possible cases of "overregulation" which could be addressed by the Digital Networks Act.

## **3. Enabling technology-neutral connectivity framework**

- EuroISPA supports a technology-neutral regulatory framework that encourages innovation, competition, and connectivity across all available technologies such as fibre, high-performance wireless technologies, and satellite. This approach is essential to closing the digital divide and enabling cost-effective solutions, particularly in rural and remote areas where technologies like Low Earth Orbit (LEO) satellite broadband can significantly reduce infrastructure costs while still achieving broad coverage objectives.
- To maximize these benefits, spectrum authorisation frameworks should be flexible enough to foster innovation and investment, while simultaneously ensuring regulatory certainty and equitable access to spectrum resources for all market participants. Acknowledging that spectrum is a scarce public resource and must be allocated through transparent, competitive procedures that uphold market fairness.
- In addition, we caution against any attempt to centralise spectrum governance at EU level and establishing spectrum authorisation roadmaps. While coordination and addressing cross-

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border interferences from third countries is necessary, a top-down harmonisation model would undermine the capacity of Member States to address specific local needs.

#### **4. Aligning Environmental Legislations with Existing EU Frameworks**

EuroISPA advocates for a horizontal approach to environmental regulation, relying on the existing horizontal EU ESG frameworks rather than creating additional and duplicating new telecom-specific rules.

#### **5. Distinguishing Consumer Protection from Enterprise Services**

EuroISPA believes that the DNA should acknowledge the distinction between retail consumer services and services provided to large enterprise and public sector customers. Enterprise services, different from consumers and small and micro customers, characterised by complex solutions with bespoke bi-laterally negotiated contracts and SLA's, should be explicitly exempt from consumer protection regulation.

#### **6. Ensuring proportional and non-redundant governance structures**

At the EU level, it can be valuable to support the digital infrastructure ecosystem by facilitating the sharing of good practices across Member States without imposing additional regulatory burdens. However, EuroISPA opposes to reinforce the powers of EU entities in that field, with respect to the subsidiarity principle.

#### **7. Focusing on Demand-Side Gaps and Digital Skills**

- Any proposals to extend Universal Service Obligations require careful examination against market realities and shall be tailored to the needs of vulnerable social groups in each country. Current evidence indicates that demand-side factors, not infrastructure availability, often limit connectivity adoption. Enterprise service providers should be exempt from Universal Service Obligations because these measures are fundamentally designed to benefit consumers. USO ensures essential services are accessible and affordable for the general public, not businesses.
- With significant portions of the population lacking basic digital skills and declining data traffic growth rates in many areas, expanding USO requirements would likely result in inefficient investment without addressing fundamental adoption barriers.
- Rather than extending supply-side obligations, policy should focus on stimulating demand through digital skills development and support for innovative applications.

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## **8. Maintaining a consistent commitment to Net Neutrality**

- Some provisions of the Digital Networks Act (DNA) address the topic of net neutrality. This includes proposals to clarify the rules for an open internet—such as through new interpretative guidelines for innovative services.
- EuroISPA is deeply committed to net neutrality, both by conviction and longstanding practice. Net neutrality is the bedrock of the internet as a platform for equal information exchange and is essential to a democratic society. EuroISPA therefore urges the European Commission to maintain a consistent commitment to net neutrality in all initiatives under the Digital Networks Act and to uphold the principles established by the Open Internet Access Regulation without compromise.

### **Conclusion**

The Digital Networks Act offers a significant opportunity to reinforce Europe’s digital competitiveness by fostering an environment where innovation thrives across a diverse and dynamic ecosystem of services providers. To achieve this, new regulatory measures must support — not hinder — the dynamics that have driven European digital transformation. The focus should remain on avoiding unnecessary interventions that risk increasing complexity and regulatory burdens in order to enable genuine advances in connectivity.

EuroISPA looks forward to continued collaboration with the European Commission and stakeholders to ensure the DNA effectively strengthens Europe’s digital infrastructure while safeguarding the principles that have made the internet a resilient and open platform.

#### **About EuroISPA**

Established in 1997, EuroISPA is the world's largest association of Internet Services Providers Associations, representing over 3,300 Internet Service Providers (ISPs) across the EU and EFTA countries. EuroISPA is recognised as the voice of the EU ISP industry, reflecting the views of ISPs of all sizes from across its member base.

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