

EuroISPA Contribution to the proposal on the Digital Networks Act

June 2026

Introduction

EuroISPA welcomes the European Commission's proposal on the Digital Networks Act (DNA), which aims to modernise the EU regulatory framework for electronic communications and strengthen the competitiveness and resilience of the sector.

We support the overall objectives of greater harmonisation, simplification, and futureproofing of the regulatory framework considering ongoing technological and market developments. However, EuroISPA considers that the proposal does not yet fully achieve these objectives, as several areas remain overly complex, introduce overlaps with existing legislation, or risk inconsistencies in interpretation across the framework.

To address these issues, EuroISPA presents a set of targeted recommendations to support co-legislators in refining the proposal. These recommendations focus on reinforcing regulatory clarity, avoiding overlap with existing EU legislation, and ensuring that new obligations are necessary, justified, and technically feasible. They further aim to preserve a balanced governance architecture building on the established role of BEREC, ensuring respect for core policy principles including subsidiarity and net neutrality, and that all new provisions under the DNA are consistent with the existing acquis and aligned with the overall EU regulatory framework.

1. Ensuring Careful Alignment of Existing Regulatory Frameworks and Simplification Challenges

EuroISPA notes the intention to consolidate multiple regulatory instruments (the EECC, the BEREC Regulation, the Radio Spectrum Policy Programme, and provisions from the Open Internet Regulation and the ePrivacy Directive) within a single framework but expresses reservations regarding the inclusion and harmonization of the different pieces of regulation within the proposal.

Rather than simplifying the regulatory landscape, the Digital Networks Act appears to increase complexity. It is notably longer than the EECC, introduces additional obligations, and relies heavily on implementing acts, delegated acts, BEREC guidelines, and new information-sharing requirements. This adds layers of administrative complexity rather than reducing them.

EuroISPA

Rue de la Loi 38, 1000 Brussels

secretariat@euroispa.org

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Overall, the intended simplification objective will not be fully achieved, and risks being offset by increased regulatory burden. EuroISPA therefore encourages a more cautious and evidence-based approach, ensuring the stability and effectiveness of existing rules while avoiding unintended regulatory consequences.

2. A Clear and Balanced Framework for Achievable Network Resilience

EuroISPA notes the absence of a clear definition of resilience in the proposal, as well as insufficient alignment with existing legislation such as the NIS2 Directive, which already provides relevant definitions and frameworks including those on security of network and information systems (Article 6 (2)). This lack of consistency creates uncertainty as to how obligations would be interpreted and applied in practice. In addition, EuroISPA considers that the DNA should move away from an expectation of “uninterrupted availability of critical and emergency communications” (Article 5) or to anticipate and prevent any natural disaster, crisis or man-made disruption and instead focus on maximum achievable resilience and rapid recovery. The legislative framework should clearly distinguish between a highly robust, redundant network and an unrealistic requirement for infallibility. To ensure both effectiveness and feasibility, resilience obligations should be defined through performance-based standards that are technically sound and economically proportionate, enabling operators to deliver resilient services without imposing disproportionate or unworkable requirements. These requirements should not go beyond any established responsibilities of private companies and must not diverge from the principles established under NIS2 and the Critical Entities Resilience Directive framework.

3. Ensuring a Proportionate Scope for the General Authorisation Regime

EuroISPA supports a more harmonised and forward-looking approach to the General Authorisation Regime under Article 9(2) and sees merit in establishing a common framework. However, EuroISPA calls for clarification on its scope, regarding the potential inclusion of content delivery networks and other private backbone infrastructure.

EuroISPA also believes that the proposal should maintain a clear distinction between technical certification and the right to operate. The introduction of the requirement of compliance with the Cybersecurity Act (Article 9(4)) for right to provide electronic communication networks and services should be removed. Instead, compliance should be ensured through supervisory measures and corrective actions, rather than being applied as a strict precondition for market authorisation.

In addition, EuroISPA supports a more harmonised approach to the General Authorisation Regime for satellite networks and services, including greater alignment of spectrum authorisations for satellite frequency bands, particularly where EU security and sovereignty are

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relevant. This would also help strengthen compliance with ITU Radio Regulations and improve protection against harmful interference.

4. Improving Long-Term Spectrum Frameworks and Safeguarding Proportionality in Numbering Resources

EuroISPA is concerned about the implementation timeline under Article 25(5). A seven-year delay for applying the new renewal framework is too long, especially as several Member States are nearing or already within current spectrum allocation cycles. This change risks limiting the reform's short- to medium-term impact and delaying its intended benefits. EuroISPA therefore proposes a limited transition regime of four years instead, which would better balance the need for regulatory certainty with the timely achievement of the reform's objectives. A shorter transition period would help ensure that the reform delivers its intended short- to medium-term benefits without unnecessary delay.

EuroISPA therefore calls for a review of the implementation schedule, ensuring that the reform can deliver meaningful effects in a timeframe aligned with upcoming national spectrum licensing milestones.

EuroISPA is concerned that certain provisions on numbering resources may introduce disproportionate operational and administrative burdens without clear end-user or efficiency gains. This would be inconsistent with Articles 46 and 51, as well as the horizontal principle under Article 3 (2) (c) requiring regulators to limit administrative burdens where possible. Any new obligations must therefore be strictly justified, proportionate, and efficiency-enhancing.

Specifically, EuroISPA recommends the following adjustments to ensure that the proposal remains a balanced framework:

- Removing the creation of a pan-European numbering resources and a centralised Union database, since it adds a redundant layer of management that risks complicating existing national numbering plans without providing a proven commercial necessity for providers.
- Simplifying the rules on the extraterritorial use of numbers to reduce administrative complexity
- Aligning any strategic planning or imposition of fees in numbering limited to what is objectively justified and proportionate.

5. Ensuring Balanced and Consistent Consumer Protection Framework

EuroISPA supports a clear distinction between consumer and enterprise users, which should be further clarified in article 2, to ensure that consumer protection rules do not extend to B2B

markets where Service Level Agreements (SLAs) already provide appropriate safeguards and where greater regulatory flexibility is needed. This approach is key to supporting innovation and the development of tomorrow's services, particularly B2B offers and uses.

Building on this, three targeted improvements are needed.

- The consistency requirement should be extended to Article 100(6) on compensation for switching and porting delays, as consumers must be entitled to redress when providers miss deadlines.
- The same applies to Article 105 on the distribution of emergency, safety and civic information, as all consumers must receive what they are entitled to. Both provisions are currently outside the scope of the consistency framework and must be brought in.
- Finally, the consumer protections under Articles 98-99 must be limited to their intended beneficiaries, namely individual consumers and small users. Large non-profit organisations should be fully excluded, as their enterprise-level resources and bargaining power place them outside the category of consumers these provisions are intended to protect.

More broadly, consumer protection rules should be streamlined to remove overlaps with existing EU horizontal legislation and ensure full harmonization. This requires removing Article 6 of the ePrivacy Directive and ensuring coherent rules on data confidentiality within the DNA and the GDPR framework.

6. Empowering Providers to Tackle Evolving Fraud Risks

EuroISPA supports the goal of strengthening end-user protection against fraud, including impersonation, and recognizes the importance of addressing these risks within the proposal. However, EuroISPA considers that the measures proposed under Article 103, as currently drafted, are unlikely to deliver the most effective outcomes for end-users.

Fraud risks are constantly evolving and rigid prospective regulatory requirements risk becoming outdated before being implemented. EuroISPA, therefore encourages co-legislators to adopt a technology-neutral, outcomes-based approach, setting clear objectives while empowering providers to deploy the most effective solutions available at any given time.

In the context of fraud, the new power of National Regulatory Authorities (NRAs) to block numbers or services (Article 52 (2)) should be exercised with clear safeguards and restraints. To ensure due process and avoid the risk of disproportionate or arbitrary service disruption, such enforcement actions should be based on a formal judicial request, providing an essential legal check that balances security objectives with the rights of providers and end-users.

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EuroISPA also stresses the need for full alignment with the fraud prevention framework under the Payment Services Regulation (PSR). A coordinated approach between both proposals will help avoid conflicting compliance obligations, reduce administrative burden, and ensure a coherent and effective response to cross-border fraud. Consistency across these frameworks is essential to deliver legal certainty and operational efficiency.

7. Aligning environmental legislations with existing EU frameworks

EuroISPA believes that horizontal legislation should remain the primary vehicle for security and sustainability obligations, relying on the existing horizontal EU ESG frameworks rather than creating additional and duplicative telecom-specific rules.

8. Ensuring proportional and non-redundant governance structures

EuroISPA considers that the proposed governance structure, including the competences assigned to the new Office for Digital Networks (ODN) (Articles 144-147), risks becoming overly complex, partially duplicative, and ultimately detrimental to regulatory effectiveness, with a potential weakening of the role of National Regulatory Authorities and concerns regarding subsidiarity given the extensive expertise already available at Member State level.

BEREC, composed of National Regulatory Authorities from each Member State, is a trusted framework ensuring independent and consistent regulation of digital infrastructures and services, providing neutral expertise on sensitive issues while safeguarding independence, as recognised in the Commission's impact assessment. In contrast, a shift towards a more centralised, top-down governance model—particularly through enhanced Commission influence over BEREC via the proposed ODN (Article 31 and Article 154) (2)) —risks undermining regulatory independence, weakening institutional effectiveness, and eroding stakeholder trust by increasing exposure to political and commercial pressure.

EuroISPA therefore recommends maintaining and strengthening the current BEREC-led governance model, while adopting a lighter and more proportionate approach focused on improving coordination and facilitating the exchange of best practices between Member States, with a clearer and stricter delimitation of competences to avoid duplication and preserve regulatory independence.

9. EuroISPA consistent commitment to net neutrality

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.

While preserving the aim and the spirit of the original net neutrality rules, EuroISPA calls to modernise the Open Internet rules to reflect the evolution of networks (advanced 5G and fibre) and the growing provision of innovative and more customised services.

Conclusion

To conclude, EuroISPA considers that the Digital Networks Act represents an important opportunity to strengthen Europe's digital infrastructure, competitiveness, and long-term resilience. To fully achieve these objectives, the final framework should prioritise legal certainty and regulatory coherence, build on existing and well-functioning EU governance structures, and avoid unnecessary complexity or duplication. It should also preserve a balanced and technology-neutral approach that supports investment, safeguards the open internet and layered architecture, and ensures consistent application of key principles across the EU.

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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