

Digital Networks Act

German industries position on the EU Commission's proposal on a Digital Networks Act (DNA)

8 May 2026

Executive Summary

Connectivity is central to our society and economy and will only grow in importance in the future. However, Europe's digital networks of today are not yet ready to address these challenges. Prior reports, such as those from Letta and Draghi, correctly describe the status quo of digital infrastructures in terms of facing investment challenges, the need to stay resilient and technologically future proof. They rightfully acknowledge the need for a streamlined, simplified and more harmonized regulatory approach to digital networks, with the ultimate goal of achieving the Digital Single Market and encouraging investment. They also rightly identified the low profitability of the electronic communications sector and the resulting inability to fund the substantial investments required for modernizing the digital infrastructure as a key problem that has to be addressed.

Against this background, the Digital Networks Act (DNA) represented an opportunity to introduce ambitious simplification and harmonisation in order to significantly improve investment conditions for the telecom sector and with that, strengthen Europe's overall competitiveness. We welcome the proposal's commitment to deepen the Single Market for connectivity as a positive political signal. However, it overall falls short of its objectives to strengthen competitiveness and ambitious simplification. Rather than delivering a decisive improvement of the regulatory framework, the DNA draft introduces additional complexity, new obligations and further reporting requirements. At more than 340 pages, it does not provide the urgently needed reduction of regulatory burdens that would be required to unlock investment at scale, to reignite growth and strengthen competitiveness. For example, contrary to the Commission's stated goal of reducing reporting requirements by up to 50% (cf. Call for Evidence, Digital Networks Act, 2025), the DNA introduces additional reporting requirements, e.g. new specifications in the areas of resilience, sustainability, network availability, and network deployment forecasts. Telecommunication companies are already subject to a significant number of reporting and transparency obligations (e.g. re. network coverage, roaming services, sustainability KPIs). Therefore, a simplification and reduction of transparency obligations and information requests is necessary instead of the increase foreseen in the DNA. Any rules regarding the provision of information or data by undertakings in the context of information requests or surveys conducted by National Regulatory Authorities (NRAs) must contribute to reducing bureaucracy for undertakings, rather than increase it.

As a result, the proposed Digital Networks Act does not constitute the long-awaited infrastructure-policy complement to the Digital Omnibus. While we welcome the intention to harmonize consumer protection rules across the EU and thereby prevent gold-plating at national level, a more ambitious simplification agenda should align sector-specific rules with horizontal frameworks, repeal outdated rules, exempt

B2B services where justified and reduce red tape to accelerate digital infrastructure deployment. With the exception of some positive elements in spectrum policy, the proposal risks further constraining investment capacity instead of reinforcing it.

Therefore, German industry proposes the following changes to the draft Digital Networks Act:

Part I

While German industry supports the introduction of competitiveness as a new general policy objective, the DNA, with the exception of spectrum reform, lacks concrete proposals to fulfil that aim. We further question whether the proposed objectives of sustainability and resilience add additional value. With horizontal and sector-specific EU frameworks already in place this risks creating new reporting obligations, bureaucratic requirements and overall increasing complexity.

Part II

The proposed Digital Networks Act introduces numerous new and intrusive sector-specific rules—particularly in Articles 3–8—that risk duplicating existing obligations under NIS2 and the CER Directive, increasing regulatory uncertainty, and adding unnecessary complexity. For example, the envisaged Union Digital Infrastructure Preparedness Plan, to be developed by BEREC and the (new) ODN, reflects an overly prescriptive, top-down approach to network resilience. This departs from the risk-based, operator-centric logic of NIS2 and does not sufficiently account for providers' technical expertise and operational realities. While we support secure and resilient networks, creating an additional security and resilience framework with new regulatory bodies would overlap with established horizontal principles and undermine the coherent regulatory architecture that the EU has only recently put in place.

Part III

BDI welcomes the intention to reduce administrative burden for registration in EU Member States through the passporting regime. By far, the main barriers to establishing EU-wide services stem from divergent detailed regulatory requirements across Member States, such as lawful interception obligations, which remain unharmonized. In addition, potential scale effects within individual Member States are not sufficiently enabled and therefore consolidation within markets should be facilitated. In that regard, the current revision of the EU merger guidelines is essential. Furthermore, it is important that the new passporting regime clarifies, that the NRA of the country of service provision is responsible for the enforcement of DNA rules as other approaches would lead to high legal uncertainty and discriminatory outcomes in practice.

Part IV

BDI supports the DNA introducing long-term planning certainty for mobile spectrum as the default approach. It must be clarified whether the seven-year expiration period in Article 25 (5) limits the applicability of the DNA rules. Since most mobile spectrum licences expire in less than seven years, many would fall outside the scope of the new framework. It is

therefore necessary to guarantee that the new provisions also apply to licences expiring before 2035.

Part V

German industry finds that setting a binding copper switch-off date is not realistic at this point in time. Bureaucratic mechanisms and unrealistic EU-wide deadlines for switching off copper networks should be prevented. Instead, the DNA must effectively reduce bureaucracy and strengthen infrastructure competition as the basic pillar for innovation and network investments, the latter in turn being a basic requirement for a transition towards fiber.

If any copper switch-off roadmap should be set in place, its sustainability conditions laid out in Article 57 would have to be amended, e.g. by the condition of the availability of competitive wholesale access to fiber networks.

Part VI

The DNA proposal has missed the chance to improve investment conditions by reducing complexity of consumer protection regulation. Instead of focusing on an effect-based and functional approach, which means containing as much consumer protection as necessary but as little as possible, it proposes the continuation of a number of end-user rights without added value. Therefore, these provisions should be deleted.

The continuation of the Universal Service Obligation (USO) is a step in the wrong direction. Rather than continuing a USO-like legal mechanism, the DNA should rather focus on public measures like obligations of development entities in the context of developing new areas or targeted public subsidies as they would address the remaining limited number of cases of connectivity gaps more efficiently.

Part VII

The introduction of new NRA competences to collect sustainability data from undertakings in Article 115 (1c) as well as 182 (4) should be deleted as sustainability is already an integral part of Europe's digital and green transition which is being governed by a number of horizontal laws such as the existing horizontal sustainability framework under CSRD and ESRS. This framework is fully applicable to connectivity providers and thus sufficient. Because of the double materiality analysis inherent of the ESRS, an additional sector-specific parallel regime is therefore neither justified, nor would it be in line with the aim to streamline and harmonize obligations. In addition, the Commission published a Code of Conduct for the Sustainability of Telecommunications Networks with harmonized KPIs applicable EU-wide only in January 2026. Articles 115 (1c) or 182 (4) would therefore only lead to increased reporting burdens, undermine the intended transparency objectives and run counter to the objectives of the Digital Simplification Omnibus and of the DNA proper.

Part VIII

The extensive reporting obligations proposed regarding the geographical survey of network deployments under Article 183 run counter to the Commission's objective of significantly reducing red tape and boosting competitiveness. They mainly create monitoring bureaucracy and administrative burden, with questionable effects on further accelerating network expansion. Therefore, they should be substantially streamlined to those elements, that are strictly necessary for regulatory decision-making.

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Recitals

Recital 97: Union level authorization beyond satellite spectrum

German industry is sceptical of the Commission's intention to introduce awards at Union level beyond satellite networks and, in particular, for EU-wide terrestrial wholesale networks. This provision would add additional regulatory artificial scarcity on a resource that is already scarce by nature and is needed for the expansion and improvement of existing terrestrial networks. This would lead to the opposite of the intended effect of relieving network operators from high spectrum costs and free investments into networks.

Recital 101: Use it or share it / use it or lose it

Against the background of efficient spectrum usage, German industry supports the inclusion of 'use it or lose it' or 'use it or share it' principles when providing spectrum rights for indefinite time periods. However, it has to be ensured that it will be applied equally to all spectrum holders and telecommunication network operators should always be consulted before losing spectrum rights.

Part I

Article 3: General objectives and principles

German industry welcomes the Commission's decisions that the DNA addresses the recommendation from the Draghi report to reflect competitiveness in the set of policy goals. However, this is not reflected in the wider proposal of the DNA. With the exception of some positive elements in spectrum policy, the proposal overall falls short of its goal to introduce ambitious simplification to fundamentally improve the investment conditions in the telecom sector. It introduces a number of new general objectives, such as resilience and sustainability. These objectives are commendable. Yet, in view of existing horizontal and sector-specific EU frameworks for both sustainability and resilience (CSRD, ESRS and Code of Conduct for Sustainability of Telecommunications Networks regarding sustainability; NIS2, Cyber Resilience Act and CER Directive regarding resilience), it is questionable whether these two new DNA objectives add any value other than creating new reporting obligations, bureaucratic requirements and overall increasing complexity. On the other hand, without a stronger alignment between the new and important general objective of competitiveness in Article 3 and the operative provisions of the DNA, the goal of enhancing competitiveness risks being severely undermined by the very regulatory framework intended to support it.

Part II

Article 4, 5, and 6: Resilience of electronic communications networks and services

German industry supports the Commission's decisions to recognize electronic communication networks as essential for the overall resilience of Union society and economy. Recent developments across Europe have dramatically underscored the critical importance of securing the continent's digital backbone infrastructure. The landscape of European network security has been fundamentally altered by a series of high-profile incidents, demonstrating that infrastructure security threats are not hypothetical but active and escalating risks to European digital sovereignty. We also emphasize that the resilience of electronic communications networks also fundamentally depends on the robustness of the European supply chain for fiber-optic cables, passive infrastructure, components and network technology. Producers of fiber-optic cables, connectors, housings, ducts, protective systems and active

components form an essential part of Europe's digital backbone and must be treated as integral stakeholders in the Union's resilience planning.

However, while we see resilience as highly important for industry and society alike, with the repeal of Articles 40 and 41 EEC and their replacement by horizontal frameworks (NIS2 and CER Directives), BDI questions the reasoning or need for reintroducing sector-specific resilience provisions at scale, as proposed in the DNA. If any resilience requirements were to be added by a DNA resilience framework, they must be fully coherent with existing horizontal legislation, e.g. NIS2, the Cyber Resilience Act, and the outcomes of forthcoming Digital Omnibus simplification. Duplicative or conflicting reporting, certification and notification requirements between these frameworks must be avoided. A clear delineation of responsibilities between sector-specific and horizontal cybersecurity rules is essential. Besides the criticism of the reintroduction of such provisions as such, the proposed provisions themselves raise several questions and concerns.

New measures to be adopted such as the "Union Preparedness Plan for Digital Infrastructures" drafted by BEREC are significantly increasing reporting obligations by requiring the collection of information on different characteristics of electronic communications networks. Past assessments correctly recognized that providers of digital infrastructures are facing investment challenges, and operational recommendations as well as crisis management practices possibly introduced under Art. 6 (2 b-c) could result in new costs for the operators of digital infrastructures, diverting scarce resources away from implementation of measures that enhance security and resilience. Therefore, the Commission should conduct an assessment of existing emergency and security arrangements before recommending or implementing any additional protective measures for electronic communications networks. Should the "Union Preparedness Plan for Digital Infrastructures" mandate further cost-intensive measures, a fair allocation of the resulting costs between governments and industry must be ensured.

Furthermore, the telecommunication companies represented by BDI in principle support upholding connectivity services in all circumstances, particularly in times of crisis. This is something all European telecom operators and service providers work to ensure as an integral part of their business. Yet the unclear requirement for uninterrupted availability of services, along with new but vague requirements for testing and validation of new technologies, and the 2-year roadmap requirement for migrating away from legacy technology provided for in Article 5 will in sum risk slowing down roll-out of next-generation network capabilities and should therefore be deleted.

Article 7: Cooperation and data gathering supporting the preparation of the plan

The information to be collected under Article 7(2) is of a highly sensitive nature. Centralised storage of such data entails significant security risks. In the event of unauthorised access, malicious actors could obtain a comprehensive overview of structural vulnerabilities of European electronic communications networks. Any collection of such information would therefore require particularly stringent safeguards, including strict access controls, data minimisation and robust security standards.

Article 9: General authorisation

German industry finds that Article 9 (2)'s vague language could capture private networks across finance, healthcare, energy and manufacturing. This would impose telecom obligations (registration, fees, incident reporting, resiliency requirements) on thousands of European businesses that never intended to become telecom providers. Therefore, a clearer wording is needed.

Part III

Article 10: Single passport procedure

German industry supports the Single Passport procedure as a tool to reach the goal of a more coordinated approach to authorization, and thereby to simplify the formal requirements towards registration in EU Member States.

The single authorization and passport regime is facilitating market entry. It does not as such “enable the provision of services and networks in multiple Member States” which is dependent on, notably, local investment in networks. Investment in access networks in particular benefits from economies of scope rather than economies of scale. Cross-border service provision therefore does not itself improve investment conditions in networks.

The DNA proposal for a new ‘passporting’ regime should be clarified and streamlined as regards the material review and enforcement powers of national regulatory authorities. The current proposal tasks the NRA that has granted the general authorization with enforcing rules also in other Member States for all obligations attached to the authorization. Such a system would harm both providers and end-users: Where an NRA finds a breach of obligations on its respective territory, the administrative process and possible sanctions should be the same, no matter where the relevant operator has obtained its general authorization. The proposed system would lead to high legal uncertainty and result in discriminatory outcomes in practice. It would also make it highly complex for market players to obtain effective judicial protection. To ensure an effective and equitable application of the DNA rules, the NRA of the country of service provision should continue to be responsible not only for the material review of compliance with rules but also for their enforcement and potential fines.

To summarize, the passporting provisions are a step in the right direction, as long as they stay limited to the formal process of obtaining a general authorization – while both the material assessment of compliance and enforcement thereof needs to continue to be governed by each Member State. In general, we find that a more ambitious tackling of excessive bureaucracy and reporting burdens for network operators, including a shift from the telecommunications sector consumer law towards a horizontal consumer law as well as a significant reduction of the current regulatory framework addressing operators of digital infrastructures would have far more positive implications for the entire market than the harmonization of authorization can have. Therefore, the focus in the coming negotiations should lie on further simplification and streamlining of the regulatory framework.

Part IV

Article 14: Harmful interference

German industry supports the proposed coordinated approach to address cross-border interferences within the Union as well as from third countries. As outlined under Article 14 (5), (6) and (7) cross-border interferences and restrictions should be addressed by the Commission and all Member States acting jointly in bilateral and multilateral negotiations, with the possibility of adopting restrictive measures on a third country if no resolution is reached under Article 14 (5) and (6). Additionally, these measures should be backed by good conditions in international agreements (e.g. primary allocations for EU mobile bands in Radio Regulations). This includes ensuring that spectrum policy is aligned with the strategic interests of the EU, safeguarding its leadership in sovereign 5G and 6G development and standardization.

Article 15, 26 and 27: Shared use of spectrum and transfer/lease of spectrum

German industry supports the proposed EU spectrum policy which enables spectrum sharing where such sharing demonstrably improves efficiency and does not undermine commercial viability or service quality. Spectrum sharing must not undermine the key role of wide area licensed spectrum in underpinning advanced and trusted connectivity. However, in its present form, the DNA mandates sharing by default, risking undermining incumbent services and weakening investment incentives. The proposal could also cause a significant increase in administrative tasks for license holders to justify current spectrum usage against any sharing request and collect spectrum in a central database. The provisions regarding sharing requests therefore must be rebalanced to treat sharing as an option where it demonstrably improves outcomes but not mandated where it increases uncertainty or undermines service reliability. They must also be revised to minimize additional administrative burdens, such as those caused by the establishment and operation of dynamic and real-time geolocation databases, and prevent misuse.

Apart from that, we also welcome the possibility of transferring or leasing spectrum to use spectrum in the most efficient manner.

Article 17: Union radio spectrum strategy and roadmaps

German industry welcomes the proposal by the Commission to set up a Union spectrum strategy that guides long-term spectrum planning, innovation and efficient use of spectrum across the Union. We find that the possibility to adopt Union radio spectrum roadmaps is positive, as they can improve predictability for investment and deployment, allow for early stakeholder involvement and leave sufficient room to reflect Member State-specific circumstances. Spectrum harmonisation should be pursued to ensure timely and efficient use of spectrum across Member States, but with flexibility to accommodate national circumstances. Harmonisation efforts should be focused on the timing of availability and technical/economic usage conditions, rather than imposing uniform national assignment procedures. Furthermore, the Union spectrum strategy should ensure that spectrum allocation planning is based on thorough socio-economic analyses that consider all use cases and avoid approaches that would unduly favor one technology over another. For this reason, efficient use of spectrum should always be a parameter to be considered.

However, the expected demand, traffic growth and connectivity targets of mobile networks – especially while keeping power consumption and cost levels down – cannot be met without additional low- and mid-band spectrum. This holds true even though important measures like refarming, shared approaches and densification are pursued. The Commission should consider these demands in the upcoming review of the 470-694 MHz band for use after 2030.

Article 18: Coordinated timing of assignments

German industry is sceptical about the proposed time frame for coordinated spectrum assignments. The Commission aims for mandatory national assignment procedures within 24 months of spectrum harmonization, with only limited exceptions. This fixed timeframe does not take into account significant differences in market conditions and spectrum demand across Member States. Forcing short assignment timeframes may lead to late assignments in some markets and early assignments in other markets with less spectrum demand. Therefore, any due date for assignments should be extended beyond 24 months.

Article 22: Common authorisation conditions of use for radio spectrum

German industry is sceptical that the proposal provides for the Commission beyond the satellite domain, to assume a comprehensive role as a “manager” of spectrum – including for vaguely defined purposes such as the provision of “EU-wide services”. This clearly goes beyond a meaningful coordination role and entails the risk of centralised, politically driven interventions in national spectrum strategies.

Article 24 and 25: Duration of rights and renewal of individual rights of use for harmonised radio spectrum

German industry strongly supports the proposed introduction of long-term planning certainty as the default approach, as well as auctions geared towards investment as opposed to revenue maximization. Spectrum availability, awarding procedures (including costs) and the right conditions attached to licenses all fundamentally impact incentives to and cost of investing in networks. The Commission rightly identifies that the high costs of acquiring spectrum licenses through auctions have been a heavy burden for the European telecommunications sector in the past. These recurring costs of spectrum licenses have deprived companies of the necessary investment funds needed to finance expansion of gigabit networks as well as to tackle current technological challenges. Therefore, we also support the implementation of a realistic spectrum pricing methodology through the inclusion of relevant parameters, such as ‘revenue per MHz’ under Article 29. Additionally, spectrum policy should ensure that spectrum allocation decisions are based on thorough socio-economic analyses that consider all use cases and avoid approaches that would unduly favor one technology over another. For this reason, efficient use of spectrum should always be a parameter to be considered.

Therefore, the proposed changes of the DNA to introduce long-term planning certainty as the default approach, are an important lever for the competitiveness of European telecommunication network operators. This leads to greater investment security for companies and in turn boosts the quality, affordability and sustainability of networks.

However, there is a need for clarification regarding the precise meaning of the proposed transitional period. Given the high number of license renewals before 2035, the spectrum provisions in the DNA should not be subject to a seven-year transition period. This simply delays the benefits that will otherwise be delivered, which means significantly weakening the investment-enhancing impact of the proposal, even though short-term planning certainty is precisely what is required for forthcoming network investments. The new rules on spectrum license extensions should therefore apply immediately upon the entry into force of the DNA. If it is the Commission’s intention to enable license renewals during the transition period, the respective section needs better wording.

Article 31: Union radio spectrum single market procedure

German industry welcomes the strengthening of the peer review process through the introduction of a “Single Market Procedure”, including improved protection against disproportionately high licence fees.

Article 32: Competition

German industry finds that in the past, interventions of NRAs have often occurred without justification and have drained network operators of funds needed for network expansion and modernization. The draft DNA provides for a Commission veto right in respect of such measures. While this veto right is, in principle, to be welcomed, it does not eliminate the risk that the DNA could still lead to interventions by NRAs without any justification in the mobile sector.

Article 38, 39 and 45: Union authorisation for the use of satellite radio spectrum and Coordination between satellite and Terrestrial use of radio spectrum

German industry welcomes the DNA introducing clear rules on the shared use of terrestrial spectrum by satellite services, ensuring the protection of existing networks without hindering innovation. Enshrining this principle in the DNA ensures legal certainty and clearly defines the complementary role of satellite-based services vis-à-vis terrestrial networks, which is essential for connectivity in remote areas, resilience, industrial innovation, and Europe's strategic autonomy.

German industry also supports the establishment of a Union-wide authorisation regime for satellite spectrum as an important step towards creating a genuine level playing field and enabling the scaling of satellite services across the Single Market. A single EU-level authorisation regime for satellite, including direct-to-device services, is a major step towards simplification and competitiveness. It replaces fragmented national regimes and enables faster deployment of innovative services across Europe.

Article 46 to 52: Numbering resources

German industry shares the classification of numbers as 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 EU.

Accordingly, German industry supports a forward-looking framework for the management, allocation and use of national numbering resources, on national level and within the EU. Therein it is necessary from our perspective to preserve flexibility of NRAs with regard to national number management and regulation and to ensure a coordinated EU framework for the extraterritorial use of national numbering resources, where it enables EU-wide services and cross-border market developments.

With regard to potential EU/NRA application for pan European numbering resources to the ITU it is important from our perspective to apply a cautious and experience-based approach. Such EU-specific numbering resources are not per se suitable to meet market needs and to support the development of cross-border services within the EU. Cross-border business models (e.g. machine-to-machine services such as connected cars, referred to in recital 138) usually are established globally. Therefore, and meanwhile many market participants applied for and got allocated non-geographic numbering resources directly from the ITU. These numbering resources are used for the establishment of cross-border business models and service offers in- and outside the EU.

Part V

Article 54: Mandating copper switch-off

German industry finds that setting a binding copper switch-off date is not realistic at this point in time, as outlined in our contribution to the consultation regarding the White Paper as well as the Call for Evidence for the DNA. It is overly ambitious and could lead to increased costs, reduce the deployment speed of digital infrastructure in some MS as well as to the shutdown of functional infrastructure at the expense of customers. Additionally, a targeted shutdown of copper-based DSL networks without taking local conditions into account entails considerable risk for both end users and market participants. It is crucial to avoid recreating monopolies and to ensure that investment and innovation benefit all citizens and small businesses. A key priority must be that the transition be carried out in a market-based and

consumer-friendly manner, so that end customers must not experience any deterioration in their communications options as a result of the migration.

Against this background, BDI believes that bureaucratic mechanisms and unrealistic EU-wide deadlines for switching off copper networks should be prevented. Instead, the DNA must effectively improve the framework for investment into fiber by reducing bureaucracy and strengthen infrastructure competition as the basic pillar for innovation and network investments, the latter in turn being a basic requirement for a transition towards fiber.

While full fiber networks are the future, the DNA should embrace technological neutrality by recognizing that multiple technology solutions can efficiently serve different market segments and geographic areas. Alternative networks providing a high connectivity quality can fulfill the needs of a wide range of customers and should be evaluated based on performance outcomes rather than technology preferences. This technological neutrality principle is particularly important for addressing coverage gaps in economically challenging areas, where fiber deployment may be prohibitively expensive. The regulatory framework should focus on achieving connectivity objectives through the most efficient combination of technology, rather than mandating specific technical solutions.

Article 57: Sustainability conditions

BDI finds that if any copper switch-off plan should be set in place, its sustainability conditions would have to be amended. For example, the availability of wholesale access to fiber networks in a CSO area that allows access seekers to compete would have to be an additional precondition, as only this guarantees competition, and thus choice for end customers.

Article 63: Rights of way

To achieve the goal of providing companies and the population with high-performance Internet access EU-wide – and thereby to reach the EU's targets for digital infrastructures – hundreds of thousands of kilometers of fiber optic cable will have to be laid in the next few years and tens of thousands of mobile phone towers will have to be built or modernized. This will only succeed within the targeted timeframe if existing expansion hurdles are reduced and the full potential for acceleration is exploited. Therefore, the DNA should introduce tacit approval within two months after submission of a respective building request.

Article 81: Harmonised access products

German industry is against the introduction of the proposed pan-EU harmonised access products, especially if it is considered to be the default wholesale access product. First, the specifications are yet unclear and will only be defined after the DNA enters into force – leading to massive uncertainty. Second, given its nature of being EU harmonised, it is questionable whether the specified product is able to reflect the diverse needs of access seekers. Third, to make such a harmonized product practically usable, it would have to contain a detailed list of procedures, service level agreements (SLAs) and key performance indicators (KPIs) for all EU broadband access networks, as it is customary for reference access offers. Given existing national peculiarities, we doubt such detailed description for all networks is feasible on EU level. Furthermore, as the product has the requirement to provide 'maximum degree of network and service interoperability', there is a risk that such an instrument would devalue investments and thus undermine the principle of infrastructure-based competition by facilitating market entry without any investment.

Article 82: Termination rates

German industry considers that the Union-wide regulation of termination rates as provided for in Article 82 is no longer necessary. The current safeguard cap (0.2 cent) has become part and parcel of daily business practices and therefore does not require continued regulation through a delegated act. Maintaining such regulation risks perpetuating obsolete price controls without generating additional benefits for the market or end-users.

Part VI

Article 87: Universal services

German industry finds that there is a strong case for replacing the Universal Service Obligation as set out in Part VI, Title I. Due to a very low price level for basic services affordability can no longer be considered a structural issue, while the issue of availability has declined drastically due to mobile and fixed network deployment. Availability of adequate broadband has become nearly universal across the EU with 97.7% of households having fixed broadband coverage. Taking this into account, targeted public subsidies ensuring availability in those few local cases without basic connectivity (e.g. public vouchers), would address the remaining cases more targeted and efficient than the Universal Service Obligation, while ensuring the investment capacities of the telecom sector.

Additionally, connectivity gaps should be avoided in the first place through legal obligations for property developers to ensure that connectivity is considered from the beginning of the development of new housing areas. Besides, the majority of existing connectivity gaps were successfully closed through conditions attached to individual rights of use for radio spectrum, such as coverage and quality of service obligations (paragraph 24 Broadband Guidelines, 2023/C 36/01). Practice shows that in most cases petitioners lack sufficient information regarding the provision level, leading to unjustified applications. Where gaps still remain, Member States should first carry out a market consultation that confirms the existence of a market failure before addressing it with specific measures, for example with the above-mentioned targeted subsidies such as demand-sided connectivity vouchers (paragraph 189 Broadband Guidelines). Member States therefore have sufficient powers to act without the USO, and the market compatibility of their actions is also ensured by EU state aid law. There is neither need nor justification for an additional USO-like legal mechanism in the DNA.

Article 93 and 94: Safeguarding of open internet access

German industry finds that a modernisation of the open internet framework is necessary. The DNA does not address the problems created by the current rules, which were designed for a very different technological era, and risk holding back services vital for Europe's industrial strategy and public-service transformation. Changes aiming for an updated principles-based, technology neutral framework which carves out B2B services would reinforce consumer protection based on non-discrimination across the whole digital ecosystem whilst enabling proportionate traffic management and legal certainty for enterprise applications.

Article 95: Information requirements for contracts

German industry considers an ambitious reform of the current regulatory framework to be essential in order to improve the framework conditions for investment in digital infrastructures. Given that the electronic communications sector is already subject to extensive regulation, the DNA should be used as an opportunity to reduce unnecessary red tape and sector-specific obligations.

The DNA should therefore contain as much consumer protection as necessary, as little as possible, and only maintain end-user rights that are actually justified and really have an effect (effect-based approach). Unnecessary end-user rights without added value should be deleted from the DNA (functional approach). This applies in particular to information and transparency obligations, which are already covered sufficiently by horizontal law. In addition to that, these sector-specific provisions have become so extensive that they tend to overload consumers rather than protect them. 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. German industry therefore considers that consumer protection obligations going beyond the requirements of Directive 2011/83/EU should be deleted.

Article 99: Rights for microenterprises, small and medium-sized enterprises or not-for-profit organisations

German industry finds that the scope of consumer protection in the DNA should be limited to consumers per 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 inexperienced. This need for protection does not apply to businesses, regardless of their size, as they have particular market knowledge and experience. Consumer protection is therefore not suited to the B2B sector at all. The DNA should limit consumer protection to consumers per definition in order to simplify sector specific provisions.

Article 103: Protecting end-users against fraudulent activities

The new provisions on the gathering of information and the development of adequate tools on fraud prevention are dysfunctional and ineffective in their current form. The process model provided for in Article 103, which involves complex coordination between various actors, is too vague, too bureaucratic, and therefore inefficient. In particular, insufficient consideration is given to the fact that the industry can respond more quickly and effectively on its own via flexible measures towards varying and dynamically changing fraud scenarios.

Additionally, Article 103 would also mandate Number-Independent Interpersonal Communications Services (NI-ICS) to introduce measures against fraudulent activities on messaging as well as to connect to emergency services (where technically feasible) under Article 106. Any regulatory approach to NI-ICS, such as messaging applications, must be proportionate and evidence-based. Where specific measures are considered, policymakers must recognise that mandating equivalent capabilities for NI-ICS raises significant technical feasibility challenges that require careful assessment before any obligations are imposed.

Part VII

Article 115: National regulatory and other competent authorities

German industry recommends that Article 115 (1c), which provides, for new NRA competences to collect sustainability data from undertakings, should be deleted.

Sustainability is an integral part of Europe's digital and green transition. The electronic communications sector plays a dual role in this context: it continuously improves the energy and resource efficiency of its own networks through technological innovation and modernisation, while simultaneously enabling

substantial emissions reductions across the wider economy. Digital connectivity underpins efficiency gains in industry, mobility, agriculture, public administration and energy systems. For network operators and other ecosystem actors, sustainability improvements are not primarily driven by regulation but economically inherent. Energy efficiency reduces operational expenditure, strengthens resilience against volatile energy prices and aligns with capital market expectations shaped by ESG criteria. Investment decisions regarding network modernisation, cloud infrastructure, advanced wireless technologies, energy-efficient chipsets and improved codecs are increasingly guided by both environmental and economic considerations.

Against this background, introducing additional sector-specific sustainability objectives or reporting obligations under the Digital Networks Act would neither close a regulatory gap nor create additional environmental benefits. Companies are already subject to comprehensive sustainability reporting under the Corporate Sustainability Reporting Directive (CSRD) and the European Sustainability Reporting Standards (ESRS). These frameworks are based on a double materiality assessment, ensuring that both environmental impact and stakeholder relevance are systematically covered. Re-ports are publicly available, externally audited and designed to ensure transparency and comparability across sectors and Member States. The upcoming XBRL tagging will further enhance usability for investors and regulators. In addition, the EU Commission published a Code of Conduct for the Sustainability of Telecommunications Networks with harmonized KPIs applicable EU-wide only in January 2026. Recitals 23 and 376 of the DNA rightly acknowledge this. Articles 115 (1c) or 182 (4) would therefore only lead to increased reporting burdens, bureaucracy and complexity. This would undermine the intended transparency objectives and run counter to the objectives of the Digital Simplification Omnibus and of the DNA proper.

Any parallel or additional reporting requirements at national regulatory authority (NRA) level would undermine the once-only principle and contradict the EU's broader simplification agenda, including the objectives of the omnibus package by increasing the regulatory burden, bureaucracy and complexity. Diverging or heterogeneous national requirements would create inconsistencies within multinational corporate structures, increase compliance costs and risk distortions in capital market assessments. Rather than enhancing transparency, such fragmentation could reduce comparability and weaken investor confidence in sustainability benchmarks. For these reasons, Article 115 (1c), which foresees additional sustainability reporting obligations vis-à-vis NRAs, as well as Article 182 (4), which empowers BEREC to require further sustainability data collection, should be deleted. The existing horizontal sustainability framework under CSRD and ESRS is sufficient and should not be complemented by sector-specific parallel regimes.

Part VIII

Article 183: Geographical survey of network deployments

When it comes to the Commission's goal of reducing red tape, a significant reduction in reporting obligations is needed. NRAs and other authorities already collect detailed network-related information, establish data repositories with varying degrees of public access and develop information tools. In light of the current appreciable market dynamics - including noticeable investment dynamics, extensive network rollout activities in urban and rural areas, infrastructure-based competition, and customers benefitting from enhanced competition and choice through informed decision-making - the fundamental question arises as to whether and to what extent an increasingly refined transparency as well as state-led analysis and planning tools are necessary and beneficial. There is, however, concern that this creates monitoring bureaucracy and administrative burdens, with questionable effects on further accelerating network expansion and achieving the goals of the digital decade. Against this background,

the extensive reporting obligations proposed in Article 183 run counter to these objectives, as they significantly increase the administrative burden on telecommunications companies. German industry therefore considers that Article 183 should be substantially streamlined, with reporting obligations limited to those elements that are strictly necessary for regulatory decision-making. Article 183 should therefore be amended at least by

- making the provisions regarding the forecasts in paragraph 3 optional rather than mandatory,
- deleting the requirement to provide further details such as take-up or the type of segment (residential/business/public)
- deleting the provision in paragraphs 3 and 10 that the survey shall contribute to state aid (which already has its own procedure for collecting data).
- given the limited practical relevance, paragraphs 7 and 8 (designated areas) should be deleted.

Extensive information on broadband coverage is already widely available in the market, and transparency regarding consumer offerings is inherently in the interest of telecommunications companies.

What's Missing?

Areas of responsibility of BEREC

German industry finds that the approach of the DNA remains inconsistent at the institutional level. Instead of focusing BEREC more strongly on strategic core tasks, additional areas of responsibility are opened up, entailing the risk of increasing bureaucracy and a blurring of competences.

Competitiveness and Coherence

The DNA should be embedded in a broader European competitiveness strategy. Regulatory simplification alone will not close the investment gap. The Union should ensure coherence between the DNA and future EU funding instruments that support high-performance digital infrastructure. In addition, the DNA recitals should better reflect the need for scale and investment capacity in European digital infrastructure markets, while safeguarding effective competition.

Data Protection

German industry finds that the DNA misses a decisive opportunity to support European competitiveness by eliminating overlapping rules and existing asymmetries in the field of data protection, especially regarding the 23-year-old ePrivacy Directive. The ePrivacy Directive is outdated, overlaps with horizontal rules (GDPR) and creates unnecessary barriers for innovation in the EU's digital economy. The consent-only model of the ePrivacy framework with very few exemptions to access device data, originally designed for cookies, is outdated and blocks access to data that is necessary to develop technology in the public interest. The European Union stands at a decisive moment, where our future economic security and sovereignty depend on future-proofing the regulatory framework by delivering substantial simplification. The DNA should be used for this purpose e.g. by eliminating unnecessary sector-specific requirements.

Prioritised Access to the low-voltage power grid for cell towers

5G Connectivity is a key component of the EU's digital competitiveness as well as essential for meeting the EU's Digital Decade target of ensuring 5G coverage in all populated areas. However, a remaining key obstacle to efficient mobile network expansion is the persistent delay in connecting mobile communications sites to the low voltage power grid. As a consequence, many regions still face coverage gaps where 5G is either inadequate or entirely missing. Eliminating the digital gap in these underserved areas, especially in rural regions and along key transport routes, requires faster and more reliable access to the low voltage power grid. To allow for a timely connection to the power grid, mobile network sites should be given priority in grid connection procedures, as is currently the case in the draft bill to amend the German Telecommunications Act. In addition, clear deadlines should apply to both the preparation of offers and the timely implementation of connections by distribution network operators (DNOs). Greater transparency on both costs and grid routes is also required. Concession areas should be opened up to allow neighboring DNOs to compete where they can provide a more cost-efficient connection. Better, streamlined communication, e.g. through standardized processes, single points of contact, or the establishment of dedicated communication channels would contribute to faster processes.

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