

# Europe's Digital Networks Act

...and its implications beyond the EU

LINX 126 - June 2026

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# Hello!

This is all my own personal views.

# The Digital Networks Act



**Thierry Breton**  
Previous European Commissioner  
Past CEO of France Telecom

- Thierry Breton's baby
- The result of large telecom operators lobbying the European Commission for new industrial policy to:
  - ◆ Allow telco consolidation and looser merger controls
  - ◆ Build large European telcos as “tech champions” to compete with US & China
  - ◆ Regulate up tech companies, regulate down telcos
  - ◆ Introduce “Fair share”/”Network fees” to IP interconnection

# The draft Digital Networks Act



Released January 2026  
343 Pages  
416 Recitals  
210 Articles

I've read it, so you don't have to...

# Digital Networks Act: Key Issues



- **Scope** - broadening telecoms regulation to cover an “extended connectivity ecosystem”
- **Ecosystem cooperation** and **voluntary conciliation mechanisms** - regulators producing guidelines and monitoring compliance in technical and business relationships
- **“Level playing field”** and **“convergence”** - bringing telecoms, cloud, and content and application provider services under a single regulatory framework
- Incorporating and weakening **net neutrality rules**
- **IP interconnection** - new regulations including subjective judgements on “efficiency” and sharing “benefits” of data traffic

Also covers...

- **Spectrum** policy reform
- **Copper** switch off
- **“Single passport”** authorization for 27 countries
- **Infrastructure security** and resilience

# Who will be in scope - General Authorisation

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**any** digital or online content, application or service available to the public

# Who will be in scope - General Authorisation

Example networks potentially providing “information society services available to the public” therefore in scope of General Authorisation - from the DE-CIX membership list...



Anstalt für Kommunale  
Datenverarbeitung in Bayern



...none of these could be considered telecoms operators.

# Ecosystem Cooperation - Yet More Scope

“BEREC shall, [...], publish **guidelines** to assist providers of electronic communications networks and **other undertakings active in the electronic communications or closely related sectors**, in the **application of industry practices** and in **facilitating cooperation on technical and commercial matters** related to the provision of electronic communications services or information society services in an **efficient, economically sustainable and reliable way**, as well as related to the provision of **innovative products and services**, to the benefit of end-users.”

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# Ecosystem Cooperation - Speak softly and carry a big stick



“...BEREC shall promote effective cooperation among providers of electronic communications networks and undertakings active in the electronic communications or closely related sectors, **ensuring that such cooperation is consistent with the guidelines...**”

*(Article 191(2))*

# “Voluntary Conciliation”

“In order to promote **effective cooperation** between providers of electronic communications networks and other undertakings active in the electronic communications or closely related sectors, it is appropriate to establish a **voluntary conciliation procedure to facilitate dialogue on technical and commercial arrangements.**

Such a procedure provides a **structured and neutral forum**, supported by national **regulatory authorities** in cooperation with BEREC to encourage amicable solutions and reduce the likelihood of protracted disputes and enhance regulatory consistency”

*(Recital 405)*

This is dispute creation, not dispute resolution...

And worse, many want this to be **mandatory and binding**

# The DNA and IP Interconnection

Scope of regulation broadened to include CAPs, CDNs, caches, and even technical protocols that optimize delivery performance...

“It is also necessary to foster cooperation among the actors involved in **end-to-end service delivery** as regards **efficient management of data traffic.**”

*(Recital 23)*



# The EC doesn't understand peering, transit, or the request-response nature of the Internet

“However, as a means of end-to-end traffic delivery, providers of electronic communications networks other than public increasingly hand-over traffic to providers of public electronic communications networks in the form of **peering or transit**.

**In certain cases, such traffic may give rise to disproportionate or unsustainable investment needs for the receiving providers of public electronic communications networks.**

Such situations should be addressed in accordance with the guidelines to facilitate ecosystem cooperation adopted by BEREC and, where appropriate, through the foreseen facility for voluntary conciliation.”

*(Recital 164)*

Is your peer's business model now your problem?

# More regulatory involvement in IP interconnection

“...BEREC guidelines should include **service-level agreements** between network providers, aspects related to **fair, reasonable and proportionate use of the resources of the other party**, in particular in cases such as the handover of IP traffic via interconnection, peering and transit for the purpose of providing information society services or electronic communications services in an **efficient, economically sustainable, and reliable way**, in particular, to the benefit of the end-user.”

*(Recital 403)*

The EC appears to consider interconnection a  
“service” provided by big telecoms operators...

So many subjective terms...

# The hook for “network fees”?

**“Notably, agreements between those actors concerning the hand-over of traffic should not lead to disproportionate or economically unsustainable investment needs for network providers, and the benefits arising from increased traffic should be shared in a manner conducive to continued investment, innovation and network resilience.”**

*(Recital 403 continued)*

The rest of the Internet would be responsible for “sharing” with European telecoms operators...

And the “voluntary conciliation” process could kick in if you don’t agree to it...

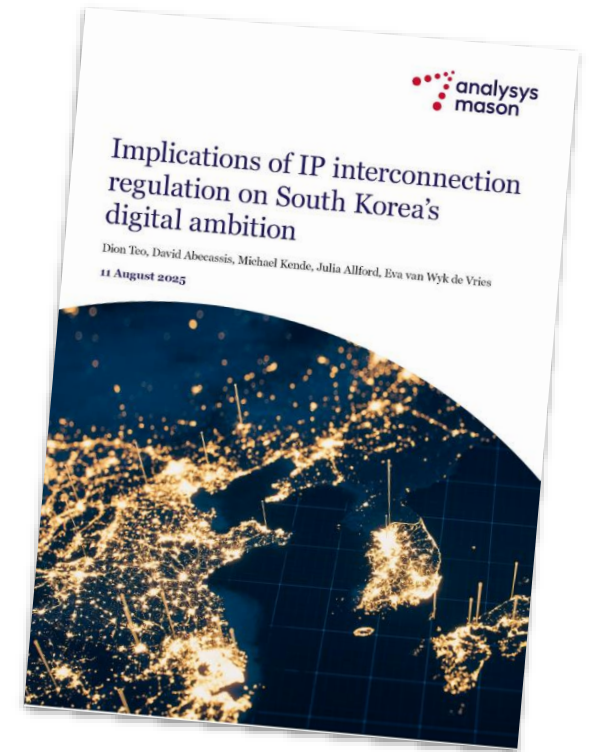
# tl;dr - DNA scope expansions in one table

|                                                                                                     | Subject to General Authorisation requirements and regulation                                 | Subject to ecosystem cooperation regulatory “guidelines” and “voluntary conciliation” | Subject to IP interconnection “benefit sharing” with access network operators, as well as ecosystem cooperation regulatory “guidelines” and “voluntary conciliation” for interconnection |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public Electronic Communications Service Providers</b>                                           | Y (existing)                                                                                 | Y (new)                                                                               | Y (new)                                                                                                                                                                                  |
| <b>Other industry sectors (e.g. auto, banking, health, travel, media, audiovisual, gaming, etc)</b> | Y (new, if you operate a network for an information society service available to the public) | ? (if considered part of the “broader connectivity ecosystem”)                        | Y (new, if you operate a network and do IP interconnection)                                                                                                                              |
| <b>Cloud services</b>                                                                               | Y (new, if you operate a network for an information society service available to the public) | Y (new)                                                                               | Y (new, if you operate a network and do IP interconnection)                                                                                                                              |
| <b>“AI services”</b>                                                                                | Y (new, if you operate a network for an information society service available to the public) | Y (new)                                                                               | Y (new, if you operate a network and do IP interconnection)                                                                                                                              |
| <b>Content Delivery Networks</b>                                                                    | Y (new)                                                                                      | Y (new)                                                                               | Y (new)                                                                                                                                                                                  |
| <b>Software developers</b>                                                                          | Y (new, if you operate a network for an information society service available to the public) | Y (new)                                                                               | Y (new, if you operate a network and do IP interconnection)                                                                                                                              |
| <b>Hardware vendors</b>                                                                             | Y (new, if you operate a network for an information society service available to the public) | Y (new)                                                                               | Y (new, if you operate a network and do IP interconnection)                                                                                                                              |

# Possible impacts of regulatory intervention in interconnection

- Poorer interconnection within the EU
- Strengthened interconnection hubs outside EU (LON, ZRH?)
- Poorer performance for consumers
- Higher costs for networks
- Higher costs for users
- Weakening of Europe as a leading global interconnection hub

This is not just theory; it's happening in South Korea...



What happens now and what can I do?



# Stakeholder Positions

(Some) countries:

## EU heavyweights pick apart Commission's telecoms reform plan

Germany, France, and Italy lead a group of six countries urging other capitals to oppose the Commission's ambitions for the Digital Networks Act

(Some) regulators:



## Europe's Telecom Reality Check

BEREC Provides Early Assessment of the Digital Networks Act, Welcoming Ambition While Highlighting Areas for Improvement

“several key provisions of the DNA add unnecessary layers of complexity, without bringing clear added value to the current framework, nor reaching the aims of regulatory simplification and predictability”

(Many) industry stakeholders...

*...but is Brussels listening?*

# Provide your feedback to the European Commission!

EC Consultation closes 15th June 2026:

- [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14709-Digital-Networks-Act\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14709-Digital-Networks-Act_en)
- <https://tinyurl.com/DNAhaveyoursay>
- The DNA results in vast over-regulation without justification, including by:
  - Bringing all networks “wholly or mainly [...] providing an information society service to the public” into the scope of General Authorisation
  - Introducing regulatory “guidance” and monitoring to the “broader connectivity ecosystem”
- The so-called “voluntary conciliation” process is a dispute creation, not dispute resolution mechanism, for markets that have no demonstrated market failure.
- The EC does not understand the peering, transit or IP interconnection markets, and introducing subjective “fairness” and “benefit sharing” requirements into an area that has no market failure will be harmful to the European interconnection ecosystem, the stability and resilience of the Internet, and lead to harmful “network fees”.
- The DNA includes a number of unclear, undefined, and subjective terms such as “fair, reasonable and proportionate” and “efficient, economically sustainable, and reliable” that will create disputes and market failures where none existed before.



# Get Involved!

## All Stakeholders

- Give your feedback! Respond to consultations! - EC call for evidence closing **15th June**
- Engage with your trade associations (ISPAs, Euro-IX, etc)
  - Encourage them to contribute and get involved in Brussels
- Engage with your regulatory and policy teams to highlight the risks
- Keep updated on developments and possible future consultations
  - Join RIPE connect-wg@ and cooperation-wg@ mailing lists
  - Follow on LinkedIn: [www.linkedin.com/in/mikeblanche](https://www.linkedin.com/in/mikeblanche)

## EU Citizens/Organisations

Provide feedback to

- Your MEPs
- National regulators
- BEREC
- Council (Member States - via national telecoms ministries, or delegations in Brussels)

Thank You!  
Q&A