

Euroconsumers Consultation Response to the Digital Networks Act Call for Evidence

11th July 2025



Introduction

Euroconsumers¹ and its member organisations in Spain (OCU), Italy (Altroconsumo), Belgium (Test Achats/Test Aankoop) and Portugal (Deco Proteste) welcome the opportunity to contribute to the European Commission's call for evidence on the upcoming **Digital Networks Act (DNA)**.

Our response is grounded in the perspectives of Belgian, Italian, Spanish, and Portuguese consumers, as well as the collective insights of national experts, with reference to our 2023 position paper, "The Future of Connectivity."²

We recognise that the transition to cloud-based infrastructure and the accelerating adoption of Artificial Intelligence are reinforcing the importance of Europe's digital networks. These trends underscore the importance of a resilient, competitive, and future-proof connectivity framework to meet evolving technological needs, but to also ensure that Europe remains a global leader in digital innovation. However, the response to these challenges must be rooted in policies that protect competition, uphold net neutrality, and secure affordable, high-quality access for all consumers.

We support the EU's ambition to advance digital infrastructure and connectivity, but we caution strongly against approaches that risk weakening competition, undermining net neutrality, and raising costs for consumers. Ensuring fair, affordable, and open access to digital networks must remain at the heart of any future policy framework.

1. Ensuring Sufficient and Timely Investment in Gigabit Networks

Euroconsumers supports the EU's long-standing Digital Decade objectives of achieving widespread gigabit connectivity and full 5G coverage. These goals remain valid and important to ensure that all Europeans can benefit from fast, reliable internet access, particularly in rural and underserved areas.

However, we caution against the idea that these targets justify a fundamental shift in regulatory principles. Some proposals under discussion, including deregulation of competitive safeguards and direct contributions by content providers, are framed as

¹ **About Euroconsumers:** Gathering five national consumer organisations and giving voice to a total of more than 6 million people in Italy (Altroconsumo), Belgium (Testachats/Testaankoop), Spain (OCU), Portugal (DecoProteste) and Brazil (Proteste), Euroconsumers is the world's leading consumer Group in innovative information, personalised services and defence of consumer rights. Our European member organisations are part of the umbrella network of BEUC, the European Consumer Organisation. Together we advocate for EU policies that benefit consumers in their daily lives.

² **Euroconsumers.** (2023). The Future of Connectivity: Position Paper on Telecom Market Reform and Consumer Rights https://www.euroconsumers.org/wp-content/uploads/2023/09/The_Future_of_Connectivity_-_euroconsumers.pdf

necessary to reach connectivity goals. Yet there is no clear evidence that the current system is failing to deliver, or that these interventions would result in improved investment outcomes.

As outlined in our *Future of Connectivity* report and supported by BEUC, there is insufficient evidence of market failure to justify the imposition of now cost-sharing mechanisms on content and application providers (CAPs).³ The increase in consumers' demand for digital products has generated great benefits for all the players involved in the digital ecosystem, as online service providers are encouraged to diversify and expand the offer of their digital products. This in turn fuels consumers' demand for services and broadband access, producing direct benefits for big telecommunication companies who can monetise this increased request for connectivity and growth bandwidth to end-users. The internet ecosystem based on this virtuous circle of mutual interdependence between different actors has proven its ability to cope with changing conditions, enabling a high level of innovation, growth in internet connectivity and a wide offer of content and internet applications to the benefit of consumers. Additionally, BEREC has highlighted that the marginal cost of traffic growth is small relative to overall network investment.⁴

Implementing sender-pays models risks introducing inefficiencies and unfair cost transfers.⁵ As we have previously highlighted, such a system resulted in reduced investment, poorer service quality, and higher consumer costs in South Korea - outcomes the EU should avoid.⁶

Instead, the EU should support investment through smart public funding, spectrum management improvements, and policies that encourage infrastructure sharing or neutral wholesale models. These alternatives are consistent with the EU's pro-competitive legacy and are more effective in addressing genuine market gaps, especially in remote regions.

2. Fostering the Internal Market and Improving Cross-Border Services

³ IBID ; **BEUC (The European Consumer Organisation)**. (2024). Mind the connectivity gap: Making digital infrastructure work for consumers (BEUC-X-2024-057). Retrieved from https://www.beuc.eu/sites/default/files/publications/BEUC-X-2024-057_Mind_the_connectivity_gap_making_digital_infrastructure_work_for_consumers.pdf

⁴ **BEREC (Body of European Regulators for Electronic Communications)**. (2022). BEREC's preliminary assessment of the underlying assumptions of payments from large CAPs to ISPs. <https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-preliminary-assessment-of-the-underlying-assumptions-of-payments-from-large-caps-to-isps>

⁵ **Ministry of Economic Affairs and Climate Policy (Netherlands)**. (2023). Position paper: Fair Share debate – Digital Networks Act. <https://open.overheid.nl/documenten/ronl-8a56ac18a98a337315377fe38ac0041eb0dbe906/pdf>; <https://www.internetsociety.org/blog/2022/05/old-rules-in-new-regulations-why-sender-pays-is-a-direct-threat-to-the-internet/>

⁶ Kyung, Sin Park and Michael, Nelson, Korea's Challenge to the Standard Internet Interconnection Model, in *The Korean Way With Data*, Carnegie, (2021) ; **Internet Society**. (2022). South Korea's Sender-Pays Model: Implications for the Global Internet. Retrieved from <https://www.internetsociety.org/resources/doc/2022/south-koreas-sender-pays-mode>

We support the EU's ambition to create a true single market for digital services, but this must not become a vehicle for in-market consolidation disguised as cross-border integration. Cross-border operators can enhance market contestability, as demonstrated by DIGI's expansion into Belgium following its growth in Romania, Italy, Spain, and Portugal. However, the real threat comes from proposals to create so-called "European Champions" through national-level mergers.

Recent examples in Spain (Orange/MásMóvil) and Belgium (Orange/Voo) illustrate the problem. These mergers have reduced competition, limited consumer choice, and led to price stagnation, without evidence of improved investment.⁷

Euroconsumers urges the Commission to reject monopolisation as a path toward integration. Instead, we advocate for reducing barriers to entry, fostering interoperability, and creating a level playing field across Member States. If properly designed, a harmonised EU framework can build on national best practices while preserving strong competition rules.

The case of Spain illustrates both progress and risk. The country boasts one of the most advanced fibre optic networks in Europe and has achieved significant coverage thanks to public and private investment, including the EU Next Generation funds.⁸ However, prices remain high, and rural areas still lack sufficient choice. The ongoing wave of consolidation threatens to worsen these disparities.

3. Supporting the Development of EU Digital Infrastructure

There is widespread agreement that further investment in gigabit infrastructure is needed, but this investment should be guided by a framework that is pro-competitive, inclusive, and technologically neutral. We reject the argument that such investment requires new payments from CAPs or regulatory preferences for incumbent telecom operators.

Consumer organisations, including the BEUC, have long warned of the risks of overconcentration in telecom markets.⁹ The assumption that a smaller number of larger operators will automatically result in better infrastructure rollout is unproven and contradicted by consumer experience. In many national markets, we are already seeing

⁷ **Organización de Consumidores y Usuarios (OCU).** (2023). La OCU se opone a la fusión Orange-MásMóvil: Riesgos para los consumidores y el mercado. Retrieved from <https://www.ocu.org/tecnologia/internet-telefonía/noticias/fusion-orange-masmovil>; **Test Achats/Test Aankoop.** (2023). Reprise de Voo par Orange : Mauvaise nouvelle pour les consommateurs belges. Retrieved from <https://www.test-achats.be/hightech/telecom/presse/reprise-voo-par-orange>

⁸ **FTTH Council Europe.** (n.d.). Publications and resources on fibre deployment in Europe. Retrieved from <https://www.ftthcouncil.eu/resources/all-publications-and-assets> ; **European 5G Observatory.** (2024, June). 5G Observatory Quarterly Report #20. Retrieved from <https://5gobservatory.eu/report-20-june-2024/>

⁹ **BEUC (The European Consumer Organisation).** (2024). Mind the connectivity gap: Making digital infrastructure work for consumers (BEUC-X-2024-057). Retrieved from https://www.beuc.eu/sites/default/files/publications/BEUC-X-2024-057_Mind_the_connectivity_gap_making_digital_infrastructure_work_for_consumers.pdf

the effects of reduced competition: higher prices, less innovation, and slower network upgrades in non-urban areas.

Euroconsumers recommends improving the management of radio spectrum, ensuring that licenses are allocated efficiently and that operators have the flexibility and incentives to deploy services in underserved areas.

4. Protecting Net Neutrality and Consumer Rights

The DNA must reaffirm the EU's unwavering commitment to net neutrality, enshrined in the Open Internet Regulation. Any move to introduce network usage fees would violate this principle by opening the door to traffic discrimination—effectively creating “fast lanes” for those who can afford to pay, and “slow lanes” for everyone else.

Such an approach is not only unfair, but it risks excluding new market entrants, distorting innovation, and reinforcing the market power of dominant players. It also raises immediate concerns about equal access and transparency.

European courts and regulators have consistently supported net neutrality. The Court of Justice of the EU has ruled against zero-rating offers that violate traffic equality.¹⁰ BEREC, too, has highlighted the dangers of discriminatory practices. The DNA must not reverse this hard-won progress.

Consumers also rely on transparency, clear contracts, and tools to compare providers and assess service quality. These protections must be preserved and reinforced in any future framework.

Similarly, we call on the Commission not to introduce a “dispute resolution mechanism” for the Internet's interconnection ecosystem, which risks undermining both net neutrality and Open Internet principles. This is a position shared by 84 signatories representing the vast majority of stakeholders in this market.¹¹

5. Governance and the Legislative Process

The future of Europe's connectivity must not be shaped behind closed doors or on the basis of narrow commercial interests. We call on the Commission to ensure that the

¹⁰ Zero-rating schemes are commercial practices whereby telecom companies do not charge their customers for high volume internet traffic. This has been invalidated by the European Court of Justice in the Judgements C-854/19 Vodafone (roaming), C-5/20 Vodafone (tethering) and C-34/20 Telekom Deutschland (throttling) (2021) see: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-09/cp210145en.pdf>

¹¹ Joint statement opposing interconnection dispute resolution mechanisms in the DNA <https://www.euroconsumers.org/wp-content/uploads/2025/06/Joint-Statement-on-preserving-net-neutrality-in-the-upcoming-Digital-Networks-Act.pdf>

development of the Digital Networks Act is grounded in evidence, transparency, and inclusiveness.

Euroconsumers urges the Commission to:

- **Fully involve consumer organisations and independent experts** in all stages of policymaking;
- **Conduct robust impact assessments** for any proposed changes, particularly where they may affect competition, pricing, or service diversity;
- **Draw on existing evidence**, including previous public consultations and BEREC's assessments, to avoid repeating earlier debates;
- **Resist industry-driven narratives** that are not supported by empirical data.

Only by maintaining the EU's Better Regulation principles can we ensure that connectivity policies serve the broader public interest, and not just the interests of a few dominant firms.

Conclusion and Recommendations

The Digital Networks Act is an opportunity to shape the future of connectivity in Europe. It should aim to **empower consumers, promote fair competition, and foster inclusive innovation**, while addressing investment gaps and infrastructure needs.

We recommend that the European Commission:

1. **Uphold and strengthen protection for consumer rights:** Consumers must not lose out on fundamental aspects of our internet ecosystem, including net neutrality and open internet, clear contracts and real quality of service.
2. **Reject any form of sender-pays or mandatory payments by content providers** to telecom operators;
3. **Make sure internet access is really for everyone:** Everyone, including old people and people in rural or underserved areas, must have access to strong internet connection at a fair price.
4. **Guarantee fair competition:** It is important to keep strong rules when there is a risk of monopoly. Any investment support tools should be transparent, non-discriminatory, and targeted at market failures;
5. **Share good national practices:** Trying to create a single telecom market allows us a good opportunity to assess national best practices in the sector. Harmonising the market should keep these good practices, not remove them.
6. **Embed inclusive governance and rigorous impact assessments** throughout the legislative process.

We remain at the Commission's disposal to further contribute to this important legislative initiative and to ensure that the final outcome serves the best interests of consumers.