

Joint Statement on the Open Internet and IP Interconnection in the Digital Networks Act

Following the publication of the European Commission's proposal for a Digital Networks Act (DNA)¹, the undersigned organizations and civil society groups would like to express their concerns regarding the effects of this proposal on net neutrality. We regret that the concerns raised by a broad coalition of stakeholders during the preparatory phase of this initiative now seem to have materialized in the legislative proposal², as the DNA seeks to review the Open Internet Regulation, incompletely integrating EU net neutrality rules into the DNA, whilst introducing new, sweeping changes adversely affecting the IP interconnection ecosystem.

Given their substantial impact on the European digital ecosystem, we consider that these proposals raise serious questions regarding their proportionality and necessity. These proposals risk weakening key safeguards that protect European consumers and businesses, including SMEs and startups that rely on open and predictable internet conditions to compete and scale across the EU, whilst undermining the digital single market as a whole.

The proposals for incorporation of the Open Internet Regulation (OIR) into the DNA risk undermining the principle of net neutrality by weakening an established and well-functioning framework, undermining the legal certainty that has ensured its enforcement across the EU. The DNA proposal removes 18 out of 19 recitals of the OIR, eliminating key interpretative elements that have provided essential clarifications on the scope and application of net neutrality rules in the EU and have been central to the development of CJEU case³ law and BE-REC guidelines⁴.

At the same time, integrating the OIR provisions into the broader DNA framework dilutes its legal and policy principles, as net neutrality would no longer stand as a standalone regulatory principle designed to protect consumers. Placed alongside objectives such as "network performance," "resilience," and "ecosystem cooperation," the principle of net neutrality risks being conditioned by competing - if not diametrically opposed - regulatory principles, thus weakening its function in practice and opening the door to potential reinterpretations⁵.

In addition, any regulatory intervention in the European IP interconnection market would carry significant negative consequences, including affecting the deployment of critical infrastructure such as content delivery networks (CDNs), the sustainability of the EU creative and cultural sectors, and consumer choice - while risking fragmentation of the Internet and the Single Market. We note that there continues to be no evidence of a market

¹ European Commission, [Proposal for a Regulation for the Digital Networks Act \(DNA\)](#), January 2026.

² BEUC, [Joint Statement on preserving net neutrality in the upcoming Digital Networks Act](#), July 2025.

³ Court of Justice of the European Union, [Judgments in Cases C-854/19 Vodafone, C-5/20 Vodafone and C-34/20 Telekom Deutschland](#), 2 September 2021.

⁴ Please see:

EDRI, [The EU Commission is gutting net neutrality](#), February 2026;

Epicentre, [Digital Networks Act: Quick Analysis](#), January 2026.

⁵ Rudolf van der Berg, [The Digital Networks Act uses digital sustainability as the axe to cut net neutrality and IP-interconnection](#), January 2026.

failure. BEREC's studies of the European IP interconnection market have consistently demonstrated that the market is functioning competitively and efficiently, with no indication of market failure or systematic abuse of market power⁶.

Despite the lack of disputes, articles 191 and 192 of the DNA introduce a "ecosystem cooperation" and "Voluntary Conciliation" mechanism, in an IP interconnection market which already uses voluntary cooperation as a basis for deciding when and how networks will interconnect. These articles are unnecessary and detrimental, as they risk institutionalising private commercial negotiations as a formal arbitration process, certified by public entities (national regulatory authorities), under a formalised EU legal framework, with the risk of them becoming mandatory either in practice or because of political pressure. The risks of an introduction of "network fees" by the back door have been consistently highlighted by stakeholders across the digital ecosystem⁷, which would also clash with the economic freedoms enshrined in the Charter of Fundamental Rights of the European Union (articles 16 and 52)⁸.

This risk of regulatory escalation is further compounded by Article 193 of the DNA, which provides for a Commission review based on the outcomes of this framework. By relying on the documentation generated through these processes, it creates a pathway for voluntary interactions to be reinterpreted as insufficient cooperation, enabling more prescriptive measures, including mandatory mechanisms, even where market functions effectively through voluntary arrangements.⁹

We regret that the aims of the DNA proposal for "simplification" seem to have delivered instead "complexification," introducing new measures and regulatory mechanisms without sufficient justification and evidence, whilst weakening the already existing safeguards that have proven effective since the adoption of the EECC.

Our organisations therefore recommend EU co-legislators to amend this proposal to ensure that the DNA delivers a clear and evidence-based telecoms framework that upholds and protects net neutrality.

In particular, we recommend that Articles 191-193 of the DNA proposal are removed entirely, while the OIR must remain a separate legal instrument, preserving its clarity and interpretative autonomy.

We call on EU co-legislators to ensure that the final Digital Networks Act delivers an EU telecoms framework that promotes innovation, fair competition, and consumer protection, whilst preserving the open Internet.

⁶ BEREC, [BEREC Report on the IP-IC ecosystem \(BoR \(24\) 177\)](#), January 2025.

⁷ Please see:

The Article 19 Association, [Digital Networks Act: Manufactured crisis that could break Europe's internet](#), February 2026;

CEPA, [Network Fees: A Misguided Idea](#), January 2026;

EPRS, [Digital networks act legislation](#), March 2026;

Oxera, [Decoding the Digital Networks Act: the future of the EU electronic communications and digital infrastructure regulatory framework](#), February 2026.

⁸ Official Journal of the European Union, [Charter of Fundamental Rights of the European Union](#), October 2012.

⁹ Internet Society, ["Fair Share" and the Digital Networks Act \(DNA\): Three Concerns](#), January 2026.

SIGNATORIES





Full List of Signatories

Organisations:

- ACT – Association of Commercial Television in Europe
- ACT – Association for Competitive Technology
- AIIP – Associazione Italiana Internet Providers
- Article 19
- BDZV – Bundesverband Digitalpublisher und Zeitungsverleger
- BEUC – The European Consumer Organisation
- Blacknight
- BREKO – German Broadband Association
- C4C – Coalition for Creativity
- DINL – Stichting Digitale Infrastructuur Nederland
- EBLIDA – European Bureau of Library, Information and Documentation Associations
- EDRI – European Digital Rights
- EGDF – European Games Developers Federation
- EMMA – European Magazine Media Association
- ENPA – European Newspaper Publishers Association
- epicenter.works
- euroconsumers
- Finnish Internet Association
- IFLA – Federation of Library Associations and Institutions
- I2C – Internet Infrastructure Coalition
- InnovUp
- ISOC – Internet Society
- ISOC DE
- ISOC Norge
- ISOC PT
- ISOC UK
- Lodz Cyber Hub
- Motion Pictures Association – MPA
- MVFP – Medienverband der freien Presse e.V.
- Netnod
- SEK – Svet za elektronske komunikacije Republike Slovenije
- Seznam
- VAUNET – Verband Privater Medien
- Videogames Europe
- VOD – European Video-on-Demand Coalition
- Xnet – Institute for Democratic Digitalisation
- ZPS – Zveza potrošnikov Slovenije

Signatories in their individual capacity:

- Julf Helsingius – Chairman of the Board of BaseN
- Dr. Konstantinos Komaitis – Resident Senior Fellow, Democracy and Tech Initiative, Atlantic Council
- François Lemaigre – Telecommunications Consultant
- Desiree Miloshevic – RIPE Cooperation Working Group Co-chair