

## Consultation response

# Public consultation on the Digital Networks Act (DNA)



AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €4 trillion in 2023, directly supports more than 4.6 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

## Executive summary

Businesses operating across the EU continue to face fragmented rules, complex compliance obligations, and inconsistent implementation of telecoms regulation, which undermine innovation and investment in digital infrastructure. The Digital Networks Act (DNA) is a timely opportunity to streamline the regulatory landscape and strengthen the Digital Single Market for connectivity services. To succeed, the DNA must focus on simplification, legal certainty, and harmonisation, while avoiding duplication and additional burdens for operators already subject to existing frameworks. A coherent and investment-friendly framework will accelerate network roll-out, foster innovation, and enhance Europe's global digital competitiveness.

## Introduction

The Digital Networks Act (DNA) comes at a pivotal moment for Europe's digital and industrial future. The EU's ambition to lead in the digital age relies on high-performance connectivity infrastructure, yet regulatory complexity, administrative burdens and inconsistent implementation have hampered the potential of the European Electronic Communications Code (EECC) and stifled investment.

The Letta and Draghi reports clearly underline the need to modernise Europe's digital and economic governance. They call for policies that remove fragmentation and enable scale, positioning Europe to compete globally and to deliver tangible benefits to its citizens and industries. This will require bold action to strengthen the Single Market, simplify regulatory frameworks and foster investment and the provision of cross-border services.

In this context, the Digital Networks Act has the potential to deliver much-needed simplification to the European telecom sector. This means moving past ex-ante regulation and the often-complex ways the EECC has been put into practice and instead relying more on commercial agreements and the ex-post application of competition law to solve any abuse of dominance that may arise.

The DNA's focus should be on aligning Europe's digital infrastructure framework with its broader competitiveness goals. It must harmonise the rules that govern connectivity services, reduce barriers to cross-border operations and provide legal clarity that allows innovation to flourish. In doing so, it should take existing regulation into account and avoid expanding or adding regulatory burdens to any players who fall under the scope of the Digital Networks Act and the existing EECC. The Commission is right in its aim to create a harmonised regulatory framework, where sectoral rules are kept only to the essential rules which cannot be addressed in existing horizontal laws.

Such an approach will create a more efficient regulatory environment, lower costs for businesses, speed up network rollouts and, ultimately, make the EU a more attractive place for digital infrastructure investment and innovation.

AmCham EU offers the following recommendations to help shape an investment-friendly and interoperable environment that can support Europe's digital transition and foster its industrial competitiveness.

# 1. Strengthening the Single Market for digital connectivity

The Commission is right to recognise the persistent fragmentation of Europe's telecommunications market. The DNA should deepen the Digital Single Market by focusing on:

- **Harmonisation and consistency:** For entities operating across numerous EU Member States, the fragmented nature of the current regulatory landscape presents significant operational challenges and administrative burdens. The DNA must deliver maximum harmonisation of telecommunications rules, ensuring that they are applied consistently and uniformly across the entire Union. A key element of this must be the introduction of a harmonised General Authorization, simplifying operation across borders. This will reduce complexity, allowing for the efficient pan-European deployment of networks and services, which is a prerequisite for a fully integrated EU single telecommunications market. However, the General Authorization should remain targeted for those services requiring access to the general infrastructure, numbering resources and spectrum allocation. Expanding it to new services, like over-the-top (OTT) applications and Number-Independent Interpersonal Communication Services in particular, would be disproportionate, as these services do not require access to public resources, nor provide last-mile connectivity or end-to-end emergency communication. OTT services should only remain subject to registration requirements to avoid creating unnecessary burdens.
- **Simplified regulatory approaches:** This should apply for various segments of the market but, specifically, the regulation of cross-border business-only carriers (B2B operators) should be distinct from that of consumer-facing services. Requirements intended to protect consumers should not be extended to contracts with non-SME business users and should be left to horizontal consumer protection regulation.
- **Streamlined notification and reporting procedures:** National Regulatory Authorities (NRAs) should harmonise and digitise notification processes, publish clear and accessible guidelines and use a standardised notification format across the EU.
- **Avoiding regulatory duplication:** The interplay between GDPR, the previously proposed e-Privacy Directive, NIS2, cybersecurity rules and sector-specific obligations should be clarified and harmonised. The same goes for Member States' differing approaches regarding the implementation of data retention and lawful intercept rules. AmCham EU welcomes the withdrawal of the e-Privacy Directive and recommends that the DNA should refrain from entering into domains already covered in other regulatory initiatives such as the Gigabit Infrastructure Act. A recalibration of overlapping obligations or discrepancies in requirements would meaningfully reduce compliance costs and facilitate cross-border operations.
- **Preserving encryption:** Encryption should be preserved as a key principle of the EU communications market, and the DNA should continue to recognise end-to-end encryption as best practice to safeguard network security.

## 2. Reducing regulatory burdens and enhancing legal certainty

The transposition of the European Electronic Communications Code (EECC) across Member States has been inconsistent and burdensome. To support regulatory simplification and proportionality, the DNA should:

- **Minimise new legislative initiatives unless clearly justified.** Existing frameworks should be fully implemented and assessed before creating new ones. The DNA should focus on consolidation and streamlining.
- **Ensure technology neutrality and avoid prescriptive technical mandates while promoting cross border interoperability.** The framework should enable innovation and be flexible enough to adapt to emerging technologies, including AI-enabled networks, edge computing and post-quantum cryptography.
- **Simplify regulatory approaches for different market segments and ensure proportionate obligations for B2B services and IoT providers.** It is crucial that the DNA acknowledges the fundamental distinction between different services in the digital ecosystem, for example consumer services, private enterprise networks and services provided to large enterprise and public sector customers. The nature of the business-to-business relationships, which are typically governed by bespoke contracts and service level agreements, differs significantly from the mass-market consumer context. Therefore, enterprise services should be explicitly exempt from regulations designed for consumer protection, as these are not relevant and create unnecessary complexity for the B2B and IoT providers. Likewise, private enterprise networks should not be subject to the same rules as consumer-oriented connectivity services. Taking these steps would provide much-needed legal clarity and ensure that regulatory oversight is focused where it is most impactful – on services with direct consumer interaction – allowing for a more efficient and targeted use of regulatory resources. The Italian authority AGCOM acknowledged and addressed the peculiarity of this situation in December 2023, when it confirmed that services offered to larger enterprises are to be excluded from the scope of its consumer protection *Resolution 307/23/CONS*.<sup>1</sup> This acknowledgement should be made explicit at EU level and in all Member States.
- **Streamline reporting requirements, reducing their frequency and granularity.** This would mean reviewing and consolidating existing data collection obligations to eliminate redundancies, reduce the administrative burden on operators and ensure that only essential information is requested. Eliminating such burdens would free up resources for investment and innovation. A solution could be developing a European reporting template.
- **Encourage voluntary, industry-led global standards.** Innovation, and global competitiveness are best served by embracing voluntary, industry-led global standards rather than imposing

<sup>1</sup> See <https://www.agcom.it/documents/10179/32817146/Delibera+307-23-CONS/d6cd3dce-962f-4ae9-b866-02c1cea005a7?version=1> on page 8, paragraph 2: “Alla luce di quanto sopra, emerge che – nelle materie indicate – in applicazione del principio di massima armonizzazione di cui al cit. art. 101, il Regolamento troverà applicazione per i consumatori e per le microimprese, piccole imprese e organizzazioni senza scopo di lucro, a meno che queste ultime non abbiano deciso in sede di negoziazione e con clausola espressa di derogarvi. Il Regolamento non trova invece applicazione per le imprese più grandi.”

rigid, top-down technical mandates. This approach allows for greater flexibility and ensures that European networks and services can seamlessly integrate with the global digital ecosystem, preventing the creation of regional silos.

- **Avoid additional sector-specific environmental rules.** Horizontal regulation ensures consistency across industries and improves environmental sustainability while preventing unnecessary regulatory burdens.

### 3. Harmonising spectrum policy

Strengthened spectrum coordination is fundamental to a more investment and innovation-friendly spectrum policy. Such a policy includes:

- Longer license durations and predictable renewal processes to encourage long-term investments.
- Common spectrum assignment conditions and timelines to foster pan-European roll-out of 5G, as well as preparation for 6G.
- A technologically neutral framework. As connectivity is provided through different technologies, ensuring technological neutrality and space for all technologies – including WiFi within spectrum policy – will contribute to innovation and digitalisation.
- Less onerous and demanding criteria for the granting use of the spectrum. This will be particularly important with 6G. Ensuring enough spectrum allocation should also foster the complementarity of spectrum allocated to gigabit technologies, like license-exempt networks (predominantly based on Wi-Fi, such as Wi-Fi 6 and Wi-Fi 7), satellites and licensed mobile networks (like 5G and, in the future, 6G), as well as ultra-wideband technologies.

### 4. Promoting investment and innovation

Ensuring Europe's global competitiveness will depend on a regulatory framework that encourages investment. The Commission estimates that there is currently a 200 billion euro investment gap to reach the 2030 Digital Decade targets. Filling this gap will rely on:

- **Public-private partnerships, specialised investment and cross-border cooperation** to avoid isolationist policy approaches and ensure access to innovation. Collaborative investment models in the active and passive layers of telecommunications infrastructure are key to unlocking the full potential of connectivity expansion.
- **Investment in digital skills and inclusion**, enabling workforce participation in digital transformation and supporting the scale-up of new technologies. As highlighted by the [2025 State of the Digital Decade Report](#), current trends indicate persistent gaps in advanced ICT skills and digital inclusion by gender. In this context, the DNA has the potential to significantly

promote investment in digital skills across the EU by acting as a catalyst for broader **digital inclusion and workforce development**. By accelerating the deployment of advanced connectivity infrastructure, the Act will **increase demand for skilled professionals in telecoms and ICT**, stimulating investment in **relevant education and training**. It also offers opportunities to link **infrastructure roll-out with local upskilling initiatives**, particularly in underserved areas, through public-private partnerships and conditional funding. Moreover, improved connectivity will enhance access **to online learning and digital training tools**, especially in rural and remote regions. By fostering synergies with existing EU programmes, such as the Digital Europe Programme and the new Union of Skills, and taking advantage of the last opportunities of the national recovery plans and the future multiannual financial framework, the DNA can support a more inclusive digital transition and help bridge persistent digital skills gaps across the Union.

## Conclusion

The Digital Networks Act presents a valuable opportunity to revitalise Europe's connectivity landscape. By focusing on regulatory simplification, Single Market integration and cooperative investment enablement, the EU can support innovation, drive competitiveness and deliver value for citizens and businesses.

AmCham EU looks forward to continued engagement with the Commission on the development of the DNA. With our cross-sectoral membership and transatlantic perspective, we are well positioned to provide practical insights and examples of the challenges and opportunities businesses face in implementing digital policy across Europe.