**Joint Statement on preserving net neutrality in the upcoming Digital Networks Act**

As the European Commission prepares an upcoming proposal for a Digital Networks Act (DNA), the undersigned organisations and civil society groups wish to reaffirm their collective concern about the direction of ongoing discussions in the EU telecoms sector.

We are concerned about the follow-up to continued calls by large telecom companies to introduce in the DNA proposal a dispute resolution mechanism for the Internet’s interconnection ecosystem. As described by the telecom operators themselves[[1]](#footnote-1), the goal of such a mechanism is to implement a so-called “fair share” settlement regime, whereby content and application providers (CAPs) would be required to pay telecom companies mandatory fees for delivering traffic. We particularly regret that these ideas, first put forward by some telecom operators in 2022 as part of broader “Fair Share” mechanisms[[2]](#footnote-2), including the proposed dispute resolution mechanism, are still being actively considered in ongoing discussions on the future of the EU telecoms sector.

We firmly oppose the introduction of such a policy intervention, as it would undermine net neutrality and the EU’s Open Internet principles, limit the ability of the Internet to evolve, reduce open access, and ultimately risk a fragmented Internet [[3]](#footnote-3)and single market.

These proposals would have immediate and far-reaching consequences, harming European consumers and digital rights, European businesses and the market as a whole. Measures introducing network access risk to drive-up costs, limit choice and open access to information, undermining the affordability, quality, and diversity of digital products and services. Introducing interconnection charges would lead to higher subscription prices for consumers and disadvantage European CAPs, further raising market entry barriers[[4]](#footnote-4) for European SMEs and start-ups[[5]](#footnote-5), strengthening the position of a small number of incumbent telecom operators exploiting their terminational monopoly. As a result, such measures could stifle innovation, violate EU net neutrality law, and ultimately damage the European digital ecosystem.

We recall that these proposals have already received a clear rejection by the vast majority of relevant stakeholders[[6]](#footnote-6) in previous wide-ranging public consultations given its counterproductive effects for consumers and digital rights, competition[[7]](#footnote-7), innovation and net neutrality.

The EU’s telecom regulators body BEREC has consistently shown the absence of a market failure in Europe’s interconnection ecosystem that would require such regulatory intervention. According to BEREC[[8]](#footnote-8), Europe’s interconnection market functions smoothly, with balanced bargaining power among transit providers, content delivery networks and internet access operators. There is no evidence of systematic congestion or abuse warranting regulatory intervention. Instead, the introduction of such mechanism would allow large telecom operators to exploit termination monopolies to force payments from other actors, distorting competition at the expense of smaller operators, and undermine consumers rights to use the Internet freely, as guaranteed by EU net neutrality law[[9]](#footnote-9).

We consider that Europe leads by example of its fundamental values and principles, by promoting an open and competitive market. We therefore call on EU policy makers to reject such regulatory intervention that could introduce direct or indirect payment obligations on CAPs, be it through a mandatory dispute resolution mechanism, mandated negotiations or any other mechanisms effectively introducing network usage fees payable to telecom operators. There is no evidence of market failure or verified necessity to revive the telephony‐era model of network‐usage fees, allowing incumbent telecom operators to exploit their termination monopoly.

We recall that, in line with the European Commission’s Better Regulation Principles, any proposal must adhere to a transparent and inclusive process, be based on available evidence, including past public consultations and BEREC’s assessments, and provide a thorough analysis that demonstrates a clear need for regulatory intervention.

1. Please see:

Telefónica, *Telefónica’s Contribution to the EU Commission’s Exploratory Consultation*, May, 2023. <https://www.telefonica.com/es/wp-content/uploads/sites/4/2023/05/Contribution-to-Exploratory-Consultation-Telefonica.pdf>;

Connect Europe, *Response to the Public Consultation on the European Commission's White Paper "How to Master Europe's Digital Infrastructure Needs?",* June 2024. <https://connecteurope.org/news/connect-europe-calls-transformative-connectivity-policies-secure-europes-competitiveness>;

Deutsche Telekom, *Deutsche Telekom Position Regarding the European Commission White Paper on the Future of Digital Infrastructure,* June 2024. <https://www.telekom.com/resource/blob/1069706/7cdc6a3b8cf516cd8852f63008a4872b/dl-dt-submission-ec-whitepaper-data.pdf.> [↑](#footnote-ref-1)
2. ETNO, Report by Axon, *Europe’s Internet Ecosystem: Socio-Economic Benefits of a Fairer Balance Between Tech Giants and Telecom Operators*, May 2022, p. 44. <https://etno.eu/downloads/reports/europes%20internet%20ecosystem.%20socio-economic%20benefits%20of%20a%20fairer%20balance%20between%20tech%20giants%20and%20telecom%20operators%20by%20axon%20for%20etno.pdf>  [↑](#footnote-ref-2)
3. *IAB Response to the European Commission’s exploratory consultation on “The future of the electronic communications sector and its infrastructure.”* (2023). Ietf.org. <https://datatracker.ietf.org/doc/statement-iab-response-to-the-european-commissions-exploratory-consultation-on-the-future-of-the-electronic-communications-sector-and-its-infrastructure/> [↑](#footnote-ref-3)
4. WIK, *Competitive conditions on transit and peering markets, February 2022*

<https://www.wik.org/en/publications/publication/wettbewerbsverhaeltnisse-auf-den-transit-und-peeringmaerkten> [↑](#footnote-ref-4)
5. Beschwerden über die Telekom wegen langsamen Internets. tagesschau.de. <https://www-tagesschau-de.translate.goog/wirtschaft/digitales/telekom-drosselung-100.html?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=de&_x_tr_pto=> [↑](#footnote-ref-5)
6. Please see:

European Commission, *Results of the Exploratory Consultation on the Future of the Electronic Communications Sector and Its Infrastructure*, October 2023. <https://digital-strategy.ec.europa.eu/en/library/results-exploratory-consultation-future-electronic-communications-sector-and-its-infrastructure>

Body of European Regulators for Electronic Communications, *Annex to Complement Section 4 of the BEREC Response to the European Commission’s Exploratory Consultation on the Future of the Electronic Communications Sector and Its Infrastructure*, BoR (23) 131d, May 2023. <https://www.berec.europa.eu/system/files/202305/BoR%20%2823%29%20131d%20Annex%20to%20Section%204.pdf>

Political Intelligence, *Unlocking the Future of Connectivity: An In-Depth Analysis of the Public Consultation on the White Paper,* September 2024, retrieved April 2025. [https://political-intelligence.com/news/unlocking-the-future-of-connectivity-an-in-depth-analysis-of-the-public-consultation-on-the-white-paper/](https://political-intelligence.com/news/unlocking-the-future-of-connectivity-an-in-depth-analysis-of-the-public-consultation-on-the-white-paper/%29)  [↑](#footnote-ref-6)
7. Monopolkommission (2023). A contribution from data traffic-intensive over-the-top (OTT) providers to the costs of telecommunications network expansion should be rejected! *POLICY BRIEF*, *Issue 12*. https://www.monopolkommission.de/images/Policy\_Brief/MK\_Policy\_Brief\_12-en.pdf [↑](#footnote-ref-7)
8. Body of European Regulators for Electronic Communications. *BEREC Report on the IP-IC ecosystem* (BoR (24) 177), January 2025. <https://www.berec.europa.eu/system/files/2025-01/BoR%20%2824%29%20177_BEREC%20Report%20on%20the%20IP-IC%20ecosystem_0.pdf>  [↑](#footnote-ref-8)
9. [Netzbremse - Deutsche Telekom is throttling the internet!](https://netzbremse.de/en/) [↑](#footnote-ref-9)