Digital Networks Act

Analysis of the ITRE Draft Report

30. October 2026

Executive Summary

On the 20th October 2026, the rapporteur's draft report for the ITRE Committee on the Digital Networks Act (DNA) was published.[1] This overhaul of the telecommunications regulatory framework has major impacts on net neutrality, consumer rights and the future of the open internet. This analysis highlights the biggest risks and key takeaways from a civil-society, consumer-protection and human-rights perspective.

Key Findings:

- Net Neutrality (Amendments 133, 134, 428–431, 433–436, 493): Protections are seriously weakened. The amendments would undermine a decade of precedent, case law[2] and legal certainty, open the door to paid fast lanes and extend obligations to companies that do not manage traffic. These changes should be rejected to uphold the rights and freedoms Europeans rely upon every day.
- Network Fees (Amendments 3, 92–94, 157, 174, 175, 178, 184, 379, 380, 486, 519, 545, 547–549): The commercialisation of the interconnection market would price out most European companies that simply want to offer their services in the single market. The proposed definitions and procedures would turn back the clock to the telephony era, when monopolists got paid for making their customers reachable. Media pluralism would suffer tremendously, since public and private broadcasters, together with most European businesses, could soon have to pay enormous fees to telecom companies to reach their audiences. Customers would no longer pay for access to the whole internet, but only for access to those parts of the internet that pay their ISP.
- Data Protection (Amendment 458): The amendment would permit additional fraud-prevention processing of confidential telecom metadata, thereby opening the way to mandated data retention or law-enforcement access. Fraud prevention does not justify abandoning the confidentiality of communications.
- Regulatory Independence (Amendments 33, 116, 156, 160–165, 483, 495, 503–515, 526): Mostly improvements that strengthen the role of NRAs and BEREC, with the exception of ODN confirming authorisations (Amendments 33), the absolute-majority voting rule (Amendments 160 and 504) and the composition of the ODN Management Board (Amendment 165).
- Router Freedom & Carrier Neutrality (Amendments 97, 154, 477, 490, 492): We welcome the amendments that strengthen the freedom of customers to choose their own devices. More harmonisation is needed to address the remaining fragmentation of the single market on both points.

1 https://www.europarl.europa.eu/doceo/document/ITRE-PR-791994_EN.html

2 Telenor and the 2021 German zero-rating cases C-854/19, C-5/20, C-34/20

- Consumer Protection (Amendments 142, 449, 451): Removing the right of Member States to keep shorter maximum contract durations and introducing termination fees only serves telecom companies whose customers want to leave them. These amendments run counter tothe interests of consumers across the Union.
- Affordability & Universal Service (Amendments 117, 119–122, 124, 125, 128–130, 420, 421, 425, 427): Low-income households depend on affordable offers to access the internet. Access to the internet is vital for their work, health, education and democratic participation. Simply relying on vouchers is ineffective and fills the pockets of telecom companies at the expense of the taxpayer.
- Competition (Amendments 60, 98, 102, 105, 399–404): The amendments would weaken the ability of regulators to impose effective remedies on operators with significant market power and would allow EU-wide spectrum authorisations for a few selected companies.
- Spectrum (Amendments 278, 302, 311): Longer licence durations and limits on spectrum fees and conditions would favour incumbent operators at the expense of public budgets and competition.
- Public Warning Systems (Amendment 152): The amendment would make public warnings less reliable in real emergencies.

Epicenter.works welcomes several amendments in the draft report, in particular those strengthening the independence of BEREC and operator neutrality, but has serious concerns about many others. We comment on selected amendments below. The left column repeats the Commission proposal; the right column contains the amendments proposed by the rapporteur, Michał Kobosko (RENEW, PL). Our comments can be found below. For ease of reading, the headings are highlighted:

- green **(+)** for amendments which we welcome
- yellow **(~)** for amendments which pursue good aims, but which also entail serious harm
- red **(-)** for amendments which in our view should be reconsidered
- **(!)** signifies amendments that are of severe importance in our opinion.

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Voting Recommendation

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Amendment 3:   -!   Amendment 139: +    Amendment 400: -    Amendment 490: +
Amendment 33:  -!   Amendment 141: +    Amendment 401: -    Amendment 492: +
Amendment 60:  -!   Amendment 142: -!   Amendment 402: -    Amendment 493: -!
Amendment 92:  -!   Amendment 144: +    Amendment 403: -    Amendment 495: +!
Amendment 93:  -!   Amendment 152: -!   Amendment 404: -    Amendment 503: +!
Amendment 94:  -!   Amendment 154: +    Amendment 420: -    Amendment 504: -!
Amendment 97:  +    Amendment 156: +    Amendment 421: -    Amendment 506: +!
Amendment 98:  -    Amendment 157: -!   Amendment 425: ~    Amendment 507: +!
Amendment 102: -    Amendment 160: -!   Amendment 427: -    Amendment 508: +!
Amendment 105: -    Amendment 161: +!   Amendment 428: -!   Amendment 510: +
Amendment 116: +    Amendment 162: +!   Amendment 429: -!   Amendment 511: +
Amendment 117: ~    Amendment 163: +    Amendment 430: -!   Amendment 512: +
Amendment 119: -    Amendment 164: +!   Amendment 431: -!   Amendment 513: +
Amendment 120: -    Amendment 165: -    Amendment 432: +    Amendment 514: +
Amendment 121: -    Amendment 173: -!   Amendment 433: -!   Amendment 515: +
Amendment 122: -    Amendment 174: -!   Amendment 434: -    Amendment 519: -!
Amendment 124: -    Amendment 175: -!   Amendment 435: -    Amendment 526: +
Amendment 125: -    Amendment 178: -!   Amendment 436: -    Amendment 544: -
Amendment 128: -    Amendment 184: -!   Amendment 449: -!   Amendment 545: -!
Amendment 129: -    Amendment 278: -    Amendment 451: -!   Amendment 547: -!
Amendment 130: -    Amendment 302: -!   Amendment 452: +    Amendment 548: -!
Amendment 133: -!   Amendment 311: -!   Amendment 458: -!   Amendment 549: -
Amendment 134: -!   Amendment 379: -!   Amendment 477: +!   Amendment 550: +
Amendment 135: +    Amendment 380: -!   Amendment 483: +    Amendment 551: +
Amendment 136: ~    Amendment 399: -    Amendment 486: -!
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This document focuses on the ITRE draft report. Follow our net neutrality document pool or topical page for subsequent publications.[3] Our non-profit organisation epicenter.works has been working on net neutrality since 2012 and represents user interests. We are independent of corporate interests and political parties, committed to facts and always strive to provide efficient, rights-based solutions.[4]

Net Neutrality

Amendment 428: -!

2026/0013(COD): Article 93 – paragraph 3 – subparagraph 1 a (new) **(-!)**	
	Content and application providers, artificial intelligence providers, operating system providers and content delivery networks, shall refrain from any practice, whether technical, contractual or commercial, which can lead to interfering with, discriminating against, or deliberately compromising the equal treatment of traffic, where they are capable to influence traffic management or content delivery quality.

3 https://epicenter.works/en/documents?tx_news_pi1%5BoverwriteDemand%5D%5Btags%5D=4 and https://epicenter.works/en/thema/net-neutrality

4 https://epicenter.works/en/about-us

Comments: This amendment is technically unworkable. Traffic management is done by telecom companies in their own networks. The internet is built on separate layers that interoperate with each other because they follow global standards. Traffic management has to be agnostic towards the content of the data packets it delivers, which is exactly what net neutrality ensures. Only the very largest content providers could even attempt to adapt parts of their operation to individual networks, since the internet consists of over 100,000 independent autonomous networks, each with its own traffic management. The bureaucratic burden created by this provision would be enormous. Every company wanting to offer a service of a predictable quality would have to take account of the traffic management of every single network. In the digital single market alone, these are several thousand networks. This would stifle the competitiveness of European businesses. No net neutrality law anywhere in the world contains such a provision. The amendment regulates a problem for which no evidence has been presented. The European Parliament should not create massive problems for innovation, businesses and consumers through dangerous experiments with the internet.

Amendment 429: -!

2026/0013(COD): Article 93 – paragraph 3 – subparagraph 2 **(-!)**	
The first subparagraph shall not prevent providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures shall not monitor ***the*** specific content and shall ***not be maintained for longer than necessary***.	The first subparagraph shall not prevent providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based ***purely*** on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures ***may include differentiating among specific categories of traffic subject to different technical requirements, provided that, all traffic within each specific category is treated equally and in a non-discriminatory manner. Such measures*** shall not monitor ***any*** specific content and shall ***be compliant with EU data protection provisions***.
Comments: The neutral treatment of traffic must not be made conditional on how much commercial interest can be proven in court. By adding the word “purely”, this amendment would allow traffic management that is partly based on commercial considerations, which the Court of Justice has clearly ruled out.[5] A water or electricity company also has to be 100% neutral, and the internet is a similarly essential infrastructure in modern society. If we allow telecom companies to pick winners and losers, disadvantage competitors or hand out political favours, we open Pandora’s box and make the network as a whole unworkable. Traffic management based on categories is an old concept that has proven unworkable. Defining such classes is a very complex and subjective undertaking. It requires in-depth knowledge about the content of transmissions, which could be encrypted or run through a VPN, and it fails to grasp the real needs of a user in a given situation. Which application is important depends on the priorities of the user, not on the determination of a vendor or ISP. Every effective prioritisation also entails the	

5 CJEU, Judgment of 15 September 2020, Telenor Magyarország, Joined Cases C-807/18 and C-39/19, ECLI:EU:C:2020:708.

throttling of other traffic. Class-based traffic management can therefore have severe downsides and drastically increases the complexity of network management.[6]

Amendment 133: -!

2026/0013(COD): Recital 254 a (new) **(-!)**	
	(254a) The equal treatment of traffic can also be affected by undertakings other than providers of internet access services. Content and application providers, providers of artificial intelligence, operating system providers and content delivery networks should therefore refrain from any practice, whether technical, contractual or commercial, which can lead to interfering with, discriminating against or deliberately compromising the equal treatment of traffic, where they are capable of influencing traffic management or content delivery quality. Reasonable traffic management measures applied by providers of internet access services should be transparent, non-discriminatory and proportionate, and should not be based purely on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures may differentiate between specific categories of traffic subject to different technical requirements, provided that all traffic within each category is treated equally and in a non-discriminatory manner. They should not monitor any specific content and should comply with Union law on the protection of personal data.
Comments: 1. Traffic management is done by telecom companies in their own networks. It is technically impossible for content or application providers, including AI companies or operating system vendors, to do it. These companies adhere to global standards that are neutral towards the particular way a telecom company manages the traffic in its network. If an application provider had to adapt its services to network-specific behaviour, it would have to do so thousands of times, once for each individual network. This would require enormous resources and would be impossible for European SMEs. No net neutrality law anywhere in the world contains such a provision. This would lead Europe to over-regulate a market without any evidence. 2. The recital also tries to allow traffic management based on commercial interests by introducing the word “purely”. This directly undermines net neutrality and breaks the political promise to uphold the protections for Europeans. Traffic management must not become a way for telecom companies to increase their profits by selling preferential treatment..	

6 Barbara van Schewick, Network Neutrality and Quality of Service: What a Non-Discrimination Rule Should Look Like, 67 Stanford Law Review 1 (2015).

3. Reasonable traffic management should not be defined as allowing ISPs to categorise the traffic of users and treat it differently. Such categories are hardly ever accurate, since the same application can be important to a user or not, depending on the concrete situation. Every effective prioritisation also has to de-prioritise other traffic, whereby the quality of experience can suffer in case of congestion. Assessing the category of traffic often requires the ISP to obtain more knowledge about the content of data packets, which conflicts with privacy and the confidentiality of communications. Lastly, such a drastic shift away from the neutral handling of traffic would create high regulatory costs after a decade of settled case law on net neutrality in Europe.

Amendment 430: -!

2026/0013(COD): Article 93 – paragraph 5 **(-!)**	
5. ***Providers of electronic communications to the public, including providers of internet access services, and providers of content, applications and services shall be free to offer services other than internet access services which are optimised for specific content, applications or services, or a combination thereof, where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality.*** Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate ***such*** services only where the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.	5. Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate ***services other than internet access*** services***, in a non-exclusive way and on a non-discriminatory basis*** only where**,** the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.
Comments: We are extremely alarmed by this amendment. It would strip away the safeguards that prevent existing online services from buying a fast lane in the form of a specialised service. The main goal of the 2015 Open Internet Regulation and the subsequent BEREC Guidelines was to prevent such re-classification, since it would allow the richest application providers to buy an exemption from net neutrality and leave everyone else (e.g. European SMEs) in the slow lane.[7] The language that this amendment removes is the vital safeguard of the whole framework: "where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality." It is not sufficient that such a paid fast lane is offered in a non-exclusive and non-discriminatory way, since the majority of market participants will be unable to buy it from the telecom company due to high prices or lack of bargaining power. 5G network slicing does not require this change: BEREC is already preparing further guidance on network slicing under the existing rules.[8] Network slicing can be offered in a net neutrality-friendly way, where users rather than ISPs decide which applications get	

7 BEREC Guidelines on the Implementation of the Open Internet Regulation, BoR (22) 81, June 2022.

8 BEREC, Call for input for further guidance on 5G network slicing: https://www.berec.europa.eu/en/public-consultations-calls-for-inputs/call-for-input-for-further-guidance-on-5g-network-slicing

which quality.[9]

Amendment 431: -!

2026/0013(COD): Article 93 – paragraph 6 – subparagraph 1 **(-!)**	
The Commission ***may*** adopt ***implementing acts detailing*** the conditions ***referred to in this Article*** for the offering of services other than internet access services ***which are optimised for specific content, applications or*** services***, or a combination thereof***.	The Commission ***shall*** adopt ***delegated acts supplementing paragraph 5 of this Article concerning*** the conditions for the offering of services other than internet access services***. In particular, such delegated act may include the methodology for determining sufficient network capacity and may lay down the criteria how to assess when a service would not be considered to be usable or offered as a replacement for internet access*** services ***or not to be to the detriment of the availability or general quality of internet access services for end-users***.
	The Commission shall request the opinion of BEREC and shall take the utmost account of it before adopting the acts. The delegated acts shall be adopted, by 9 months after the entry into force of this Regulation, in accordance with Article 198.
Comments: This amendment would insert the Commission between the law and the regulators and lead to the political capture of a crucial part of the net neutrality framework. The current framework has worked well for a decade and has provided legal clarity for consumers and for every provider of content, applications and services. Only a very small number of telecom companies have never stopped demanding weaker rules in order to be able to discriminate on their networks. The decision on specialised services is among the most important decisions in any net neutrality framework. Legislators and regulators have spent years developing the current rules. They have already been updated by BEREC 2018-2020 in light of 5G, and BEREC is currently preparing further guidance on 5G network slicing.[10] BEREC has the expertise and neutrality to update the framework in light of technical developments. The European Commission, by contrast, lacks this independence and is a political executive, accountable to Parliament and Council, not an independent regulator. A neutral regulator is much better placed to provide such clarity, whereas a political executive in this role undermines trust and legal certainty. Turning the implementing act into a delegated act gives the European Parliament a right of objection, but it does not solve this problem.	

Amendment 134: -!

2026/0013(COD): Recital 255 **(-!)**	
(255) The second Report from the Commission to the European Parliament and the Council on	(255) The second Report from the Commission to the European Parliament and the Council on

9 Barbara van Schewick, Net Neutrality & 5G Network Slicing, 3 April 2024: https://cyberlaw.stanford.edu/content/files/2024/08/van-Schewick-2024-5G-Network-Slicing-and-Net-Neutrality-Shetler-Steffen-1.pdf

10 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

the implementation of Regulation (EU) 2015/2120 confirmed that the principles governing open internet access continue to be fit for purpose and to strike an appropriate balance between protecting end-users and enabling technological progress. However, in light of the significant evolution of networking technologies since 2015, there is a need to define the conditions under which specialised business services should be offered. Those specialised business services are becoming integral part of network offering for interconnecting data centres, in provision of edge computing and for AI services. The provision of low latency and guaranteed quality of service are essential features of specialised business services. Critical government services should also be considered as priority services in order to make sure that electronic communications networks are meeting increased demand for security and defence needs, such as detection response and mobility. While BEREC is empowered to issue guidelines to support consistent implementation by national regulatory authorities, additional guidance at Union level may be necessary to ensure a harmonised approach to emerging services and technologies, including network slicing, experimental services and differentiated industrial use-cases. Empowering the Commission to adopt ***implementing*** act on the ***implementation*** of specialised services should therefore contribute to legal certainty and regulatory coherence across the Union, by providing clear criteria for compliance, including, inter alia, quality-of-service parameters or minimum levels to be ensured for general internet access services. ***Such implementing*** act should complement BEREC guidelines, support uniform application of the framework, and encourage investment and innovation in advanced connectivity services and in the business-to-business segment in particular, thereby strengthening the competitiveness of the Union's digital economy as well as ensuring prioritisation of critical government services.	the implementation of Regulation (EU) 2015/2120 confirmed that the principles governing open internet access continue to be fit for purpose and to strike an appropriate balance between protecting end-users and enabling technological progress. However, in light of the significant evolution of networking technologies since 2015, there is a need to define the conditions under which specialised business services should be offered. Those specialised business services are becoming integral part of network offering for interconnecting data centres, in provision of edge computing and for AI services. The provision of low latency and guaranteed quality of service are essential features of specialised business services. Critical government services should also be considered as priority services in order to make sure that electronic communications networks are meeting increased demand for security and defence needs, such as detection response and mobility. ***Providers of electronic communications to the public, including providers of internet access services, should be able to offer or facilitate services other than internet access services in a non-exclusive way and on a non-discriminatory basis, and only where the network capacity is sufficient to provide them in addition to any internet access services provided. Such services should not be usable or offered as a replacement for internet access services and should not be to the detriment of the availability or general quality of internet access services for end-users.*** While BEREC is empowered to issue guidelines to support consistent implementation by national regulatory authorities, additional guidance at Union level may be necessary to ensure a harmonised approach to emerging services and technologies, including network slicing, experimental services and differentiated industrial use-cases. Empowering the Commission to adopt ***, by 9 months after the entry into force of this Regulation, a delegated*** act on the ***conditions for the offering*** of specialised services should therefore contribute to legal certainty and regulatory coherence across the Union, by providing clear criteria for compliance, including, inter alia, ***the methodology for determining***

	sufficient network capacity, criteria for assessing whether a service is usable or offered as a replacement for internet access services or is to the detriment of the availability or general quality of internet access services, and quality-of-service parameters or minimum levels to be ensured for general internet access services. ***The Commission should request the opinion of BEREC and take utmost account of it before adopting that delegated act. Such delegated*** act should complement BEREC guidelines, support uniform application of the framework, and encourage investment and innovation in advanced connectivity services and in the business-to-business segment in particular, thereby strengthening the competitiveness of the Union's digital economy as well as ensuring prioritisation of critical government services.
Comments: This amendment erodes the framework that prevents big tech companies from buying a fast lane on the open internet and leaving European SMEs in the slow lane. It removes the necessity requirement for specialised services (see Amendment 430) and foresees a Commission delegated act on their conditions (see Amendment 431). Such drastic changes to the framework are justified neither by technical nor by market developments. The recital itself recalls that the Commission's second report found the open internet principles to be fit for their purpose.	

Amendment 432: +

2026/0013(COD): Article 93 – paragraph 6 – subparagraph 2 **(+)**	
Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***
Comments: We welcome the deletion. The Commission should not receive any power to adopt implementing or delegated acts on specialised services (see Amendment 431).	

Amendment 433: -!

2026/0013(COD): Article 94 – paragraph 1 **(-!)**	
1. National regulatory authorities shall closely monitor and ensure compliance with Article 93 and shall promote the continued availability of non-discriminatory ***internet*** access services at levels of quality that reflect advances in technology. For those purposes, national regulatory authorities may impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of electronic communications to	1. National regulatory authorities shall closely monitor and ensure compliance with Article 93 and shall promote the continued availability of non-discriminatory access ***to information, content, applications and*** services at levels of quality that reflect advances in technology. For those purposes, national regulatory authorities may impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of

the public, including providers of internet access services.	electronic communications to the public, including providers of internet access services***, and other providers referred to in second subparagraph of Article 93(3)***. ***National regulatory authorities shall publish reports on a biennial basis regarding their monitoring and findings, and provide those reports to the Commission and to BEREC.***
Comments: This amendment creates legal uncertainty and lowers the level of protection for users. Non-discriminatory access to the internet includes the right to use and to provide content, applications and services. The proposed language would only protect access to services, yet no longer the possibility to provide them. This infringes on the right to use the internet freely, including for purposes of digital sovereignty such as offering smart home or cloud appliances without the cloud services of a big provider. The last part of the proposal tries to extend net neutrality obligations to providers that technically have nothing to do with the concept (see Amendment 428). This would dilute the supervision by NRAs across an undefined number of unrelated companies, while telecom companies are not receiving the regulatory attention necessary. Lastly, regulators currently report annually.[11] We have analysed these reports since they first became available, and we see no reason why an annual report, which helps the public understand an important public function, cannot be maintained. Every NGO and every publicly traded company publishes annual reports.	

Amendment 434: -

2026/0013(COD): Article 94 – paragraph 2 **(-)**	
2. Providers of electronic communications to the public, including providers of internet access services, shall ***provide, every two years, to*** national regulatory ***authorities,*** information relevant to the obligations set out in ***Article 93***, in particular information concerning the management of their network capacity and traffic, as well as justifications for any traffic management measures applied.	2. ***At the request of the national regulatory authority,*** providers of electronic communications to the public, including providers of internet access services, ***and, where relevant, providers referred to in second subparagraph of Article 93(3)*** shall ***make available to that*** national regulatory ***authority*** information relevant to the obligations set out in ***Articles 93, 95, 188(3) and Section 5 of Annex III***, in particular information concerning the management of their network capacity and traffic, as well as justifications for any traffic management measures applied. ***Those providers shall provide the requested information in accordance with the time-limits and the level of detail required by the national regulatory authority.***
Comments: Extending these obligations to the providers referred to in the second subparagraph of Article 93(3) makes this amendment unacceptable (see Amendment 428). Reducing transparency obligations is negative in general. It would also change the approach from regular reporting by providers (push) to information on request (pull), thereby increasing the cost of effective regulation	

11 Article 5(1) of Regulation (EU) 2015/2120 obliges national regulatory authorities to publish reports on their monitoring and findings on an annual basis.

through cumbersome information requests.

Amendment 435: -

2026/0013(COD): Article 94 – paragraph 3 **(-)**	
3. National regulatory authorities shall share with BEREC updates on their main practices and national findings concerning open internet access based on the information received pursuant to paragraph 2. Based on the information from the national regulatory authorities, BEREC shall, by 24 months after the date of entry into force of this Regulation and every two years thereafter publish a report regarding the main practices and findings concerning open internet access in the Union.	***deleted***
Comments: Reporting to BEREC is good practice and helpful for effective and consistent regulation. This provision should be kept and the amendment rejected.	

Amendment 436: -

2026/0013(COD): Article 94 – paragraph 4 **(-)**	
4. By [12 months after the entry into force of this Regulation] BEREC shall, in close cooperation with the Commission, publish a common template to be used to collect the required information under paragraph 2.	***deleted***
Comments: BEREC templates serve a crucial purpose in the single market and help harmonise enforcement between regulators. This provision should be kept, and the amendment rejected.	

Amendment 452: +

2026/0013(COD): Article 97 – paragraph 4 – subparagraph 2 **(+)**	
For internet access service, any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of Section 5 of Annex III shall, where the relevant facts are established by the monitoring mechanism specified in the BEREC guidelines referred to in Article 94(5) and certified by the national regulatory authority, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law.	For internet access service, any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of Section 5 of Annex III shall, where the relevant facts are established by the monitoring mechanism specified in the BEREC guidelines referred to in Article 94(5) and certified by the national regulatory authority, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law ***including the right to terminate the contract***

	free of cost.
Comments: We welcome the clarification that free-of-charge termination of the contract is among the remedies available to consumers when the actual performance does not match the contract. This was already the interpretation without this amendment, but the clarification adds legal certainty.	

Amendment 493: -!

2026/0013(COD): Article 126 – paragraph 1 – point c **(-!)**	
(c) the main practices and findings concerning open internet access in the Union, in accordance with Article 94(3);	***deleted***
Comments: The BEREC reports on the open internet have been an annual hallmark, providing the public with vital information. They inform the debate, bring facts to the table and enable public deliberation. For over a decade, BEREC's reporting has been the authoritative source of a balanced perspective on the issue. There is no reason to abolish such a transparency tool and doing so would only benefit those who want to avoid facts and neutral assessments.	

Amendment 544: -

2026/0013(COD): Article 188 – paragraph 3 **(-)**	
3. Providers of internet access services shall put in place transparent, simple and efficient procedures to address complaints of end-users relating to the rights and obligations laid down in ***Article 93*** and complaints of consumers, microenterprises and not-for-profit organisations relating to the rights laid down in Section 5 of Annex III.	3. Providers of internet access ***services and of publicly available interpersonal communications*** services shall put in place transparent, simple and efficient procedures to address complaints of end-users relating to the rights and obligations laid down in ***Articles 93, 95-98, and 100*** and complaints of consumers, microenterprises and not-for-profit organisations relating to the rights laid down in Section 5 of Annex III.
Comments: Extending the complaint procedures to additional providers and legal provisions dilutes the targeted nature of these procedures, which are meant to provide effective redress for the rights under the net neutrality provisions.	

Amendment 135: +

2026/0013(COD): Recital 256 **(+)**	
(256) In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters for internet access services which national regulatory authorities in coordination with other competent authorities should take into utmost account when enforcing the quality of service obligations relevant to the end-user rights. In its guidelines for internet access services, BEREC should specify the quality of service parameters to be measured for the purposes of information requirements for	(256) ***National regulatory authorities, in coordination with other competent authorities where relevant, should be able to require providers of internet access services and of publicly available interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services, to the extent that those providers control at least some elements of the network either directly or by virtue of a service level agreement to that***

contracts and for information to be published for transparency, considering standards and technical specifications issued by European and international standardisation bodies. The parameters should include at least parameters for the monitoring mechanism for internet access services, relevant parameters for end-users with disabilities, download and upload speeds pursuant to required information on speeds for information for contracts with internet access services and for information to be published, latency, jitter and packet loss. The relevant parameters for end-users with disabilities should include also parameters for interpersonal communications services.	***effect.*** In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters for internet access services ***and publicly available interpersonal communications services*** which national regulatory authorities in coordination with other competent authorities should take into utmost account ***when specifying those parameters and*** when enforcing the quality of service obligations relevant to the end-user rights. In its guidelines for internet access services, BEREC should specify the quality of service parameters to be measured for the purposes of information requirements for contracts and for information to be published for transparency, considering standards and technical specifications issued by European and international standardisation bodies. The parameters should include at least parameters for the monitoring mechanism for internet access services, relevant parameters for end-users with disabilities, download and upload speeds pursuant to required information on speeds for information for contracts with internet access services and for information to be published, latency, jitter and packet loss. The relevant parameters for end-users with disabilities should include also parameters for interpersonal communications services. ***The guidelines should also detail the applicable measurement methods, the form and manner of the information to be published and quality certification mechanisms.***
Comments: We welcome this amendment, which strengthens transparency on quality of service for consumers.	

Amendment 136: ~

2026/0013(COD): Recital 256 a (new) **(~)**	
	(256a) National regulatory authorities should closely monitor and ensure compliance with the rules on open internet access, so as to promote the continued availability of non-discriminatory access to information, content, applications and services at levels of quality that reflect advances in technology. They should publish reports on their monitoring and findings every two years and provide those

	reports to the Commission and to BEREC. At the request of the national regulatory authority, providers of electronic communications to the public, including providers of internet access services, and, where relevant, the other undertakings subject to the obligation to respect the equal treatment of traffic should make available the information relevant to their obligations, in particular information concerning the management of their network capacity and traffic and justifications for any traffic management measures applied, within the time-limits and at the level of detail required.
Comments: We are generally favourable to this amendment. However, it must not be read as extending net neutrality obligations to other undertakings (see Amendment 428), and NRAs should continue to report annually instead of every two years (see Amendment 433).	

Amendment 173: -!

2026/0013(COD): Recital 398 **(-!)**	
(398) Out-of-court dispute resolution procedures may constitute a fast and cost-efficient way for end-users to enforce their rights, in particular for consumers and microenterprises ***and small enterprises*** as defined in the Annex to Commission Recommendation 2003/361/EC[52] . Member States should enable the national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in dealing with, end-user rights to act as an alternative dispute resolution entity. With respect to such dispute resolutions, the authorities or other bodies notified as alternative dispute resolution entities should fully meet the quality requirements of the Directive 2013/11/EU of the European Parliament and of the Council[53] , notably, it should not be subject to any instructions. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU of the European Parliament and of the Council does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular microenterprises ***and small***	(398) Out-of-court dispute resolution procedures may constitute a fast and cost-efficient way for end-users to enforce their rights, in particular for consumers and microenterprises as defined in the Annex to Commission Recommendation 2003/361/EC[52] . Member States should enable the national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in dealing with, end-user rights to act as an alternative dispute resolution entity. With respect to such dispute resolutions, the authorities or other bodies notified as alternative dispute resolution entities should fully meet the quality requirements of the Directive 2013/11/EU of the European Parliament and of the Council[53] , notably, it should not be subject to any instructions. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU of the European Parliament and of the Council does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular microenterprises ***not-for-profit organisations***. In relation to out-of-court dispute

enterprises. In relation to out-of-court dispute resolution, Member States should be able to maintain or introduce rules that go beyond those laid down by Directive 2013/11/EU in order to ensure a higher level of consumer protection.	resolution, Member States should be able to maintain or introduce rules that go beyond those laid down by Directive 2013/11/EU in order to ensure a higher level of consumer protection. ***Providers of internet access services and of publicly available interpersonal communications services should put in place transparent, simple and efficient procedures to address complaints relating to the rules on open internet access and to the end-user rights laid down in this Regulation.***
_____	_____
[52] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).	[52] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).
[53] Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).	[53] Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).
Comments: Out-of-court dispute resolution is not the right tool to address net neutrality violations. Enforcement is the job of NRAs, and their duty should not be undermined by ineffective dispute resolution mechanisms.	

Network Fees

Amendment 178: -!

2026/0013(COD): Article 2 – paragraph 1 – point 1 **(-!)**	
(1) 'electronic communications network' means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of	(1) 'electronic communications network' means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed and mobile networks, ***content delivery networks, submarine communication cables,*** electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television

information conveyed;	broadcasting, and cable television networks, irrespective of the type of information conveyed;
Comments: Content delivery networks (CDNs) and submarine cables have traditionally not been part of the telecom framework and have not fallen under the definition of electronic communications networks. This provision extends the scope of regulation drastically, without the evidence needed to justify such an encroachment on previously unregulated sectors. Combined with Amendment 379, it would subject CDNs to the new obligation to negotiate interconnection (see Amendment 3).	

Amendment 184: -!

2026/0013(COD): Article 2 – paragraph 1 – point 29 a (new) **(-!)**	
	(29a) 'significant traffic provider' means an undertaking which, alone or together with undertakings belonging to the same group within the meaning of Article 2(11) of Directive 2013/34/EU, originates or delivers, on average during peak hours over the preceding calendar year, at least 2 % of the total downstream traffic delivered to end-users in the Union, irrespective of its place of establishment and of whether it is a provider of electronic communications networks or services; for the purpose of that calculation, traffic delivered through third-party content delivery networks or transit providers shall be attributed to the undertaking originating it and shall not be counted more than once;
Comments: This amendment is illogical and harmful. Traffic is sent to an ISP because its customers request certain data with their internet subscription. Content and data are not sent unilaterally without the users' request. Video, including from public and private broadcasters, makes up a large share of the traffic in every Member State. Should a European media company with a pan-European audience ever emerge – and AI-based translation that breaks down language barriers makes this very likely – it would certainly fall under this definition. Linking obligations to data volume is inherently unfair, since many financially lucrative businesses, like e-commerce and search engines, generate traffic well below the threshold of this definition. In short, this definition is illogical and unworkable: it will harm European businesses and the media sector and favour financially powerful big tech companies, which are the only ones able to pay. South Korea shows where this leads: Twitch left the Korean market in 2024, citing the high network fees there.[12] Lastly, almost every European business relies on hosting services today. This provision would make hosting with big providers considerably more expensive, since they would be required to conclude commercial interconnection agreements with every ISP. These costs would be passed on to European businesses and consumers.[13]	

12 Associated Press, Twitch says it's withdrawing from the South Korean market over network fees, 7 December 2023: https://www.clickondetroit.com/business/2023/12/07/twitch-says-its-withdrawing-from-the-south-korean-market-over-expensive-network-fees/

13 Barbara van Schewick, Comments to the European Commission's Exploratory Consultation on Mandated Network Access Fees, Stanford Law School, 19 May 2023: https://cyberlaw.stanford.edu/sites/default/files/publication/files/vanSchewick-2023-NetworkFeesExplainerConsultation.pdf

Amendment 3: -!

2026/0013(COD): Recital 8 a (new) **(-!)**	
	(8a) Content delivery networks and submarine communication cables are integral components of the infrastructure through which signals are conveyed in the Union. Content delivery networks carry a significant and growing share of internet traffic up to the edge of, or within, public electronic communications networks, while submarine communication cables are essential for international and intra-Union connectivity and for the resilience of the Union. In line with the principle that the same activities should be subject to the same rules, the definition of electronic communications network should therefore explicitly cover content delivery networks and submarine communication cables, to the extent that they are used for the purpose of transmitting signals. This should not affect the exclusion from the scope of this Regulation of the content transmitted over such networks.
Comments: CDNs as a category have generally not been subject to the same telecom obligations as public internet access networks. They play an important role in bringing content close to users, and they enjoy the rights of content and application providers. It would be wrong to treat them under the DNA as if they operated an access network. A mandate focused on simplification should not extend regulation to a sector that does not call for it, without evidence or an impact assessment. Together with Amendments 178 and 379, this recital would subject CDNs to the new obligation to negotiate interconnection and pave the way for network fees.[14]	

Amendment 379: -!

2026/0013(COD): Article 66 – paragraph 1 **(-!)**	
1. ***Operators of public*** electronic communications networks shall have a right and***, when requested by other undertakings so authorised in accordance with Article 9,*** an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications services, in order to ensure provision and interoperability of services throughout the Union. Operators shall offer access and interconnection	1. ***Providers of*** electronic communications networks ***used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public*** shall have a right and an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications services ***or information society services available to the public***, in order to

14 Joint Statement on the Open Internet and IP Interconnection in the Digital Networks Act, 9 June 2026, signed by 33 organisations from civil society, consumer protection, media, internet infrastructure and business (including BEUC, EDRi, ACT, VAUNET, ISOC and BREKO): https://epicenter.works/en/content/joint-statement-to-safeguard-net-neutrality-in-the-digital-networks-act

to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles ***68, 67*** and 77.	ensure provision and interoperability of services throughout the Union. Operators ***of public electronic communications networks*** shall offer access and interconnection to ***each other and to*** other undertakings ***as referred to in Articles 67, 68 and 77*** on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles ***67, 68*** and 77.
Comments: We are extremely alarmed by this proposal. The amendment would oblige providers of information society services to negotiate interconnection, i.e. create a legal basis for network fees, in a market that has functioned worldwide for decades without additional remuneration or any regulatory oversight. 99.9996% of the more than 15 million interconnection agreements analysed in 2021 were concluded on symmetric terms.[15] According to BEREC in several reports, there is no need for regulatory intervention.[16] These provisions would heavily infringe on the right of customers to use the whole internet freely and on the ability of European businesses to have their content reach all internet users equally.	

Amendment 380: -!

2026/0013(COD): Article 66 – paragraph 1 a (new) **(-!)**	
	1a. The obligation under paragraph 1 of this Article shall not apply to providers that are not operators of public electronic communications networks, except if they are significant traffic providers.
Comments: This is unworkable and dangerous. This proposal seriously undermines the equilibrium of a tested framework that ensures global reachability on the internet. It is irrelevant how much traffic is sent downstream towards a network: this traffic is requested and paid for by that network's own customers, and the cost of connecting is always negligible compared to the benefit provided by global connectivity. Charging content providers for the same delivery would mean that ISPs get paid twice for the same service.[17]	

Amendment 486: -!

2026/0013(COD): Article 124 – paragraph 1 – point j **(-!)**	
(j) ***the elements of the case submitted for a voluntary conciliation procedure***, in accordance with Article 192(2).	(j) ***areas of effective ecosystem cooperation***, in accordance with Article 192(2).
Comments: It would be dangerous over-regulation to force a functioning market into a novel and expensive form of regulation that even regulators do not consider necessary.[18] There is no problem to be solved by such a cooperation mechanism. The cost of regulation would be high, and the risk of	

15 Packet Clearing House, 2021 Survey of Internet Carrier Interconnection Agreements: of 15,105,101 agreements analysed, 99.9996 % were concluded on symmetric terms and 99.998 % without a written contract: https://www.pch.net/resources/Papers/peering-survey/PCH-Peering-Survey-2021/PCH-Peering-Survey-2021.pdf

16 BEREC, Report on the IP interconnection ecosystem, BoR (24) 177, December 2024: https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-ip-interconnection-ecosystem

17 Barbara van Schewick, Comments to the European Commission's Exploratory Consultation on Mandated Network Access Fees, Stanford Law School, 19 May 2023: https://cyberlaw.stanford.edu/sites/default/files/publication/files/vanSchewick-2023-NetworkFeesExplainerConsultation.pdf

unintended outcomes that hurt the level playing field on the internet is severe. This amendment and all others on the facility for ecosystem cooperation would only cement the market position of big telcos and big tech.

Amendment 519: -!

2026/0013(COD): Article 146 – paragraph 1 – point q a (new) **(-!)**	
	(qa) to convene facility for ecosystem cooperation;
Comments: This amendment gives the ODN, and thereby the Commission, an unnecessary task to interfere in a functioning market (see Amendment 548).	

Amendment 545: -!

2026/0013(COD): Article 189 – paragraph 1 **(-!)**	
1. In the event of a dispute arising in connection with existing obligations under this Regulation between providers of public electronic communications networks or services in a Member State, or between such undertakings and other undertakings in the Member State benefiting from obligations of access or interconnection or between providers of electronic communications networks or services in a Member State and providers of associated facilities, the national regulatory authority concerned shall, at the request of either party, issue a binding decision to resolve the dispute in the shortest possible time-frame on the basis of clear and efficient procedures, and in any case within four months except in exceptional circumstances. All parties shall cooperate fully with the national regulatory authority.	1. In the event of a dispute arising in connection with existing obligations under this Regulation between providers of public electronic communications networks or services in a Member State, or between such undertakings and other undertakings in the Member State benefiting from obligations of access or interconnection or between providers of electronic communications networks or services in a Member State and providers of associated facilities ***or between operators and significant traffic providers referred to in Article 66(1a)***, the national regulatory authority concerned shall, at the request of either party, issue a binding decision to resolve the dispute in the shortest possible time-frame on the basis of clear and efficient procedures, and in any case within four months except in exceptional circumstances. All parties shall cooperate fully with the national regulatory authority.
Comments: This amendment drastically changes the balance of interconnection regulation by extending binding dispute resolution to a new category of companies, the "significant traffic providers" (see Amendments 184 and 380). It would give large ISPs a legal lever to extract network fees from content providers.	

Amendment 547: -!

2026/0013(COD): Article 192 – title **(-!)**	
Facility for ***voluntary conciliation***	Facility for ***ecosystem cooperation***
Comments: The conciliation mechanism should be removed altogether, not turned into a permanent "facility for ecosystem cooperation". Together with 33 organisations from civil society, consumer protection, media, internet infrastructure and business, we recommend deleting Articles 191 to 193.[19]	

18 BEREC, Report on the IP interconnection ecosystem, BoR (24) 177, December 2024: https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-ip-interconnection-ecosystem

Amendment 548: -!

2026/0013(COD): Article 192 – paragraph 1 **(-!)**	
1. On request of providers of electronic communications networks or other undertakings active in the electronic communications or closely related sectors, ***national regulatory authorities*** shall offer a ***conciliatory meeting*** between ***two*** providers of electronic communications networks ***or between such a provider and another undertaking*** active in the electronic communications or closely related sectors on technical and commercial ***arrangements which are subject to*** the guidelines referred to in Article 191(1)***. The conciliatory meeting*** shall be convened by the ***national regulatory authority of the party lodging the request for conciliation unless agreed otherwise by the parties***.	1. ***BEREC, on its own initiative or*** on request of providers of electronic communications networks or other undertakings active in the electronic communications or closely related sectors, shall offer a ***facility for ecosystem cooperation*** between providers of electronic communications networks***, other undertakings*** active in the electronic communications or closely related sectors ***and manufacturers of terminal equipment*** on technical and commercial ***cooperation, in line with*** the guidelines referred to in Article 191(1)***, with the aim to support general objectives referred to in Article 3. The facility for ecosystem cooperation*** shall be convened by the ***ODN***.
Comments: This amendment creates an unnecessary and burdensome procedure that would lead to the commercialisation of the interconnection market. BEREC could start it on its own initiative, and the ODN – and thereby the Commission – would convene it. Such mechanisms would undermine the freedom of customers to use the internet freely and the ability of European businesses to reach internet users on every network. Centralising this work at EU level would further undermine the role of independent national regulators.	

Amendment 549: -

2026/0013(COD): Article 192 – paragraph 2 **(-)**	
2. ***Within 1 week following the request for voluntary conciliation, the national regulatory authority shall inform BEREC of the elements of the case. Within two*** months ***following the request***, BEREC shall issue an opinion on ***the elements of the case and options for*** effective cooperation in accordance with the guidelines referred to in Article 191.	2. ***Once every 12*** months, BEREC shall issue an opinion on ***areas of*** effective cooperation in accordance with the guidelines referred to in Article 191 ***and, if appropriate, its recommendations for possible next steps***.
Comments: Opinions and reports should be detailed and close to the facts of the case. A general annual opinion on "areas of effective cooperation" reduces transparency in a market that inherently favours large market players over others.	

Amendment 550: +

2026/0013(COD): Article 192 – paragraph 3 **(+)**	
3. In cooperation with BEREC, the national regulatory authority specified in paragraph 1 of	***deleted***

19 Joint Statement on the Open Internet and IP Interconnection in the Digital Networks Act, 9 June 2026, signed by 33 organisations from civil society, consumer protection, media, internet infrastructure and business (including BEUC, EDRi, ACT, VAUNET, ISOC and BREKO): https://epicenter.works/en/content/joint-statement-to-safeguard-net-neutrality-in-the-digital-networks-act

this Article shall convene the meeting of the parties no later than three months after the submission of the request for the facility for voluntary conciliation. No later than one month after the meeting, taking account of the BEREC opinion, the national regulatory authority shall provide a written account of the meeting, including the following information:	
(a) views of the parties involved;	
(b) possible next steps;	
(c) elements of agreement, where applicable and if both parties were present in the meeting;	
(d) options proposed by the national regulatory authority for effective cooperation, if both parties were present in the meeting and no agreement was reached.	
Comments: We welcome this deletion, but only because the underlying conciliation mechanism should be removed in its entirety (see Amendments 547 and 551).	

Amendment 551: +

2026/0013(COD): Article 193 **(+)**	
Article 193	***deleted***
Reporting on and review of the functioning of ecosystem cooperation	
By [24 months after the date of application of this Regulation and every two years thereafter], BEREC shall publish a report on the effects of the application of the guidelines referred to in Article 191(1) on effective ecosystem cooperation as well as on the functioning of the facility for voluntary conciliation referred to in Article 192.	
By [36 months after the date of application of this Regulation], taking account of BEREC report referred to in paragraph 1, the Commission shall review the functioning of the ecosystem cooperation.	
Comments: We agree with this deletion, but only because the underlying mechanism should be removed in its entirety. Otherwise, the review in Article 193 could be used to declare voluntary arrangements insufficient and to justify mandatory measures.	

Amendment 92: -!

2026/0013(COD): Recital 164 **(-!)**	
(164) The obligations on access and interconnection should ***only*** apply to public	(164) The obligations on access and interconnection should***, as a general rule,*** apply

electronic communications networks. Providers of electronic communications networks other than public should not be subject to those obligations. They may, however, benefit from access to public networks subject to conditions laid down by Member States. 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***.	to public electronic communications networks. Providers of electronic communications networks other than public should not be subject to those obligations***, without prejudice to the obligation of significant traffic providers to negotiate interconnection laid down in this Regulation***. They may, however, benefit from access to public networks subject to conditions laid down by Member States. However, as a means of end-to-end traffic delivery, providers of electronic communications networks other than public ***and providers of information society services*** increasingly hand-over traffic to providers of public electronic communications networks in the form of peering or transit***, directly or through content delivery networks***. In certain cases, such traffic may give rise to disproportionate or unsustainable investment needs for the receiving providers of public electronic communications networks. ***Where such traffic is originated or delivered by a significant traffic provider, operators of public electronic communications networks*** should be ***able to rely on the obligation to negotiate interconnection*** and, where ***no agreement is reached, on the dispute resolution procedure before the national regulatory authority***.
Comments: The proposal would drastically extend the scope of interconnection regulation to a part of the market that has never been regulated in this way. There is no evidence that regulation would be required, and BEREC has made clear in reports over several years that it is not necessary.[20] The amendment also contradicts itself technically: traffic flows through several networks from source to destination, and it does so at the request of users who are already paying for its delivery with their internet access. It is very unclear what would constitute a significant traffic provider. Traffic delivered through CDNs would be attributed to the undertaking originating it – so how would the cloud divisions of big tech be treated? Most European public and private broadcasters host their media content in clouds – would they be counted as large traffic "generators"?	

Amendment 93: -!

2026/0013(COD): Recital 164 a (new) **(-!)**	
	(164a) The interoperability of electronic communications services and information society services throughout the Union depends on the efficient interconnection of the networks through which traffic is delivered end-to-end to end-users. Internet traffic has

20 BEREC, Report on the IP interconnection ecosystem, BoR (24) 177, December 2024: https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-the-ip-interconnection-ecosystem

	become highly concentrated, with certain undertakings originating or delivering a significant share of the traffic delivered to end-users in the Union, irrespective of their place of establishment and of whether they are providers of electronic communications networks or services. Their traffic has a material impact on network dimensioning and on the conditions of interconnection. The technical and commercial conditions under which those undertakings hand over traffic, including capacity at interconnection points, routing, traffic forecasting and the placement of caches, have a decisive effect on the quality, reliability and interoperability of services as experienced by end-users. Operators of public electronic communications networks providing internet access services cannot refuse or degrade traffic requested by their end-users, while the undertakings originating that traffic are under no obligation to engage in negotiations on the terms of its hand-over. This structural asymmetry in bargaining power may lead to prolonged or stalled negotiations, putting at risk both network investment and the seamless interoperability of services across networks. It is therefore appropriate, in order to ensure the provision and interoperability of services throughout the Union, to extend the obligation to negotiate interconnection to providers that are not operators of public electronic communications networks, but only where they qualify as significant traffic providers. In order to identify them, on the basis of an objective and transparent criterion it is appropriate to define the concept of significant traffic provider by reference to a share of the total traffic delivered to end-users in the Union, calculated at group level and over a representative period, so that the criterion reflects the undertaking's actual weight in traffic flows and cannot be circumvented by routing traffic through third parties. Limiting the obligation to such providers ensures that it is proportionate and does not affect the large majority of undertakings exchanging traffic on the basis of well-functioning commercial arrangements.

Comments: This recital is factually incorrect and misleading. Traffic originates from internet users requesting a certain content, application or service. Under the net neutrality rules, internet access providers have to give their users access to the whole internet, and almost all of them do so without even trying to monetise interconnection.[21] Regulating the commercial terms of interconnection would be extreme over-regulation that threatens global connectivity and network resilience, since resilience cannot be achieved with a network topology that tries to monetise scarce network resources. Backbone capacities have increased drastically over the past decades without any evidence of significant investment needs. The investment needs in the last mile are unrelated to the problems described in this recital: traffic grows at a steady and predictable rate, while network-related costs of ISPs have barely increased.[22]

Amendment 94: -!

2026/0013(COD): Recital 164 b (new) **(-!)**	
	(164b) Given their share of traffic, the interconnection arrangements of significant traffic providers have a systemic effect on the interoperability of services across the Union, which justifies subjecting them to the obligation to negotiate interconnection. This obligation should not however affect the rights of end-users to access and distribute information and content of their choice, and should not be construed as permitting providers of internet access services to block, slow down, alter, restrict, interfere with, degrade or discriminate between traffic in breach of the open internet rules. It should not result in any charge being levied on end-users for accessing content, applications or services. The obligation concerns merely the conditions of interconnection and data transport between undertakings and does not prejudge the outcome of negotiations, which may lead to agreements of various kinds, including settlement-free arrangements.
Comments: This recital misconstrues the interconnection market. The majority of interconnection agreements involve no remuneration and not even a written contract.[23] Backbone capacity is increased without getting legal or sales departments involved, since it simply means adding another connection to reduce the dependency on expensive transit. The internet works on the principle that networks do not charge each other for delivering traffic that their own customers have requested.	

21 Packet Clearing House, 2021 Survey of Internet Carrier Interconnection Agreements: of 15,105,101 agreements analysed, 99.9996 % were concluded on symmetric terms and 99.998 % without a written contract: https://www.pch.net/resources/Papers/peering-survey/PCH-Peering-Survey-2021/PCH-Peering-Survey-2021.pdf

22 Barbara van Schewick, Comments to the European Commission's Exploratory Consultation on Mandated Network Access Fees, Stanford Law School, 19 May 2023: https://cyberlaw.stanford.edu/sites/default/files/publication/files/vanSchewick-2023-NetworkFeesExplainerConsultation.pdf

23 Packet Clearing House, 2021 Survey of Internet Carrier Interconnection Agreements: of 15,105,101 agreements analysed, 99.9996 % were concluded on symmetric terms and 99.998 % without a written contract: https://www.pch.net/resources/Papers/peering-survey/PCH-Peering-Survey-2021/PCH-Peering-Survey-2021.pdf

Only a handful of big telecom companies try to turn access to their customers into a profit centre through paid interconnection.[24] While we acknowledge the safeguards for net neutrality and end-users in this recital, they only cushion an unprecedented monetisation of interconnection.

Amendment 157: -!

2026/0013(COD): Recital 331 **(-!)**	
(331) To contribute to the objectives of this Regulation, in addition to its current tasks, BEREC should promote effective cooperation among providers of electronic communications networks ***and*** undertakings active in closely related sectors, by issuing guidelines on facilitating ecosystem cooperation on technical and commercial matters related to the provision of electronic communications services or information society services and of innovative products and services to the benefit, in particular, of end-users, in compliance with competition law rules. BEREC should also be entrusted with new tasks on resilience and preparedness, including the adoption of a Union Preparedness Plan for Digital Infrastructures prepared ***by*** the ODN. BEREC should also adopt guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union.	(331) To contribute to the objectives of this Regulation, in addition to its current tasks, BEREC should promote effective cooperation among providers of electronic communications networks***,***undertakings active in closely related sectors ***and manufacturers of terminal equipment***, by issuing guidelines on facilitating ecosystem cooperation on technical and commercial matters related to the provision of electronic communications services or information society services and of innovative products and services to the benefit, in particular, of end-users, in compliance with competition law rules***, by offering a facility for ecosystem cooperation and by issuing an annual opinion on areas of effective cooperation***. BEREC should also be entrusted with new tasks on resilience and preparedness, including the adoption of a Union Preparedness Plan for Digital Infrastructures prepared ***with the assistance of*** the ODN. BEREC should also adopt guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union.
Comments: The technology stack of the open internet allows for innovation without any form of forced cooperation between technology providers on various levels. A mechanism of forced cooperation would be over-regulation in its purest form.	

Amendment 174: -!

2026/0013(COD): Recital 399 **(-!)**	
(399) In the event of a dispute between undertakings in the same Member State in an area covered by this Regulation, for example relating to obligations for access and interconnection or to the means of transferring end-user lists, an aggrieved party that has negotiated in good faith but failed to reach agreement should be able to call on the national regulatory authority to resolve the dispute.	(399) In the event of a dispute between undertakings in the same Member State in an area covered by this Regulation, for example relating to obligations for access and interconnection or to the means of transferring end-user lists, an aggrieved party that has negotiated in good faith but failed to reach agreement should be able to call on the national regulatory authority to resolve the dispute.

24 Barbara van Schewick, Comments on BEREC Draft Report on the IP Interconnection Ecosystem, 1 August 2024: https://law.stanford.edu/wp-content/uploads/2024/08/vanSchewick-2024-Comments-BEREC-Interconnection-Report-20240801.pdf

National regulatory authorities should be able to impose a solution on the parties. The intervention of a national regulatory authority in the resolution of a dispute between providers of electronic communications networks to the public or services or associated facilities in a Member State should seek to ensure compliance with the obligations arising under this Regulation.	National regulatory authorities should be able to impose a solution on the parties. The intervention of a national regulatory authority in the resolution of a dispute between providers of electronic communications networks to the public or services or associated facilities in a Member State***, or between such providers and significant traffic providers,*** should seek to ensure compliance with the obligations arising under this Regulation.
Comments: The majority of the interconnection market is based on settlement-free arrangements in which no money changes hands. According to several analyses by BEREC[25] and by other regulators around the world, this market needs no regulatory intervention. The amendment would nevertheless extend binding dispute resolution to "significant traffic providers" (see Amendment 545). At a time when European businesses are calling for deregulation and many have warned about exactly this type of over-regulation, this proposal is simply not supported by the facts.	

Amendment 175: -!

2026/0013(COD): Recital 405 **(-!)**	
(405) 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. ***In order to ensure a coherent and harmonised application of this voluntary conciliation procedure across the Union, close cooperation with BEREC should be ensured throughout the procedure, including in the conciliation meeting and its report. In particular***, BEREC should ***provide*** an opinion on ***individual cases brought forward by the parties in the context of conciliation procedures led by national regulatory authorities. In addition, the*** guidelines on ecosystem cooperation ***should provide guidance to national regulatory authorities on the assessment of the relevant commercial and technical matters, as well as***	(405) In order to promote effective cooperation between providers of electronic communications networks***,*** other undertakings active in the electronic communications or closely related sectors ***and manufacturers of terminal equipment***, it is appropriate to establish a ***facility for ecosystem cooperation*** to facilitate dialogue on technical and commercial ***cooperation***. Such a ***facility*** provides a structured and neutral forum, ***offered by*** BEREC ***on its own initiative or on request and convened by the ODN,*** to encourage amicable solutions and reduce the likelihood of protracted disputes and enhance regulatory consistency. ***Once every 12 months***, BEREC should ***issue*** an opinion on ***areas of effective cooperation in accordance with its*** guidelines on ecosystem cooperation ***and, where appropriate, recommend possible next steps***. By encouraging cooperation and mutual understanding, this ***facility*** can contribute to the more efficient, economically sustainable and reliable delivery of IP traffic, support interoperability and quality of services, and facilitate the deployment of innovative services based on collaboration, while preserving contractual freedom.

25 https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-preliminary-assessment-of-the-underlying-assumptions-of-payments-from-large-caps-to-isps

on options for effective cooperation between the parties. By encouraging cooperation and mutual understanding, this ***procedure*** can contribute to the more efficient, economically sustainable and reliable delivery of IP traffic, support interoperability and quality of services, and facilitate the deployment of innovative services based on collaboration, while preserving contractual freedom.	
Comments: The internet is made up of layers of technology that work together because interoperable standards allow them to. There is no need for regulatory cooperation between technology providers that simply make use of each other's innovations and products. This mechanism would have extremely negative consequences for Europe's ability to innovate and compete. Only very large companies can afford the legal departments necessary to influence such regulatory mechanisms. European companies would soon face an avalanche of unnecessary bureaucratic rules that could make their business models impossible.	

Data Protection and Confidentiality

Amendment 458: -!

2026/0013(COD): Article 103 – paragraph 1 a (new) **(-!)**	
	1a. When introducing measures to prevent fraudulent activities, providers of internet access services and providers of publicly available interpersonal communications services may derogate from applying Articles 6 and 9 of the Directive 2002/58/EC and national laws stemming from it, when it is justified for the effectiveness of measures introduced and metadata and traffic data are not further processed for another purpose.
Comments: This proposal creates an enormous risk for the fundamental rights of all Europeans while having very little or no positive effect for customers. It would allow providers to derogate from the confidentiality rules of the e-Privacy Directive for traffic and location data (Articles 6 and 9). For over 20 years, there has been no need to abandon the confidentiality of communications for the purpose of fraud prevention. Telecom companies are technically badly equipped to deal with this problem, since they lack the experience, the business interest and the skills regarding the services and platforms through which fraud happens today. Once a purpose for processing and retaining confidential data is established, such data may fall in many jurisdictions under data retention provisions and be made available to law enforcement. The Court of Justice has repeatedly ruled that the general and indiscriminate retention of traffic and location data is incompatible with the Charter of Fundamental Rights.[26] We strongly warn against such a dangerous experiment with the confidentiality of all communications in Europe.	

26 CJEU, Judgment of 8 April 2014, Digital Rights Ireland and Seitlinger and Others, Joined Cases C-293/12 and C-594/12 (C-594/12 was brought by epicenter.works' predecessor organisation); CJEU, Judgment of 6 October 2020, La Quadrature du Net and Others, Joined Cases C-511/18, C-512/18 and C-520/18.

Regulatory Independence

Amendment 483: +

2026/0013(COD): Article 119 a (new) **(+)**	
	Article 119a
	Evaluation of national regulatory authorities' independence
	The Commission, by [one year after the entry into force of the Regulation] and every three years thereafter, shall publish a report and transmit it to the European Parliament and the Council evaluating the practical implementation of the provisions safeguarding the political independence and regulatory capacity of the national regulatory authorities as referred to in Articles 116, 117, 118 and 119.
Comments: We welcome such a report in principle, but the Commission seems ill-equipped to assess the political impartiality of independent regulators (see Amendment 156).	

Amendment 495: +!

2026/0013(COD): Article 127 – paragraph 4 **(+!)**	
4. The Commission shall participate in ***all*** deliberations of the Board of Regulators without the right to vote and shall be represented at an appropriately high level.	4. ***The representative of*** the Commission shall participate in deliberations of the Board of Regulators without the right to vote and shall be represented at an appropriately high level. ***The representative of the Commission shall not participate in discussions on BEREC opinions.***
Comments: We welcome this clarification, which protects the independence of BEREC and the confidentiality of its work.	

Amendment 503: +!

2026/0013(COD): Article 138 – paragraph 7 **(+!)**	
7. The Commission may request that the participation to discussions relating to sensitive and confidential matters ***and which the Commission considers*** having a strong Union dimension ***is restricted. The Chair, in agreement with the Director of the ODN, may request that the participation to discussions*** relating to resilience or security ***that may be needed to carry out tasks under this Regulation*** is restricted.	7. The Commission ***and the Chair,*** may request that the participation to discussions relating to sensitive and confidential matters having a strong Union dimension ***or*** relating to resilience or security is restricted.

Comments: This clarification is highly appreciated: the BEREC Chair receives the same role as the Commission, and the special role of the ODN Director is removed.

Amendment 504: -!

2026/0013(COD): Article 139 – paragraph 1 – subparagraph 1 **(-!)**	
The BEREC Board of Regulators and the RSPB Board shall take decisions by ***simple*** majority of their members, unless otherwise provided for in this Regulation.	The BEREC Board of Regulators and the RSPB Board shall take decisions by ***absolute*** majority of their members, unless otherwise provided for in this Regulation.
Comments: Requiring an absolute majority of all members would make it much harder for BEREC and the RSPB to reach decisions on important issues (see Amendment 160).	

Amendment 506: +!

2026/0013(COD): Article 140 – paragraph 2 **(+!)**	
2. The BEREC Board of Regulators and the RSPB Board shall appoint the Chairs of their respective working groups, representing, as far as possible, different national regulatory authorities***,*** members of the RSPB ***and the ODN***.	2. The BEREC Board of Regulators and the RSPB Board shall appoint the Chairs of their respective working groups, representing, as far as possible, different national regulatory authorities ***and*** members of the RSPB.
Comments: We welcome this amendment. The ODN is an extension of the Commission and should not chair any BEREC working groups. BEREC itself has warned that letting ODN-staff chair working groups may jeopardise BEREC's rootedness in the expertise of its member NRAs.[27]	

Amendment 507: +!

2026/0013(COD): Article 140 – paragraph 3 **(+!)**	
3. The BEREC working groups shall be open to the participation of experts from all the national regulatory authorities. The RSPB working groups shall be open to the participation of all the members of the RSPB. Experts from the ***ODN and the*** Commission shall be entitled to participate to ***all*** working groups. The staff of the ODN shall also contribute to the regulatory work ***of, and provide*** administrative support to***,*** the working groups.	3. The BEREC working groups shall be open to the participation of experts from all the national regulatory authorities. The RSPB working groups shall be open to the participation of all the members of the RSPB. Experts from the Commission shall be entitled to participate to working groups. The staff of the ODN shall also contribute to the regulatory work ***by providing*** administrative support to the working groups.
Comments: We welcome the clarifications and their positive impact on the independence of BEREC working groups: ODN experts lose their automatic right to participate, and ODN staff are limited to administrative support.	

Amendment 508: +!

2026/0013(COD): Article 140 – paragraph 4 – point c a (new) **(+!)**	
	(ca) unless working group chair decides otherwise, the experts from the Commission shall not participate in working group

27 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

	discussions when BEREC opinions addressed to the Commission are discussed;
Comments: This is a crucial safeguard for the independence and confidentiality of BEREC working groups.	

Amendment 510: +

2026/0013(COD): Article 146 – title **(+)**	
Tasks of the ODN	Tasks of the ODN ***in support of BEREC***
Comments: Welcomed, as it clarifies that the ODN supports BEREC instead of acting on its own.	

Amendment 511: +

2026/0013(COD): Article 146 – paragraph 1 – point b **(+)**	
(b) to ***collect*** data and information from national regulatory and other competent authorities, and to exchange and transmit information in relation to the tasks assigned to BEREC pursuant to Article 103(2) and Articles 122 to 126;	(b) to ***assist BEREC in collecting*** data and information from national regulatory and other competent authorities, and to exchange and transmit information in relation to the tasks assigned to BEREC pursuant to Article 103(2) and Articles 122 to 126;
Comments: Welcomed, as the ODN would assist BEREC in collecting data instead of collecting it on its own.	

Amendment 512: +

2026/0013(COD): Article 146 – paragraph 1 – point c **(+)**	
(c) to ***produce***, on the basis of the information referred to in point (b), regular draft reports on specific aspects of developments in the Union electronic communications market, such as roaming and benchmarking reports to be submitted to BEREC;	(c) to ***assist BEREC in producing***, on the basis of the information referred to in point (b), regular draft reports on specific aspects of developments in the Union electronic communications market, such as roaming and benchmarking reports to be submitted to BEREC;
Comments: Welcomed, as the ODN would assist BEREC in producing reports instead of producing them on its own.	

Amendment 513: +

2026/0013(COD): Article 146 – paragraph 1 – point d **(+)**	
(d) to ***disseminate*** regulatory best practices among national regulatory and other competent authorities, in accordance with Article 122(1), point (b);	(d) to ***assist BEREC in disseminating*** regulatory best practices among national regulatory and other competent authorities, in accordance with Article 122(1), point (b);
Comments: Welcomed, as the ODN would assist BEREC in disseminating regulatory best practices.	

Amendment 514: +

2026/0013(COD): Article 146 – paragraph 1 – point i **(+)**	
(i) to assist in setting up working groups, upon the request of the BEREC Board of	(i) to assist in setting up working groups, upon the request of the BEREC Board of

Regulators, contribute to the regulatory work ***and provide*** administrative support to ensure the smooth functioning of those groups;	Regulators, contribute to the regulatory work ***by providing*** administrative support to ensure the smooth functioning of those groups;
Comments: Welcomed, as the contribution of the ODN to working groups is limited to administrative support.	

Amendment 515: +

2026/0013(COD): Article 146 – paragraph 1 – point j **(+)**	
(j) to ***prepare*** the Plan, in accordance with Articles 6 and 7;	(j) to ***assist BEREC in preparing*** the Plan, in accordance with Articles 6 and 7;
Comments: Welcomed, as BEREC, assisted by the ODN, would prepare the Union Preparedness Plan.	

Amendment 526: +

2026/0013(COD): Article 154 – paragraph 2 **(+)**	
2. Where the Management Board votes on matters related to Delegated Regulation (EU) 2019/715 and the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, the decision shall be subject to a positive vote of the Commission's representative in the Management Board.	***deleted***
Comments: Welcomed as the deletion removes the veto of the Commission over decisions of the Management Board on budget and staff matters, which BEREC has also criticised as creating an institutional imbalance.[28]	

Amendment 156: +

2026/0013(COD): Recital 322 **(+)**	
(322) There is a need to further reinforce the independence of the national regulatory authorities to ensure the imperviousness of its head and members to external pressure, by providing minimum appointment qualifications, and a minimum duration for their mandate. Furthermore, to address the risk of regulatory capture, ensure continuity and enhance independence, Member States should consider limiting the possibility of renewing the mandates of the head or members of the board and set up an appropriate rotation scheme for the board and the top management. This could be arranged, for instance, by appointing the first members of the collegiate body for different periods in order for their mandates, as well as that of their successors,	(322) There is a need to further reinforce the independence of the national regulatory authorities to ensure the imperviousness of its head and members to external pressure, by providing minimum appointment qualifications, and a minimum duration for their mandate. Furthermore, to address the risk of regulatory capture, ensure continuity and enhance independence, Member States should consider limiting the possibility of renewing the mandates of the head or members of the board and set up an appropriate rotation scheme for the board and the top management. This could be arranged, for instance, by appointing the first members of the collegiate body for different periods in order for their mandates, as well as that of their successors,

28 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

not to lapse at the same moment.	not to lapse at the same moment. ***In order to monitor the effectiveness of those safeguards, the Commission should, one year after the entry into force of this Regulation and every three years thereafter, publish and transmit to the European Parliament and to the Council a report evaluating the practical implementation of the provisions safeguarding the political independence and regulatory capacity of the national regulatory authorities.***
Comments: We welcome the additional report on political influence, but we strongly advise against the Commission monitoring political independence, since it lacks the institutional structure and independence to do so impartially (see Amendment 483).	

Amendment 33: -!

2026/0013(COD): Recital 52 **(-!)**	
(52) Following the notification, ***national regulatory authorities*** should confirm to the provider by electronic means the ***start of the provision of*** networks or services describing the conditions, rights and obligations applicable in the ***Member State or*** Member States where the provider intends to provide the networks or services. When the provider has notified its intention to provide networks or services only within the territory of one Member State, it should comply with the harmonised general authorisation conditions and, as regards any specificities, the conditions applicable in the jurisdiction of that Member State.	(52) Following the notification, ***the ODN*** should confirm to the provider by electronic means the ***authorisation to provide*** networks or services describing the conditions, rights and obligations applicable in ***each of*** the Member States where the provider intends to provide the networks or services. When the provider has notified its intention to provide networks or services only within the territory of one Member State, it should comply with the harmonised general authorisation conditions and, as regards any specificities, the conditions applicable in the jurisdiction of that Member State. ***The provider should be able to exercise the rights derived from the general authorisation and start the activity upon the notification, without being required to obtain a decision or any other administrative act by any regulatory authority of the Member State in which it intends to operate.***
Comments: This undermines the autonomy of independent national regulatory authorities by shifting the confirmation of authorisations to the ODN. BEREC has warned that the Single Passport risks forum shopping and an uneven distribution of supervisory responsibilities across Member States.[29]	

Amendment 116: +

2026/0013(COD): Recital 217 **(+)**	
(217) The Union mechanism allowing the Commission to require national regulatory authorities to withdraw planned measures	(217) The Union mechanism allowing the Commission to require national regulatory authorities to withdraw planned measures

29 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

concerning market definition and the designation of undertakings as having significant market power has contributed significantly to a consistent approach in identifying the circumstances in which ex ante regulation may be applied and those in which the undertakings are subject to such regulation. The experience of the procedures, under Article 32 and 33 of Directive (EU) 2018/1972 has shown that inconsistencies in the national regulatory authorities' application of remedies under similar market conditions undermine the internal market in electronic communications. Therefore, it is still necessary to empower the Commission and BEREC, within their respective responsibilities, to ensure a higher level of consistency in the application of remedies concerning draft measures proposed by national regulatory authorities. With regard to draft measures relating to the extension of obligations beyond the first concentration or distribution point, where needed to address high and non-transitory economic or physical barriers to replication, on undertakings irrespective of a designation as having significant market power, or to the regulatory treatment of new ***gigabit*** network elements, it is still necessary that the Commission should be able to require a national regulatory authority to withdraw a draft measure. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions or recommendations.	concerning market definition and the designation of undertakings as having significant market power has contributed significantly to a consistent approach in identifying the circumstances in which ex ante regulation may be applied and those in which the undertakings are subject to such regulation. The experience of the procedures, under Article 32 and 33 of Directive (EU) 2018/1972 has shown that inconsistencies in the national regulatory authorities' application of remedies under similar market conditions undermine the internal market in electronic communications. Therefore, it is still necessary to empower the Commission and BEREC, within their respective responsibilities, to ensure a higher level of consistency in the application of remedies concerning draft measures proposed by national regulatory authorities. ***The Commission should be able to require a national regulatory authority not to adopt a draft measure imposing, amending or withdrawing remedies only where BEREC at least partially shares the Commission's serious doubts.*** With regard to draft measures relating to the extension of obligations beyond the first concentration or distribution point, where needed to address high and non-transitory economic or physical barriers to replication, on undertakings irrespective of a designation as having significant market power, or to the regulatory treatment of new ***very high capacity*** network elements, it is still necessary that the Commission should be able to require a national regulatory authority to withdraw a draft measure ***where it determines a serious violation of the relevant provisions of this Regulation***. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions or recommendations.
Comments: We welcome this amendment as it strengthens the independence of regulatory authorities: the Commission could only stop draft remedies where BEREC at least partially shares its serious doubts.	

Amendment 160: -!

2026/0013(COD): Recital 345 **(-!)**	
(345) In order to further increase the single	(345) In order to further increase the single

market dimension of BEREC and the RSPB guidelines, opinions, reports and other documents, the ***single*** majority should become the rule for voting.	market dimension of BEREC and the RSPB guidelines, opinions, reports and other documents, the ***absolute*** majority ***of members*** should become the rule for voting.
Comments: This amendment would effectively block BEREC and the RSPB from taking decisions. An absolute majority of all members is a very high threshold that would prevent effective and swift action on important matters. The effect of this amendment would be to hinder effective regulation.	

Amendment 161: +!

2026/0013(COD): Recital 346 **(+!)**	
(346) Experience has shown that most of BEREC's and RSPB's tasks are better carried out through working groups. BEREC working groups should always ensure equal consideration of all national regulatory authorities' views and contributions, while RSPB working groups should ensure equal consideration of all RSPB members' views and contributions. National regulatory and, where relevant, competent authorities responsible for radio spectrum should promptly respond to nomination requests in order to ensure the quick establishment of working groups, in particular those related to procedures with time-limits. The working groups should be open to the participation of experts from the Commission. To further enhance the impact of BEREC's and RSPB's output on the internal market, ***professional*** staff from the ODN should also ***systematically support and*** contribute to the working groups***' activities***. The BEREC Board of Regulators and the RSPB Board should therefore set up working groups***, through the ODN***, and appoint their Chairs, representing where possible different national regulatory and, where relevant, competent authorities responsible for radio spectrum***, and the ODN in light of expertise and availability of the ODN staff***.	(346) Experience has shown that most of BEREC's and RSPB's tasks are better carried out through working groups. BEREC working groups should always ensure equal consideration of all national regulatory authorities' views and contributions, while RSPB working groups should ensure equal consideration of all RSPB members' views and contributions. National regulatory and, where relevant, competent authorities responsible for radio spectrum should promptly respond to nomination requests in order to ensure the quick establishment of working groups, in particular those related to procedures with time-limits. The working groups should be open to the participation of experts from the Commission. To further enhance the impact of BEREC's and RSPB's output on the internal market, staff from the ODN should also contribute to ***the regulatory work of*** the working groups ***by providing administrative support***. The BEREC Board of Regulators and the RSPB Board should therefore set up working groups, and appoint their Chairs, representing where possible different national regulatory and, where relevant, competent authorities responsible for radio spectrum.
Comments: We welcome these clarifications, which reduce the role of the ODN (and by extension the Commission) in the confidential inner workings of BEREC.	

Amendment 162: +!

2026/0013(COD): Recital 347 **(+!)**	
(347) In the internal market procedure, where the BEREC working group is assessing a draft national measure proposed by a national regulatory authority and developing a draft	(347) In the internal market procedure, where the BEREC working group is assessing a draft national measure proposed by a national regulatory authority and developing a draft

opinion, if relevant, it should not be influenced by the views of the national regulatory authority that proposed the measure itself or of the Commission. Likewise, the RSPB and BEREC working groups dealing with the notified draft national measures in the spectrum single market procedure should not be influenced either by views of a competent authority proposing the measure or of the Commission. Therefore, by way of exception, the experts from the Commission and relevant national regulatory authority or competent authority responsible for spectrum should not attend the meetings of the relevant BEREC or RSPB working group.	opinion, if relevant, it should not be influenced by the views of the national regulatory authority that proposed the measure itself or of the Commission. Likewise, the RSPB and BEREC working groups dealing with the notified draft national measures in the spectrum single market procedure should not be influenced either by views of a competent authority proposing the measure or of the Commission. Therefore, by way of exception, the experts from the Commission and relevant national regulatory authority or competent authority responsible for spectrum should not attend the meetings of the relevant BEREC or RSPB working group. ***For the same reason, unless the working group chair or BEREC Chair decides otherwise, experts from the Commission should not participate in working group discussions on BEREC opinions addressed to the Commission, and the representative of the Commission should not participate in discussions of the Board of Regulators on BEREC opinions addressed to the Commission.***
Comments: We highly welcome this amendment as it strengthens effective regulation by ensuring the confidentiality of the inner workings of BEREC.	

Amendment 163: +

2026/0013(COD): Recital 349 **(+)**	
(349) Where appropriate and depending on the allocation of tasks to authorities in each Member State, other competent authorities ***should*** be invited to participate ***and*** their views ***should be*** taken into consideration in the relevant BEREC working group where their expertise is needed***. If experts from other competent authorities are unable to attend such meetings, national regulatory authorities should demonstrate that their views have been taken into account***. In any event, the independence of BEREC should be maintained. As a rule, BEREC and the RSPB working groups should have specific mandates and should be dissolved as soon as they complete their mandate. In this way, the work of BEREC and the RSPB would be more flexible and experts would be engaged where and for time needed. On the other hand, it should be possible to create permanent BEREC or RSPB working groups where	(349) Where appropriate and depending on the allocation of tasks to authorities in each Member State, other competent authorities ***could*** be invited to participate ***so that*** their views ***are*** taken into consideration in the relevant BEREC working group where their expertise is needed. In any event, the independence of BEREC should be maintained. As a rule, BEREC and the RSPB working groups should have specific mandates and should be dissolved as soon as they complete their mandate. In this way, the work of BEREC and the RSPB would be more flexible and experts would be engaged where and for time needed. On the other hand, it should be possible to create permanent BEREC or RSPB working groups where their activities are recurrent.

their activities are recurrent.	
Comments: We welcome the streamlined language.	

Amendment 164: +!

2026/0013(COD): Recital 357 **(+!)**	
(357) To ensure that BEREC receives sufficient support on its tasks and to strengthen the impact on the internal market of its output, this Regulation should assign the ODN clear and defined role and tasks, such as to ***actively participate and contribute to all the activities of*** BEREC working groups, ***prepare*** the Plan to strengthen the resilience and preparedness of electronic communications networks, services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market, and to support the coordination among national regulatory authorities and other competent authorities to facilitate the issuance of single authorisations to operate within the Union. Given that to carry out the tasks assigned to it in support of BEREC, the RSPB or the Commission, the ODN needs to ***collect data and analyse it***, it is appropriate to entrust the ODN with the task to ***issue*** informative annual reports on the progress towards the single market for electronic communications. Such reports should describe the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. The Commission may take them into account when preparing Digital Decade reports.	(357) To ensure that BEREC receives sufficient support on its tasks and to strengthen the impact on the internal market of its output, this Regulation should assign the ODN clear and defined role and tasks, such as to ***provide administrative support to*** BEREC working groups, ***assist BEREC in preparing*** the Plan to strengthen the resilience and preparedness of electronic communications networks, services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market, and to support the coordination among national regulatory authorities and other competent authorities to facilitate the issuance of single authorisations to operate within the Union. Given that to carry out the tasks assigned to it in support of BEREC, the RSPB or the Commission, the ODN needs to ***assist in the collection and analysis of data***, it is appropriate to entrust the ODN with the task to ***support BEREC in preparing*** informative annual reports on the progress towards the single market for electronic communications***, starting four years after the entry into force of this Regulation***. Such reports should describe the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. The Commission may take them into account when preparing Digital Decade reports.
Comments: We highly welcome this amendment and the positive effects it would have on effective regulation and the independence of BEREC.	

Amendment 165: -

2026/0013(COD): Recital 361 **(-)**	
(361) The Management Board of the ODN should decide on administrative matters, such as the budget, staff and audits, and the BEREC Board	(361) The Management Board of the ODN should decide on administrative matters, such as the budget, staff and audits, and the BEREC Board

of Regulators should focus r on regulatory matters relating to BEREC's tasks. The Management Board should be composed ***of the representatives of the national regulatory authorities, of the Commission and of the RSPB. In principle, the representatives of the national regulatory authorities on the Management Board should be the same persons as those appointed to*** the BEREC Board of Regulators, ***but national regulatory authorities*** should ***be able to appoint other representatives fulfilling the same requirements***. Given that the ODN is tasked to support also the RSPB, the RSPB Chair should be a member of the Management Board, to ensure that the needs of the RSPB are adequately addressed.	of Regulators should focus r on regulatory matters relating to BEREC's tasks. The Management Board should be composed ***nine members of*** the BEREC Board of Regulators, ***the Chair of the RSPB Board, two members appointed by the European Parliament, who*** should ***not be Members of the European Parliament, and one representative of the Commission, each having the right to vote. A Management Board smaller than the Board of Regulators should allow efficient decision-making on administrative matters. The members appointed by the European Parliament and their alternates should serve a term of office of four years, renewable once***. Given that the ODN is tasked to support also the RSPB, the RSPB Chair should be a member of the Management Board, to ensure that the needs of the RSPB are adequately addressed.
Comments: Parliamentary appointees could introduce political interests into decisions that should be guided by the organisation's mandate and the needs of independent regulators. This risks blurring the distinction between political oversight and operational governance, weakening the ODN's autonomy and undermining confidence in its impartiality. The Management Board should remain grounded in regulatory expertise and institutional independence, with appropriate accountability safeguards that do not compromise its independence from political influence.	

Router Freedom

Amendment 490: +

2026/0013(COD): Article 125 – paragraph 1 – point h **(+)**	
(h) common approaches to the identification of the network termination point in different network topologies, in accordance with Article 69(6);	(h) common approaches to the identification of the network termination point in different network topologies, ***with a view to promote end-user rights and prevent fragmentation of the internal market for terminal equipment,*** in accordance with Article 69(6);
Comments: We welcome this amendment, which supports a harmonised approach to the network termination point (see Amendment 97).	

Amendment 97: +

2026/0013(COD): Recital 178 a (new) **(+)**	
	(178a) BEREC should, within 12 months after the entry into force of this Regulation, assess the effectiveness of its guidelines on common approaches to the identification of the network

	termination point in different network topologies and, where appropriate, update them, with a view to contributing to a consistent definition of the location of network termination points by national regulatory authorities, promoting end-users' rights and preventing fragmentation of the internal market for terminal equipment.
Comments: We welcome the push towards a more harmonised approach to determining the network termination point. However, this recital alone is not sufficient to address the underlying problem.	

Carrier Neutrality

Amendment 477: +!

2026/0013(COD): Article 112 a (new) **(+!)**	
	Article112a
	Operator-neutral interoperability of end-users terminal equipment
	1. Manufacturers of end-users terminal equipment which is placed on the Union market and capable of connecting to public electronic communications networks shall ensure that such equipment supports the use of standardised network functionalities and technologies, by end-users of all operators authorised within the Union, in accordance with paragraphs (3) and (4) of this Article.
	2. Where the functioning of a standardised network functionality or technology on end-users terminal equipment requires the assignment of a SIM, eSIM or network identifier to a carrier profile, carrier bundle, IMS profile, APN profile or any other configuration file, manufacturers shall integrate and maintain the relevant IMSI ranges, ICCID ranges, MCC-MNC codes and equivalent identifiers of all requesting operators authorised in a Member State on fair, reasonable, transparent and non-discriminatory terms.
	3. Manufacturers shall make available to operators a clear and accessible procedure for the submission, verification, testing and implementation of the identifiers and configuration data referred to in paragraph 2 of this Article.
	4. Manufacturers shall implement the

	configurations referred to in paragraph 3, in a non-discriminatory manner and where a mobile operator submits a complete request, referred to in paragraph 3, within 60 days from receipt of the complete technical information.
	5. Operators shall provide manufacturers with the technical information necessary for the implementation, testing and maintenance of the configurations referred to in this Article. Manufacturers and operators shall cooperate in good faith and shall protect confidential information and trade secrets exchanged for that purpose.
	6. In the event of a dispute between a manufacturer and an operator concerning the application of this Article, either party may refer the dispute to the national regulatory authority of the Member State in which the operator is authorised or in which the terminal equipment is made available. The national regulatory authority shall issue a binding decision within four months. Where the dispute affects more than one Member State, the national regulatory authorities concerned shall notify BEREC and shall take utmost account of its opinion.
	7. By [12 months after the entry into force of this Regulation], BEREC shall, in close cooperation with the Commission and after consulting stakeholders, issue guidelines on the consistent implementation of this Article, including common technical and procedural requirements for carrier configuration requests, referred to in paragraph 3, including testing, transparency, confidentiality and dispute resolution.
Comments: We welcome this provision as it will allow customers to freely choose their mobile operator, irrespective of the decisions of device manufacturers and operating system vendors. Standardised network functions would have to work on a device regardless of the operator the customer has chosen.	

Amendment 154: +

2026/0013(COD): Recital 313 a (new) **(+)**	
	(313a) End-users should be able to use the standardised network functionalities and technologies supported by their terminal equipment irrespective of the operator

	authorised in the Union with which they have concluded a contract. Manufacturers of terminal equipment placed on the Union market and capable of connecting to public electronic communications networks should therefore ensure that such equipment supports those functionalities and technologies for end-users of all operators. Where the functioning of a standardised network functionality or technology depends on the assignment of a SIM, eSIM or network identifier to a carrier profile or other configuration file, manufacturers should integrate and maintain the relevant identifiers of all requesting operators on fair, reasonable, transparent and non-discriminatory terms, through a clear and accessible procedure and, upon a complete request, within 60 days. Operators should provide the technical information necessary for that purpose, and manufacturers and operators should cooperate in good faith and protect confidential information and trade secrets. Disputes should be resolved by a binding decision of the national regulatory authority within four months, taking utmost account of the opinion of BEREC where more than one Member State is affected. BEREC should issue guidelines on the consistent implementation of those requirements, including common technical and procedural requirements for carrier configuration requests.
Comments: Operator neutrality is welcome (see Amendment 477).	

Amendment 492: +

2026/0013(COD): Article 125 – paragraph 1 – point l a (new) **(+)**	
	(la) consistent implementation of operator-neutral interoperability of terminal equipment referred to in Article 112a;
Comments: We welcome this amendment (see Amendment 477).	

Consumer Protection

Amendment 139: +

2026/0013(COD): Recital 263 **(+)**

(263) The provisions on safeguarding of open internet access should be complemented by effective end-user provisions which address issues particularly linked to internet access services and enable consumers to make informed choices. Providers of internet access services should inform consumers in a clear manner how traffic management practices deployed might have an impact on the quality of internet access services, consumers' privacy and the protection of personal data as well as about the possible impact of services other than internet access services to which they subscribe, on the quality and availability of their respective internet access services. In order to empower consumers in such situations, providers of internet access services should therefore inform consumers in the contract of the speed which they are able realistically to deliver. The normally available speed is understood to be the speed that an end-user could expect to receive most of the time when accessing the service. Providers of internet access services should also inform consumers of available remedies in accordance with national law in the event of non-compliance of performance. Any significant and continuous or regularly recurring difference, where established by a monitoring mechanism certified by the national regulatory authority, between the actual performance of the service and the performance indicated in the contract should be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law. The methodology should be established in the guidelines of BEREC.	(263) The provisions on safeguarding of open internet access should be complemented by effective end-user provisions which address issues particularly linked to internet access services and enable consumers to make informed choices. Providers of internet access services should inform consumers in a clear manner how traffic management practices deployed might have an impact on the quality of internet access services, consumers' privacy and the protection of personal data as well as about the possible impact of services other than internet access services to which they subscribe, on the quality and availability of their respective internet access services. In order to empower consumers in such situations, providers of internet access services should therefore inform consumers in the contract of the speed which they are able realistically to deliver. The normally available speed is understood to be the speed that an end-user could expect to receive most of the time when accessing the service. Providers of internet access services should also inform consumers of available remedies in accordance with national law in the event of non-compliance of performance. Any significant and continuous or regularly recurring difference, where established by a monitoring mechanism certified by the national regulatory authority, between the actual performance of the service and the performance indicated in the contract should be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law***, including the right to terminate the contract free of cost***. The methodology should be established in the guidelines of BEREC.
Comments: We welcome the clarification that consumers have the right to terminate the contract free of cost (see also Amendment 452).	

Amendment 141: +

2026/0013(COD): Recital 267 **(+)**	
(267) Following the increased possibilities of end-users to search and compare a broad range of offers using advanced digital search tools, private or public, the obligatory provision of comparison tools by the relevant competent	(267) Following the increased possibilities of end-users to search and compare a broad range of offers using advanced digital search tools, private or public, the obligatory provision of comparison tools by the relevant competent

authorities has become less relevant. Comparison tools, such as websites, are an effective means for end-users to assess the merits of different providers of internet access services and interpersonal communications services, where provided against recurring or consumption-based direct monetary payments, and to obtain impartial information, in particular by comparing prices, tariffs, and quality parameters in one place. Competent authorities could certify such tools, upon request by the provider of the tool, in order to ensure they are operationally independent from service providers and no service provider is given favourable treatment in search results.	authorities has become less relevant. Comparison tools, such as websites, are an effective means for end-users to assess the merits of different providers of internet access services and interpersonal communications services, where provided against recurring or consumption-based direct monetary payments, and to obtain impartial information, in particular by comparing prices, tariffs, and quality parameters in one place. Competent authorities could certify such tools, upon request by the provider of the tool, in order to ensure they are operationally independent from service providers and no service provider is given favourable treatment in search results. ***National regulatory authorities should nevertheless be able to ensure that consumers have access, free of charge, to an independent comparison tool enabling them to compare and evaluate different internet access services and publicly available number-based interpersonal communications services and, where applicable, number-independent interpersonal communications services. Providers of such services should supply the relevant information requested by national regulatory authorities for that purpose.***
Comments: We welcome the clarification that consumers keep access to an independent comparison tool free of charge.	

Amendment 451: -!

2026/0013(COD): Article 97 – paragraph 1 – subparagraph 2 a (new) **(-!)**	
	Where a provider charges a fee for the termination of a contract by an end-user, any fee charged shall be reasonable, proportionate and expressly laid down in the contract.
Comments: Charging a fee for termination would lock customers into contracts with companies they no longer want to do business with. This amendment would introduce a general legal basis for such fees, which act as a disincentive to switching providers and contradict the very principle of this Article. It would create an understandable backlash among consumers.	

Amendment 449: -!

2026/0013(COD): Article 97 – paragraph 1 – subparagraph 1 **(-!)**	
Conditions and procedures for contract termination shall not act as a disincentive to changing service provider. Contracts concluded between consumers and providers of publicly	Conditions and procedures for contract termination shall not act as a disincentive to changing service provider. Contracts concluded between consumers and providers of publicly

available electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall not mandate a commitment period longer than 24 months. ***This is without prejudice to the right of Member States to maintain provisions which mandate shorter maximum contractual commitment periods.***	available electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall not mandate a commitment period longer than 24 months.
Comments: The amendment deletes the right of Member States to maintain maximum contract durations shorter than 24 months, which the current European Electronic Communications Code explicitly allows.[30] The ability to leave a contract is a hallmark of a free market and an essential tool for consumers to vote with their feet. Being forced to remain in a contract for a prolonged period creates a lock-in effect that most Europeans dislike. According to BEREC, long minimum contract periods are the most common factor preventing consumers from switching provider. Switching barriers discourage consumers from moving to better offers and can deter new entrants, while switching activity is "an important measure of competition".[31] When customers cannot easily leave, providers have less incentive to improve their services, innovate or offer better deals to retain them. This proposal would primarily benefit the worst-performing telecom companies, which can rely on customers being unable to leave rather than earning their loyalty through better services.. Supporting it would mean acting against the interests of consumers in all Member States that offer better protection today.	

Amendment 142: -!

2026/0013(COD): Recital 268 **(-!)**	
(268) In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their best interest to do so. It is essential to ensure that they are able to do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures and charges. That does not preclude providers from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. ***However, Member States should have the possibility to maintain provisions for a shorter maximum duration and to permit consumers to change tariff plans or terminate the*** contract ***within*** the contract ***period without incurring additional costs in light of national conditions, such as levels of competition and stability of network***	(268) In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their best interest to do so. It is essential to ensure that they are able to do so without being hindered by legal, technical or practical obstacles, including contractual conditions, procedures and charges. That does not preclude providers from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. ***Where a provider charges a fee for the termination of a*** contract ***by an end-user, that fee should be reasonable, proportionate and expressly laid down in*** the contract. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections.

30 Article 105(1) of Directive (EU) 2018/1972 (European Electronic Communications Code) explicitly allows Member States to maintain or introduce shorter maximum contractual commitment periods.

31 BoR (19) 27 https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-terminating-contracts-and-switching-provider

investments. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. Such consumer commitments can be an important factor in facilitating deployment of ***gigabit*** networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks. However, the rights of consumers to switch between providers of electronic communications services, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internet access equipment, such as handsets, routers or modems. The equal treatment of entities, including operators, financing the deployment of a ***gigabit*** physical connection to the premises of an end-user, including where such financing is by way of an instalment contract should be ensured. The obligations on contract duration should apply to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same requirements for contract duration as consumers. The obligations on contract termination should apply to microenterprises, ***small enterprises, medium enterprises*** and not-for profit organizations, unless they prefer to negotiating individualised contract terms with the provider of electronic communications services.	Such consumer commitments can be an important factor in facilitating deployment of ***resilient very high capacity*** networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks. However, the rights of consumers to switch between providers of electronic communications services, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internet access equipment, such as handsets, routers or modems***, or preclude consumers from exercising their rights on contract termination and switching***. The equal treatment of entities, including operators, financing the deployment of a physical connection to the premises of an end-user, including where such financing is by way of an instalment contract should be ensured. The obligations on contract duration should apply to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same requirements for contract duration as consumers. The obligations on contract termination should apply to microenterprises, and not-for profit organizations, unless they prefer to negotiating individualised contract terms with the provider of electronic communications services.
Comments: This would be a massive encroachment on end-user rights and would weaken protections Europeans have come to rely upon. The amendment removes the possibility for Member States to maintain shorter maximum contract durations and to allow consumers to terminate their contracts without additional costs, it introduces termination fees (see Amendments 449 and 451), and it removes small and medium-sized enterprises from the protections on contract termination. Long lock-in periods and termination fees are hallmarks of exploitative business models.	

Affordability of Access – Universal Service Obligation

Amendment 420: -

2026/0013(COD): Article 88 – paragraph 2 **(-)**	
2. Where Member States establish that, in light of national conditions, retail prices for the services referred to in Article 87(1) are not affordable, because consumers with low income or special social needs are prevented from accessing such services, they shall take measures to ensure affordability for such consumers of adequate internet access service and voice communications services at least at a fixed location.	2. Where Member States establish that, in light of national conditions, retail prices for the services referred to in Article 87(1) are not affordable, because consumers with ***particularly*** low income or special social needs are prevented from accessing such services, they shall take measures to ensure affordability for such consumers of adequate internet access service and voice communications services at least at a fixed location. ***For that purpose, Member States shall ensure support is provided to such consumers for communication purposes through vouchers, social allowances or direct payments.***
Comments: We are extremely worried by the proposal to replace affordable tariff options with an obligation to provide vouchers, social allowances or direct payments, and to limit support to consumers with "particularly low income". Low-income households benefit enormously from cost-effective offers for access. Removing these cheap offers and letting the state pick up the tab with ineffective vouchers is both demeaning for the individual and burdensome for the state.	

Amendment 421: -

2026/0013(COD): Article 88 – paragraph 3 **(-)**	
3. Where Member States decide to require tariff options or packages, these shall be offered by all providers. These offers shall be easily accessible to consumers with low income or special social needs. National regulatory authorities in coordination with other competent authorities shall ensure, where applicable, that the conditions under which undertakings provide tariff options or packages are fully transparent and are published and applied in accordance with the principles of non-discrimination and efficiency.	***deleted***
Consumers entitled to the tariff options or packages referred to in the first subparagraph of this paragraph shall have a right to conclude a contract with a provider of adequate internet access service and voice communications services.	
When a consumer so requests, the contract	

shall be limited to voice communications services.	
Comments: See Amendment 420. The deletion also removes the right of eligible consumers to conclude a contract for such tariff options.	

Amendment 425: ~

2026/0013(COD): Article 90 – paragraph 2 – subparagraph 1 **(~)**	
Where other measures or public policy tools did not provide the desired effect and Member States decide to impose the universal service obligations referred to in paragraph 1, they may entrust one or more undertakings the provision of such obligations throughout the national territory, or to cover specific parts of the national territory.	Where other measures or public policy tools did not provide the desired effect and Member States decide to impose the universal service obligations referred to in paragraph 1, they may entrust one or more undertakings the provision of such obligations throughout the national territory, or to cover specific parts of the national territory. ***When Member States decide to grant compensation to the providers entrusted with the provision of universal service to address availability at a fixed location, they may choose to use public funding or establish a sharing mechanism between providers of electronic communications networks and services, or both.***
Comments: We are cautiously optimistic about this amendment, but the "sharing mechanism" established here requires much more definition and lacks legal clarity. BEREC has also called for keeping the possibility to finance universal service.[32]	

Amendment 427: -

2026/0013(COD): Article 92 – paragraph 1 – subparagraph 1 (new) **(-)**	
	Member States may maintain universal service obligations and related designations pursuant to Article 90 that were in force before [6 months after the date of entry into force of this Regulation], for as long as they consider such measures justified by national circumstances, provided that they comply with the principles of proportionality, transparency and non-discrimination.
Comments: This amendment risks phasing out existing universal service obligations and affordable connectivity offers, leaving millions of low-income Europeans at risk of losing access to affordable internet. Allowing these protections to lapse could undermine affordability and create unnecessary uncertainty for vulnerable consumers. The proposal therefore risks weakening consumer protection and exacerbating digital exclusion.	

32 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

Amendment 117: ~

2026/0013(COD): Recital 231 **(~)**	
(231) The speed of internet access experienced by a given user depends on a number of factors, including the providers of internet connectivity as well as the given application for which a connection is being used. It is for the Member States, taking into account BEREC guidelines, to define adequate internet access in light of the minimum bandwidth enjoyed by the majority of consumers within a Member State's territory in order to allow an adequate level of social inclusion and participation in the digital economy and society in their territory. The adequate internet access service should have sufficient bandwidth to support access to and use of at least basic services that reflect the services used by the majority of consumers. To that end, in order to contribute towards a consistent application in the Member States, the BEREC guidelines should take into account the development in the use of the internet to identify those online services used by a majority of consumers across the Union and necessary for social and economic participation in society. BEREC should take into account the data collected ***annually*** by the national regulatory authorities on the evolution and level of retail prices of adequate internet access services and voice communications services at a quality specified in the respective national territories. Before issuing the guidelines, BEREC should consult stakeholders, including civil society organisations representing vulnerable consumers. The Commission should be empowered to adopt ***implementing*** acts to determine the adequate internet access service ***and*** the bandwidth necessary for social and economic participation in society. The end-user rights applicable to electronic communications services should also apply to any adequate internet access and voice communications services.	(231) The speed of internet access experienced by a given user depends on a number of factors, including the providers of internet connectivity as well as the given application for which a connection is being used. It is for the Member States, taking into account BEREC guidelines, to define adequate internet access in light of the minimum bandwidth enjoyed by the majority of consumers within a Member State's territory in order to allow an adequate level of social inclusion and participation in the digital economy and society in their territory. The adequate internet access service should have sufficient bandwidth to support access to and use of at least basic services that reflect the services used by the majority of consumers. To that end, in order to contribute towards a consistent application in the Member States, the BEREC guidelines should take into account the development in the use of the internet to identify those online services used by a majority of consumers across the Union and necessary for social and economic participation in society. BEREC should take into account the data collected ***regularly*** by the national regulatory authorities on the evolution and level of retail prices of adequate internet access services and voice communications services at a quality specified in the respective national territories. Before issuing the guidelines, BEREC should consult stakeholders, including civil society organisations representing vulnerable consumers. The Commission should be empowered to adopt ***delegated*** acts to determine ***the methodology for defining*** the adequate internet access service***, including*** the bandwidth necessary for social and economic participation in society. The end-user rights applicable to electronic communications services should also apply to any adequate internet access and voice communications services.
Comments: We welcome the change from an implementing act to a delegated act because it involves the elected European Parliament. We are worried that NRAs would no longer collect price data annually. Changing to a methodology that first has to be applied by NRAs might also introduce unnecessary administrative burden.	

Amendment 119: -

2026/0013(COD): Recital 233 **(-)**	
(233) The need for affordability measures varies between Member States and a harmonised approach for the criteria and methodology to be considered for assessing the affordability of adequate internet access and voice communications services should ensure the consistency of approaches, while taking into account the distinct situations across Member States. For harmonising the criteria and methodology to consider for assessing affordability, the Commission should be empowered to adopt ***implementing*** acts. The criteria should include, amongst other factors, the most affordable price available in the market and its percentage of consumer income taking into account consumers with low income or special social needs. Furthermore, the economic and social aspects to be taken into account should also include purchasing power and national support schemes, especially for vulnerable consumers.	(233) The need for affordability measures varies between Member States and a harmonised approach for the criteria and methodology to be considered for assessing the affordability of adequate internet access and voice communications services should ensure the consistency of approaches, while taking into account the distinct situations across Member States. For harmonising the criteria and methodology to consider for assessing affordability, the Commission should be empowered to adopt ***delegated*** acts. The criteria should include, amongst other factors, the most affordable price available in the market and its percentage of consumer income taking into account consumers with ***particularly*** low income or special social needs. Furthermore, the economic and social aspects to be taken into account should also include purchasing power and national support schemes, especially for vulnerable consumers.
Comments: We welcome the switch from an implementing act to a delegated act. We reject limiting affordability measures to consumers with “particularly low income”, which makes it harder for low-income households to benefit from affordable internet.	

Amendment 120: -

2026/0013(COD): Recital 234 **(-)**	
(234) An affordable price means a price defined by Member States at national level considering the common criteria and methodology set in the Commission ***implementing act***. Where Member States establish that retail prices for adequate internet access and voice communications services are not affordable to consumers with low income or special social needs, including older people, consumers with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures. To that end, Member States ***could provide*** those consumers with direct support for communication purposes, which could ***be part*** of social allowances, vouchers, or direct payments to those consumers. ***Alternatively, or in addition, Member States could require all providers of***	(234) An affordable price means a price defined by Member States at national level considering the common criteria and methodology set in the ***delegated act adopted by the*** Commission. Where Member States establish that retail prices for adequate internet access and voice communications services are not affordable to consumers with ***particularly*** low income or special social needs, including older people, consumers with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures. To that end, Member States ***should ensure that*** those consumers ***are provided*** with direct support for communication purposes, which could ***take the form*** of social allowances, vouchers, or direct payments to those consumers.

such services to offer basic tariff options or packages, including reduced monthly subscription fees.	
Comments: We reject this amendment as it would remove the possibility to require social tariff options and thereby make affordable internet harder to attain for Europeans. Access to the internet is a precondition for a decent life in the 21st century. Vulnerable communities will be hit hardest by this proposal.	

Amendment 121: -

2026/0013(COD): Recital 235 **(-)**	
(235) Such special tariff options or packages to deal with the needs of consumers with low income or with special social needs should provide adequate internet access and voice communications services, without additional bundled services, in order to reduce impact on the functioning of the market.	***deleted***
Comments: See Amendment 120.	

Amendment 122: -

2026/0013(COD): Recital 236 **(-)**	
(236) Where a Member State requires providers to offer to consumers with a low income or special social needs tariff options or packages different from those provided under normal commercial conditions, those tariff options or packages should be provided by all providers of internet access and voice communications services., Requiring all providers of internet access and voice communications services to offer tariff options or packages should not result in excessive administrative or financial burden for those providers or Member States.	***deleted***
Comments: See Amendment 120.	

Amendment 124: -

2026/0013(COD): Recital 238 **(-)**	
(238) Affordability should not be a barrier to consumers' access to the minimum set of connectivity services. A right to contract with a provider should mean that consumers with low income or special social needs entitled to social tariff options or packages should have the possibility to enter into a contract for the provision of affordable adequate internet	***deleted***

access and voice communications services at least at a fixed location. In order to minimise the financial risks such as non-payment of bills, providers should be free to provide the contract under pre-payment terms, on the basis of affordable individual pre-paid units.	
Comments: See Amendment 120.	

Amendment 125: -

2026/0013(COD): Recital 239 **(-)**	
(239) ***Affordability for individual consumers should be founded upon their right to contract with a provider. Other rights, for example,*** itemised billing, the availability of a number for an adequate period and ability to monitor and control expenditure are end-user rights in this Regulation ***for all consumers and should apply also to consumers benefiting from universal service affordability measures***.	(239) Itemised billing, the availability of a number for an adequate period and ability to monitor and control expenditure are ***considered*** end-user rights in this Regulation.
Comments: See Amendment 120.	

Amendment 128: -

2026/0013(COD): Recital 242 **(-)**	
(242) Relay services refer to services which enable two-way communication between remote end-users of different modes of communication (for example text, sign, speech) by providing conversion between those modes of communication, normally by a human operator. Real time text is defined in accordance with Directive (EU) 2019/882. ***Where a Member State decides to compensate the undertakings providing basic tariff options or packages, for example when the provision results in unfair financial burden, it should ensure the compatibility of such a measure with the internal market, including competition rules.***	(242) Relay services refer to services which enable two-way communication between remote end-users of different modes of communication (for example text, sign, speech) by providing conversion between those modes of communication, normally by a human operator. Real time text is defined in accordance with Directive (EU) 2019/882.
Comments: See Amendment 120.	

Amendment 129: -

2026/0013(COD): Recital 247 **(-)**	
(247) Requirements to ensure nation-wide territorial coverage imposed in an entrustment procedure are likely to exclude or dissuade certain undertakings from applying for being universal service providers. Entrusting providers with	(247) Requirements to ensure nation-wide territorial coverage imposed in an entrustment procedure are likely to exclude or dissuade certain undertakings from applying for being universal service providers. Entrusting providers with

universal service obligations for an excessive or indefinite period might also lead to an exclusion of certain providers. ***Where a Member State decides to entrust all providers the provision of tariff options or packages for affordability purposes, it could entrust only one or some of them the provision of the availability element of universal service.***	universal service obligations for an excessive or indefinite period might also lead to an exclusion of certain providers.
Comments: See Amendment 120.	

Amendment 130: -

2026/0013(COD): Recital 249 **(-)**	
(249) The affordability of adequate internet access and voice communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services and is also related to their ability to control expenditure. ***Those*** facilities ***by*** providers of ***affordable universal service to eligible*** consumers include***, among others,*** the possibility for consumers selectively to block certain calls, such as high-priced calls to premium services, ***to*** control ***expenditure via pre-payment means, and to offset up-front connection fees***.	(249) The affordability of adequate internet access and voice communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services and is also related to their ability to control expenditure. ***The*** facilities ***which*** providers of ***internet access services and publicly available interpersonal communications services should offer to all consumers, including*** consumers ***benefiting from affordability measures, therefore*** include the possibility for consumers selectively to block certain calls, such as high-priced calls to premium services, ***where technically feasible, cost*** control***, including free-of-charge alerts in the case of a typical or excessive consumption patterns, and the possibility to deactivate third-party billing***.
Comments: See Amendment 120.	

Competition

Amendment 399: -

2026/0013(COD): Article 77 – paragraph 2 **(-)**	
2. In accordance with the principle of proportionality, where an undertaking is designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, a national regulatory authority shall choose the least intrusive way of addressing the possible problems identified in the market analysis. ***In this assessment, the national regulatory authorities shall take into consideration the***	2. In accordance with the principle of proportionality, where an undertaking is designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, a national regulatory authority shall ***in the first instance consider potential commitments offered under Article 83 from the undertaking in question, and only if none have been offered or those offered are clearly not sufficient to***

commitments offered by the operators designated as having significant market power under Article 83.	***address main competition concerns identified in the market analysis, the national regulatory authority may*** choose the ***next*** least intrusive way ***in the form of obligations referred to in paragraph 4*** of addressing the possible problems identified in the market analysis.
Comments: Effective regulation would be hamstrung by this proposal, which creates a rigid hierarchy of remedies starting with commitments offered by the dominant operator, thereby reducing the burden of competition remedies for the biggest telecom companies. BEREC has questioned the need for such a hierarchy of remedies.[33]	

Amendment 400: -

2026/0013(COD): Article 77 – paragraph 4 – subparagraph 1 **(-)**	
Where an undertaking is designated as having significant market power, national regulatory authorities ***may, where appropriate, impose obligations such as*** obligations of transparency ***and of*** non-discrimination ***at the first stage of the assessment***.	***Prior to deciding on other obligations***, national regulatory authorities ***shall assess whether the provision of access to passive networks referred to in Article 80, in possible combination with*** obligations of transparency ***referred to in Article 77a,*** non-discrimination ***referred to in article 77b and accounting separation referred to in Article 77c, are adequate, proportionate and sufficient to address the competition concerns identified***. ***These obligations may be accompanied by price control and cost accounting referred to in Article 79.***
Comments: This proposal undermines the ability of regulators to address known problems of competition in telecom markets by prescribing passive access as the default remedy. It is unworkable and dangerous.	

Amendment 401: -

2026/0013(COD): Article 77 – paragraph 4 – subparagraph 2 **(-)**	
Where a national regulatory authority considers the obligations referred to above to be not sufficient or not appropriate, it shall examine whether the imposition of such obligations in combination with obligations imposed in accordance with Article 80 alone would be a proportionate and sufficient means by which to pursue the objectives laid down in Article 3.	***deleted***
Comments: This deletion would make effective regulation against harmful anti-competitive practices harder or even impossible. The amendment should be rejected.	

33 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

Amendment 402: -

2026/0013(COD): Article 77 – paragraph 4 – subparagraph 3 **(-)**	
Without prejudice to Article 80, ***where they consider that additional access*** obligations ***are needed***, national regulatory authorities shall ***impose the obligations granting*** harmonised access ***set out*** in Article 81.	Without prejudice to Article 80, ***and only in case the*** obligations ***referred to in the first subparagraph of this paragraph are not sufficient to address the main competition concerns***, national regulatory authorities shall ***consider imposing the obligation to offer the provision of*** harmonised access ***product referred to*** in Article 81***, in possible combination with the obligations under Articles 80, 77a, 77b and 77c***.
Comments: See Amendment 401.	

Amendment 403: -

2026/0013(COD): Article 77 – paragraph 4 – subparagraph 4 **(-)**	
Only where national regulatory authorities provide substantiated justification demonstrating that ***such*** obligations ***imposed in accordance with Articles 80 and 81*** do not ***address the competition problems identified on the concerned market, they*** may impose ***other*** obligations ***for*** access to ***specific active or virtual network elements and services***, and use of specific network elements and associated facilities ***pursuant to*** Article 78.	Where national regulatory authorities provide substantiated justification demonstrating that obligations***, referred to in previous subparagraphs,*** do not ***suffice, national regulatory authorities*** may impose obligations ***such as*** access to, and use of***,*** specific network elements and associated facilities ***referred to in*** Article 78 ***in possible combination with obligations of Articles 77a, 77b and 77c***.
Comments: The effective framework for addressing competition concerns would be heavily undermined by this proposal.	

Amendment 404: -

2026/0013(COD): Article 77 – paragraph 4 – subparagraph 5 **(-)**	
In addition to the obligations referred to in the fourth subparagraph of this paragraph, where obligations laid down in Articles 77 to 84 are not appropriate, national regulatory authorities may impose the obligation of accounting separation, the obligation of price control and cost accounting obligations.	***deleted***
Comments: This further weakens the ability of regulators to exercise effective control over competition problems.	

Amendment 60: -!

2026/0013(COD): Recital 97 a (new) **(-!)**	
	(97a) The Commission should, in cooperation with the RSPB, carry out a competitive or comparative selection procedure to select one

	or more undertakings, satisfying strict resilience and sovereignty criteria, for the use of that radio spectrum for the provision of wireless broadband services in the entire Union, and should seek the assistance of the RSPB, the ODN, the Communications Committee and, where relevant, external experts. By way of exception to the general authorisation regime, the selected undertakings should be authorised to provide wireless broadband services in the entire Union without the need to notify separately any Member State, subject only to the conditions set by the Commission in its selection decision within the limits of the general authorisation conditions laid down in this Regulation. Those conditions should confer on the selected undertakings the same rights and obligations in each Member State and should include, in particular, the provision of wholesale access. National competent authorities should grant the selected undertakings the rights to use the relevant radio spectrum within the timeframe and subject to the common conditions set by the Commission, without imposing any further conditions, additional criteria or procedures, and should monitor compliance and inform the Commission and the RSPB of any non-compliance. In the case of non-compliance in more than one Member State, the Commission, assisted by the Communications Committee, should be able to adopt appropriate and proportionate common corrective measures, to be enforced by the national competent authorities.
Comments: This recital would allow the Commission to select a few undertakings for an EU-wide spectrum authorisation, bypassing the national competent authorities and the general authorisation regime. Rarely have we seen such an attempt at granting favours to very large telecom companies to the detriment of competition across Europe.	

Amendment 102: -

2026/0013(COD): Recital 196 **(-)**	
(196) Wholesale regulation should solve problems at the retail level. National regulatory authorities should conduct its assessment for each individual wholesale market considered for regulation, starting with remedies for access to	(196) Wholesale regulation should solve problems at the retail level***. Where an undertaking is designated as having significant market power, national regulatory authorities should first consider any commitments offered***

civil infrastructure, as such remedies are usually conducive to more sustainable competition including infrastructure competition, and thereafter analysing any wholesale markets considered susceptible to ex ante regulation in order of their likely suitability to address identified competition problems at retail level. When deciding on the specific remedy to be imposed, national regulatory authorities should consider the consequences of imposing any specific remedy which, if feasible only on certain network topologies, could constitute a disincentive for the deployment of ***gigabit*** networks in the interest of end-users.	***by that undertaking and, only where none have been offered or those offered are clearly not sufficient to address the main competition concerns identified in the market analysis, choose the next least intrusive way of addressing those concerns. Before deciding on other obligations, they should assess whether the provision of access to passive networks, possibly combined with obligations of transparency, non-discrimination and accounting separation and accompanied by price control and cost accounting, is adequate, proportionate and sufficient. Only where those obligations are not sufficient should they consider imposing the obligation to offer the Union harmonised access product, and only where they provide substantiated justification that the obligations referred to above do not suffice should they impose access to, and use of, specific network elements and associated facilities***. National regulatory authorities should conduct its assessment for each individual wholesale market considered for regulation, starting with remedies for access to civil infrastructure, as such remedies are usually conducive to more sustainable competition including infrastructure competition, and thereafter analysing any wholesale markets considered susceptible to ex ante regulation in order of their likely suitability to address identified competition problems at retail level. When deciding on the specific remedy to be imposed, national regulatory authorities should consider the consequences of imposing any specific remedy which, if feasible only on certain network topologies, could constitute a disincentive for the deployment of ***very high capacity*** networks in the interest of end-users.
Comments: This recital aims at hamstringing effective regulation by preventing large corporations from being held accountable (see Amendments 399 to 404). It is also to the detriment of the availability of affordable internet access for Europeans.	

Amendment 98: -

2026/0013(COD): Recital 182 **(-)**	
(182) In order to ensure the connection of end-users, national regulatory authorities should oblige any provider ***of electronic***	(182) In order to ensure the connection of end-users, national regulatory authorities should ***be able to*** oblige any provider ***deploying a fibre-to-***

communications networks to deploy, with reasonable additional build-out, a connecting link between the requesting end-user's home and the nearest distribution or connection point intended to serve their premises.	***the-home network, where there is no other existing connection to the end-user,*** to deploy, with reasonable additional build-out, a connecting link between the requesting end-user's home and the nearest distribution or connection point intended to serve their premises. ***In areas where the copper switch-off has been mandated, national regulatory authorities should impose such an obligation. Where a household is passed by more than one provider, the national regulatory authority should be able to impose the obligation on only one of them, based on transparent, proportionate and non-discriminatory criteria, and to oblige another provider passing the same household where the selected provider substantiates its inability to comply.***
Comments: This recital works to the detriment of Europeans and prevents effective regulation of large telecom companies: the obligation to connect end-users would be limited to fibre-to-the-home networks and to cases where no other connection exists.	

Amendment 105: -

2026/0013(COD): Recital 204 **(-)**	
(204) Reviews of obligations imposed on undertakings designated as having significant market power during the timeframe of a market analysis should allow national regulatory authorities to take into account the impact on competitive conditions of new market developments. Transparency, non-discrimination**,** accounting separation, price control and cost accounting ***could be envisaged as complements to the imposition of the*** Union harmonised access products. Where obligations are imposed on undertakings that require them to meet reasonable requests for access to and use of networks elements and associated facilities, such requests should be refused only on the basis of objective criteria such as technical feasibility or the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case to the dispute resolutions procedures under this Regulation. An undertaking with mandated access obligations cannot be required to provide types of access which it is not within its power to provide. The imposition by national regulatory authorities of mandated	(204) Reviews of obligations imposed on undertakings designated as having significant market power during the timeframe of a market analysis should allow national regulatory authorities to take into account the impact on competitive conditions of new market developments. ***Before deciding on other obligations, they should assess whether access to passive network infrastructure, in possible combination with obligations of*** transparency, non-discrimination ***and*** accounting separation, ***and accompanied where appropriate by*** price control and cost accounting ***obligations, is adequate, proportionate and sufficient to address the competition concerns identified. Only where those obligations are not sufficient should national regulatory authorities consider imposing the obligation to offer*** Union harmonised access products***, and only on the basis of a substantiated justification should they impose obligations of access to specific active or virtual network elements and associated facilities. Where an undertaking has obligations concerning wholesale access to***

access that increases competition in the short term should not reduce incentives for competitors to invest in alternative facilities that will secure more sustainable competition or higher performance and end-user benefits in the long term. When choosing the least intrusive regulatory intervention, and in line with the principle of proportionality, national regulatory authorities could, for example, decide to review the obligations imposed on undertakings designated as having significant market power and amend any previous decision, including by withdrawing obligations, imposing or not imposing new access obligations if this is in the interests of users and sustainable service competition. Since technical details of access obligation may play a key role in the ability to effectively replicate the access providers' services and compete at retail level, national regulatory authorities should be able to impose technical and operational conditions on the provider or beneficiaries of mandated access in accordance with Union law. In particular the imposition of technical standards should comply with Directive (EU) 2015/1535. National regulatory authorities should, when imposing obligations for access to new and enhanced infrastructures, ensure that access conditions reflect the circumstances underlying the investment decision, taking into account, among others, the roll-out costs, the expected rate of take up of the new products and services and the expected retail price levels. Moreover, in order to provide planning certainty to investors, national regulatory authorities should be able to set, if applicable, terms and conditions ed provided they have no discriminatory effect. Any access conditions imposed should respect the need to preserve effective competition in services to consumers and businesses.	***network infrastructure, national regulatory authorities should ensure the publication of a reference offer taking utmost account of BEREC guidelines on its minimum criteria, together with key performance indicators and corresponding service levels where relevant***. Where obligations are imposed on undertakings that require them to meet reasonable requests for access to and use of networks elements and associated facilities, such requests should be refused only on the basis of objective criteria such as technical feasibility or the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case to the dispute resolutions procedures under this Regulation. An undertaking with mandated access obligations cannot be required to provide types of access which it is not within its power to provide. The imposition by national regulatory authorities of mandated access that increases competition in the short term should not reduce incentives for competitors to invest in alternative facilities that will secure more sustainable competition or higher performance and end-user benefits in the long term. When choosing the least intrusive regulatory intervention, and in line with the principle of proportionality, national regulatory authorities could, for example, decide to review the obligations imposed on undertakings designated as having significant market power and amend any previous decision, including by withdrawing obligations, imposing or not imposing new access obligations if this is in the interests of users and sustainable service competition. Since technical details of access obligation may play a key role in the ability to effectively replicate the access providers' services and compete at retail level, national regulatory authorities should be able to impose technical and operational conditions on the provider or beneficiaries of mandated access in accordance with Union law. In particular the imposition of technical standards should comply with Directive (EU) 2015/1535. National regulatory authorities should, when imposing obligations for access to new and enhanced infrastructures, ensure that access conditions reflect the circumstances underlying the investment decision, taking into account, among others, the roll-out

	costs, the expected rate of take up of the new products and services and the expected retail price levels. Moreover, in order to provide planning certainty to investors, national regulatory authorities should be able to set, if applicable, terms and conditions ed provided they have no discriminatory effect. Any access conditions imposed should respect the need to preserve effective competition in services to consumers and businesses.
Comments: This recital can only be read as an attempt to hinder effective regulation and to prevent authorities from doing their duty. Such an approach cannot ensure effective oversight of multi-billion-euro telecom companies.	

Public Warning Systems

Amendment 152: -!

2026/0013(COD): Recital 297 **(-!)**	
(297) Mobile number-based interpersonal communications service providers have an important role in the national preparedness strategies, therefore public warnings ***should be*** transmitted by those providers to all end-users concerned. The end-users concerned should be considered to be those who are located in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.	(297) Mobile number-based interpersonal communications service providers have an important role in the national preparedness strategies, therefore***, where public warning systems regarding imminent or developing major emergencies and disasters are in place, Member States should ensure that*** public warnings ***can be instantaneously*** transmitted by those providers to all end-users concerned***, via the technology or technologies mandated by the Member States***. The end-users concerned should be considered to be those who are located in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.
Comments: Cell broadcast is the only scalable technology for public warnings in an emergency.[34] Article 110 EECC set a 21 June 2022 deadline for public-warning arrangements, but compliance and the actual technology deployed differ between Member States.[35] The amendment tries to go back to a time when warnings were sent via the internet to apps, which are the first infrastructure likely to break in a real emergency.	

34 https://eena.org/wp-content/uploads/2026/06/EENA-Position-Paper-on-Digital-Networks-Act.pdf
35 Article 110 of Directive (EU) 2018/1972 (European Electronic Communications Code).

Roaming

Amendment 144: +

2026/0013(COD): Recital 283 a (new) **(+)**	
	(283a) In order to improve the functioning of the internal market, strengthen competition and broaden end-users' access to a greater variety of affordable offers, Regulation (EU) 2022/612 of the European Parliament and of the Council should be amended to lower the maximum average wholesale charge for regulated data roaming services and to extend the period during which that charge applies. Average wholesale roaming charges have fallen well below the current caps, while those caps remain decisive for operators with weaker bargaining power, in particular mobile virtual network operators and smaller operators. As radio spectrum is a scarce resource held by a limited number of mobile network operators in each Member State, other providers can compete only by using the networks of those operators, either through domestic wholesale access or, across borders, through wholesale roaming access. Bringing wholesale roaming charges closer to domestic wholesale access prices should put both on a more equal footing. It should enable providers to compete for end-users across borders and increase competitive pressure in national markets where retail prices are high. Lower wholesale caps also reduce the maximum surcharges that roaming providers may apply under fair use policies and increase the data volumes available to end-users when roaming, to the benefit, in particular, of cross-border commuters, students and trainees on mobility programmes, posted and seasonal workers, transport workers, and businesses, including SMEs and the self-employed, whose activities extend across borders. They also allow smaller operators to provide roaming services at domestic prices in a sustainable manner. A gradual reduction of the caps should give operators sufficient time to adapt.

	Furthermore, the conditions that may be included in reference offers for wholesale roaming access, the related measures which the visited network operator may take, and the data collected by BEREC on the implementation of contractual measures at wholesale level should focus on the prevention of anomalous or abusive use of wholesale roaming access, rather than on permanent roaming as such. Restricting wholesale roaming access solely on the ground that the roaming provider's customers are present in the visited Member State on a lasting basis would hinder the free movement of persons and services. It would penalise end-users who live, work or study across borders and have stable links with more than one Member State, and it would limit their freedom to choose a provider established in another Member State, contrary to the objective of a genuine single market for electronic communications.
Comments: While we agree with this idea in principle, its execution in the form of a recital seems unworkable and not well thought through.	

Spectrum

Amendment 278: -

2026/0013(COD): Article 24 – paragraph 4 – subparagraph 1 **(-)**	
Where competent authorities subject individual rights of use for harmonised radio spectrum ***measures in order to enable its use*** for wireless broadband services to a limited duration, holders of those rights of use shall have the right to use radio spectrum for a period of at least ***40*** years.	Where competent authorities subject individual rights of use for harmonised radio spectrum for wireless broadband services to a limited duration, holders of those rights of use shall have the right to use radio spectrum for a period of at least ***50*** years.
Comments: Spectrum is a public resource. Member States must remain able to attach obligations on how it is used and offered to the public when granting a licence for their national territory. Extending the minimum licence duration from 40 to 50 years would lock in the current rights holders for half a century. BEREC has warned that such long-term rights favour current rights holders and weaken contestability, to the detriment of innovation, efficient spectrum use and consumers.[36]	

Amendment 302: -!

2026/0013(COD): Article 29 – paragraph 1 a (new) **(-!)**	
	1a. Holders of the rights of use for radio

36 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act

	spectrum may only be subject to contributions, which are objectively justified, transparent, non-discriminatory and proportionate in relation to their intended purpose, ensure optimal use of those resources and take into account the general objectives of this Regulation. Such contributions may take the form of commitments in kind, of the payment of fees or of a combination of the two.
Comments: Such strict limits on the conditions attached to the use of spectrum would be very detrimental to the functioning of the telecom market. The wording would make it very hard for Member States that struggle with network rollout to impose effective obligations, and it is likely to cause conflict in the trilogue negotiations.	

Amendment 311: -!

2026/0013(COD): Article 29 – paragraph 3 – subparagraph 4 a (new) **(-!)**	
	The total level of fees (including one-off payments, reserve prices and annual fees) charged in respect of harmonised radio spectrum for wireless broadband services shall not create a disproportionate financial burden capable of preventing, significantly delaying, or otherwise impeding the deployment of networks or the provision of services.
Comments: Telecom companies are very often multi-billion-euro companies, and the spectrum they need to offer their services is a public resource. Limiting the revenue a Member State can raise for its national budget might make it easier for telecom companies to pay dividends to their shareholders, but the current approach is an enormous net benefit to everyone else in society. BEREC has also criticised a common approach to spectrum fees as a disproportionate centralisation.[37] This proposal would move the Parliament's position into an unworkable area that will only create conflict in the trilogue. It should be rejected outright.	

37 BEREC, Early BEREC Assessment of the Digital Networks Act, BoR (26) 52, 30 March 2026: https://www.berec.europa.eu/all-documents/berec/opinions/early-berec-assessment-of-the-digital-networks-act