ELFA Digital Networks Act (DNA) Position Paper

About ELFA

Founded in 2014, the European Local Fiber Alliance (ELFA) has evolved from an informal coalition into a recognised European non-profit association representing independent telecom, fibre, wholesale and fixed wireless operators across Europe.

Today, ELFA brings together 16 national associations and indirectly represents more than 1,200 operators serving millions of businesses and consumers throughout Europe. Through its members, ELFA provides a broad and authoritative perspective on the European connectivity market and the challenges and opportunities facing independent network operators.

As the European voice of independent connectivity providers, ELFA advocates for fair competition, open access, sustainable investment and accelerated deployment of high-capacity digital infrastructure. ELFA actively contributes to European policy discussions and regularly provides market expertise and recommendations to European institutions, regulators and policymakers.

ELFA welcomes the opportunity to contribute to the discussion on the Digital Networks Act (DNA) and shares the following recommendations.

Overall assessment

The Digital Network Act (DNA) represents a key opportunity to strengthen Europe's digital infrastructure framework and accelerate the deployment of high-capacity networks. By addressing persistent regulatory fragmentation and focusing on the transition to future-proof connectivity, the DNA has the potential to support investment, efficiency, and long-term sustainability across the sector. From ELFA's perspective, the effectiveness of the DNA will depend on its ability to provide clear, actionable guidance while accommodating the diversity of national market structures and existing deployment models. In particular, the Act should prioritise measures that accelerate the migration from legacy copper networks to fibre, promote competitive market conditions, and reinforce the resilience of digitalinfrastructure.

Single market for telecommunications networks and services

ELFA does not consider cross-border consolidation to be an effective or appropriate instrument to create a genuine single market in telecommunications. Standardised spectrum rules or reduced ex-ante regulation alone will not overcome the structural and demand-side realities of the sector. ELFA expects national markets to remain the primary framework for telecommunications services, as users continue to rely on locally and regionally embedded network providers. Attempts to drive cross-border consolidation are unlikely to succeed and risk undermining existing market dynamics. Instead, ELFA calls on EU policymakers to prioritise long-term, sustainable competition by supporting a diverse ecosystem of market participants, including regional and locally anchored players. Local Fibre Operators play an important role in building and maintaining fibre networks and should be regarded as such. ELFA stresses the need to clearly distinguish between mobile and fixed network markets. Policy approaches developed in the context of mobile consolidation must not be transposed to fibre infrastructure, where market structures, ownership models, and competitive dynamics differ fundamentally.

Legal Instrument

ELFA would prefer a directive rather than a regulation. But under conditions below we can support the adoption of the Digital Networks Act as a regulation, as it can provide a strong and immediate impetus to accelerate the rollout of digital infrastructure across the EU. While national market conditions differ, a regulation can deliver the clear guidance and legal certainty needed to drive progress, in particular on key issues such as conditions on switch-off of copper networks. A harmonised framework will help overcome delays and fragmentation in the rule of law that have hindered deployment. ELFA therefore supports for a regulation that combines uniform rules with sufficient consideration of national specificities and circumstances like the FTTH-coverage. This is in order to accelerate investment, support efficient network transition, and significantly strengthen the development of future-proof digital infrastructure across the Union.

Ex-ante regulation

ELFA supports maintaining the ex-ante regulatory framework as the current market situation in several Member States, **still dominated by the significant market power of the incumbents, does not yet allow for a general shift towards ex-post regulation**. Without ex-ante regulation, telecommunication markets in the EU would not have reached the current progression as **fair competition has proven an essential prerequisite for efficient and large-scale fibre deployment**. General shifts from ex-ante regulation towards ex-post regulation should be handled with **caution** in Member States still dominated by the former state enterprises. ELFA recommends the Commission to examine in more detail any expiry of SMP-dependent network access regulation in these Member States.

Copper switch off

ELFA strongly advocates for a rule-based and non-discriminatory copper switch-off process as a key enabler for accelerating the fibre transition in Europe. The continued maintenance of copper networks significantly delays the roll-out and weakens the take-up of fibre networks. It is therefore crucial that the DNA constitutes a clear framework to ensure that copper networks are phased out on fair and reasonable terms to avoid distortions of competition and do not allow to transmit SMP from copper-based to fibre networks by the former state enterprises. We as well highly welcome the chosen approach of a rule-based procedure Nevertheless, we think that the process should be further accelerated by providing a clear definition of the CSO areas. Smaller and more granular CSO areas will enable operators to complete the migration more efficiently, reduce operational complexity, and avoid delays caused by fragmented and uneven deployment.

Sustainable digital transformation

ELFA supports building a sustainable digital ecosystem and identifies the **transition from copper to fibre optic networks** as a key **lever to make the telecommunications sector more sustainable**. Since fibre networks deliver proven energy efficiency gains and substantial energy savings, ELFA calls for the EU Taxonomy to explicitly recognise fibre optic network deployment as a sustainable investment. At the same time, ELFA urges the Commission to align compliance requirements with its goal of reducing bureaucratic reporting burdens and streamlining compliance with the Taxonomy.

Wholesale markets

Efficient wholesale markets improve infrastructure use, lower entry barriers, and strengthen competition. However, access to wholesale products remains limited in many Member States, even in those where networks exist. In more mature markets, operators increasingly rely on wholesale agreements rather than duplicating infrastructure. By contrast, strategic overbuild persists in some Member States, with dominant players announcing overlapping rollouts but leaving networks incomplete. To prevent these anti-competitive practices, ELFA calls on the EU to actively develop a competitive, open, and transparent wholesale market. This requires ensuring effective access to fixed and mobile wholesale products and stimulating demand from new and smaller operators. The concept of harmonized access products addresses this issue. While we welcome that the European Commission highlights the importance of access products in general, we would like to emphasize that different products on different access levels have proven successful in the various Member States. Furthermore, different access products can contribute to innovation. The latter might be reduced or slowed down, by introducing a harmonised access product. The European Commission should take into account the well-established market practices involving different fixed and mobile access products in

various Member States. The European Commission should therefore allow for the definition of more access products at different levels, including active access products.

Future of Wi-Fi

A more harmonised and coordinated European radio spectrum policy can improve efficient use, but any stronger shift to the EU level must respect significant national specificities in telecom markets. Given the DNA's objective to strengthen Europe's digital infrastructure, the EU's spectrum strategy for the next decade must address current shortcomings around Wi-Fi. Countries such as the US, Brazil, Canada and South Korea already opened the upper 6 GHz band to license-exempt access, while the EU is still considering a shared use of the upper 6 GHz band for 5G/6G and Wi-Fi. Since access to fibre-based connections (FTTH/FTTB) relies heavily on Wi-Fi within premises, **it is essential that the 6 GHz band is reserved for Wi-Fi and not shared with 5G/6G.**

Resilience

The DNA's objective of achieving genuine simplification requires less, not more reporting obligations for operators. The current draft foresees additional data collection by BEREC under the Union Preparedness Plan. Telecom operators already provide extensive information under existing EU and national regimes, including reporting obligations under the NIS2 and CER directives. ELFA therefore calls for streamlined and aligned frameworks that avoid duplication and minimise unnecessary administrative burden. Any additional security and resilience obligations should be accompanied by adequate European and national funding mechanisms, particularly where substantial investments are required.

Consumer Protection

ELFA supports the DNA' s objective of full harmonisation of consumer protection rules, as this can reduce administrative burdens and strengthen legal certainty across the EU. To be effective, harmonisation must be applied consistently and introduce clear and practical obligations, including on the provision and accessibility of contract information. For this reason, ELFA calls for a clear non-derogation approach across the entire consumer protection chapter in order to prevent divergent national rules that would risk undermining uniform application and enforcement.

Fair Share

ELFA is concerned that the DNA reintroduces the fair share debate by proposing formalised dispute resolution mechanisms between network operators and content application providers. From ELFA's perspective, embedding such bilateral commercial negotiations in EU legislation is neither necessary nor proportionate. These mechanisms risk distorting the market by primarily benefiting large, vertically integrated network operators, while failing to support the broad base of fibre-deploying and wholesale-oriented operators that are central to Europe's connectivity goals. ELFA therefore calls on EU policymakers to refrain from institutionalising fair-share mechanisms within the DNA. The Act should remain focused on creating stable, predictable framework conditions supporting competition, investment, and rapid fibre rollout, without intervening in commercial relationships that are best addressed by the market.

While ELFA shares concerns regarding the introduction of fair-share mechanisms, additional consideration should be given to the long-term implications of such an approach in a rapidly evolving digital ecosystem. The original fair-share debate focused primarily on a small number of large content and application providers. However, future network traffic is likely to be generated by a much broader range of actors, including AI service providers, neocloud operators, sovereign European cloud initiatives, edge computing platforms and other emerging digital services.

In this context, it remains unclear how future contribution mechanisms would determine which entities fall within scope and how such obligations would evolve over time. A framework designed around today's market structure risks becoming outdated as new technologies and business models emerge. Furthermore, uncertainty regarding future obligations may negatively affect investment decisions across the wider digital ecosystem, including sectors that the European Union seeks to promote as part of its competitiveness and digital sovereignty agenda.

For these reasons, the DNA should prioritise stable and predictable framework conditions that support investment, innovation and competition, while avoiding regulatory intervention in commercial relationships that may require continuous reassessment as markets evolve.

Conclusion

ELFA believes the success of the Digital Networks Act will depend on three key principles.

First, the framework must continue to support competition and investment by preserving effective wholesale markets and appropriate regulatory safeguards where significant market power persists.

Second, the DNA should accelerate Europe's transition towards future-proof fibre infrastructure through efficient and non-discriminatory copper switch-off procedures, reduced administrative burdens and regulatory certainty for investors and operators.

Third, the legislation should promote innovation and digital competitiveness while avoiding market distortions that may undermine investment incentives across the wider digital ecosystem, such as an introduction of fair-share mechanisms and other forms of unnecessary market intervention.

The Digital Networks Act represents a unique opportunity to strengthen Europe's digital infrastructure and create a regulatory framework that supports long-term investment, competition and innovation. To achieve these objectives, policymakers should recognise the diversity of national market structures and successful deployment models that already contribute to Europe's connectivity ambitions.

Europe's digital future will depend on resilient, high-capacity and widely available connectivity infrastructure. Representing 16 national associations and more than 1,200 operators across Europe, ELFA stands ready to contribute practical market expertise and support the successful implementation of the Digital Networks Act.

With kind regards,

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President

European local Fibre Alliance