

## **Joint Statement against AgCom's regulatory approach on Content Deliver Networks**

To the President of the Council of Ministers Giorgia Meloni,

To the Minister of Enterprise and Made in Italy Adolfo Urso,

To the Undersecretary of State for Technological Innovation and Digital Transition Alessio Butti,

The undersigned representatives of European and Italian technology industries express deep concern regarding AgCom Resolution no. 207/25/CONS<sup>1</sup>, which subjects Content Delivery Networks (CDNs) to the general authorization regime established under the European Electronic Communications Code (EECC). This resolution represents a regulatory overreach. CDNs operate by privately carrying traffic, unlike public telecommunications services which serve end-users directly. Therefore, the resolution will harm Italian businesses and consumers, discourage digital infrastructure investment and establish backdoor network fees in violation of EU-US trade commitments of August 2025, when the EU pledged to refrain from introducing or maintaining any form of network usage fees while emphasizing the importance of continued technological cooperation between Europe and the United States.

The decision creates significant regulatory uncertainty, particularly critical at a time when the revision of the European telecommunications framework through the Digital Networks Act is imminent. This premature regulatory intervention, risks fragmenting the digital single market and undermining Italy's position as a strategic hub for digital infrastructure investment. It is of particular concern that Italy, which had previously opposed the introduction of network fees in 2023, is now proceeding unilaterally, potentially establishing a dangerous precedent across Europe.

By bringing CDNs under the EECC's scope, CDN providers and Content Application Providers (CAPs) owning a CDN will be subject to the existing dispute resolution mechanisms with telecommunications operators. As a recent study confirms<sup>2</sup>, this framework will incentivize Italian telecom operators to initiate disputes with CDN providers

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<sup>1</sup> [AgCom Resolution no. 207/25/CONS](#), July 2025

<sup>2</sup> Plum Consulting (2025). "[Exploring the negative impacts of legally mandated dispute resolution in IP Interconnection](#)", July 2025

and certain CAPs as a means of extracting payments for the delivery of traffic that users have already requested and paid for - an indirect mechanism for introducing network fees through regulatory means. Therefore, the decision directly contradicts the European Union's commitment in the August 2025 trade agreement with the United States, which explicitly established not to introduce or maintain any form of network usage fees<sup>3</sup>.

The consequences of this decision would have a severe impact on Italy's digital innovation ecosystem, undermining the fundamental principles of the Internet's open and decentralized architecture<sup>4</sup>. The regulatory intervention would directly affect Italian creative industries, startups, and SMEs, which depend on competitive CDN services for their digital operations, forcing them to face higher costs and deteriorating service quality for their customers. Moreover, such decision would significantly compromise essential public services, including government agencies, financial institutions, and healthcare providers that rely on CDN infrastructure to manage digital traffic surges and ensure cybersecurity<sup>5</sup>.

Ultimately, AgCom's approach would jeopardize Italy's progress toward its Digital Decade objectives and digital transformation targets set by the National Recovery and Resilience Plan, particularly in cloud adoption and digital infrastructure development - areas where urgent improvement is needed<sup>6</sup>.

We therefore recommend the Italian Government to prevent the implementation of AgCom's decision, ensuring a regulatory framework that promotes innovation, maintains alignment with EU commitments, and advances Italy's digital transformation objectives.



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<sup>3</sup> Paragraph 17 of the '[Joint Statement on a United States-European Union Framework on an Agreement on Reciprocal, Fair, and Balanced Trade](#)', August 2025

<sup>4</sup> Konstantinos Komaitis (2025): "[Italy's CDN Coup: Telecoms Hijacking the Open Internet](#)", August 2025

<sup>5</sup> Ibidem

<sup>6</sup> [Italy 2024 Digital Decade Country Report](#), July 2024