

## Putting the Digital Networks Act (DNA) in the Right Perspective

Europe

# BEYOND SPECULATION: HOW THE DNA CODIFIES PATHWAYS TOWARDS NETWORK FEES

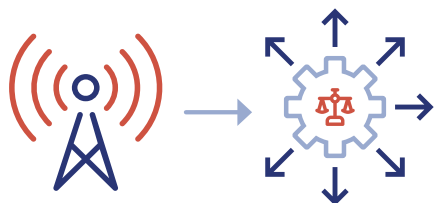
For many years, Europe's largest legacy telecom operators have been demanding extra fees to carry internet traffic. Many people initially dismissed warnings about these 'network fees'.

Now, the debate has fundamentally shifted. The European Commission published its Digital Networks Act (DNA) in early 2026. **The risks posed by network fees are no longer guesses; they are written directly into the legal text that EU co-legislators are currently discussing.**

This two-pager looks at the actual words in the DNA and explains, in plain language, the serious dangers the proposal creates for the open internet and data flows across the EU.

## TWO SEPARATE PATHWAYS, ONE DANGEROUS OUTCOME

The DNA text assumes the current relationship between big telecom companies and online services is broken, but provides no proof. To 'fix' this, the **draft law creates two legal tracks**. Because these are structurally independent, **blocking one in the legislative process will not stop the threat from the other**<sup>1</sup>.



### PATHWAY 1: EXPANDING TELECOM RULES TO EVERYONE

- ▶ **Article 9.2** expands a telecom framework – the 'general authorisation regime' – to include a massive new range of online companies.
  - ▶ Now covers any network used for "information society services available to the public."
- ▶ In simple terms, the law would subject critical building blocks of the internet – such as transit providers, content delivery networks (CDNs), and private networks – to peering obligations (Article 66) and mandated dispute resolution (Article 189), also known as network fees<sup>2</sup>.



### PATHWAY 2: THE COMPLAINT BACKDOOR

- ▶ **Articles 191–193** set up a new 'conciliation mechanism' to settle disagreements between telecom operators and unspecified "other undertakings".
- ▶ While it might look voluntary right now, the text contains a special review clause.
  - ▶ This clause allows the Commission to change the rules after 36 months and simply make the mechanism fully mandatory.

<sup>1</sup> The DNA Risks to IP Interconnection and the Broader Communications Ecosystem, Fiber Evolution, June 2026, available here: <https://www.fiberevolution.com/publications>

<sup>2</sup> The risk of network fees emerges when an entity is included in the scope of the General Authorisation (Article 9) and (re)classified as a 'public' network.

“Unless EU co-legislators fix the DNA, it would fragment Europe's internet, enable network fees, and leave consumers paying the price.”

# PLAYBOOK: HOW BIG TELECOMS WILL GAME THE LETTER OF THE LAW

If the DNA passes as is, it gives dominant telecom operators a **legal toolkit to disrupt the open internet**<sup>1</sup>:



## USE ONE WIN TO FORCE EVERYONE ELSE

Under Article 189, national regulators have arbitration powers over interconnection, allowing them to decide pricing disputes between telcos and online services.

Telcos will seek a single favourable ruling in a friendly jurisdiction to set a paid peering precedent, then use to strongarm and break the rest of the ecosystem.



## CREATE FAKE PROBLEMS

Large telcos can leverage the sweeping, unspecified language of Articles 191–193 to launch repeated, strategic requests for ‘conciliation’.

This will artificially make it look like the internet’s interconnection market (how networks exchange traffic) is broken, despite regulatory reports showing it works well today.

Today, 99% of networks exchange internet traffic for free as it benefits both sides. The proposed DNA text threatens to destroy this successful model.

The DNA’s text lets big telecoms charge twice for the same traffic: once to the consumer buying internet access, and a second time to the app or website the consumer is trying to use.

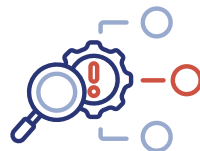
## 3 WAYS LAWMAKERS CAN STILL FIX THE DNA

To protect Europe’s digital economy and consumers from structural fragmentation and artificial inflation, EU co-legislators must fix the DNA text during the ongoing legislative process. Three concrete changes are needed to align the DNA with its true goal of innovation:



### 1. EXPLICITLY EXCLUDE CDNS AND PRIVATE NETWORKS

- ▶ Lawmakers should amend the text of Article 9.2 to formally exempt content delivery networks and private networks from the scope of general authorisation.
- ▶ This removes the risk of subjecting them to the mismatching interconnection obligations of Article 66 and the forced arbitration procedures of Article 189.



### 2. ONLY TARGET REAL RISKS, AVOID LEGAL OVERLAPS

- ▶ Instead of using vague definitions in Article 9.2 that catch almost any website or app, the law should only focus on companies that are proven to be a “single point of failure” for services vital to end-users.
- ▶ Lawmakers must make sure the DNA does not duplicate existing EU cybersecurity laws like NIS2 or DORA.



### 3. REMOVE THE CONCILIATION MECHANISM

- ▶ EU co-legislators should remove Articles 191–193 entirely. This ‘conciliation mechanism’ is a loaded gun.
- ▶ Deleting this text permanently closes the backdoor pathway, ensuring that a mandatory network-fee regime cannot be implemented in Europe.

## About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, **CCIA Europe has been actively contributing to EU policy making since 2009.**

CCIA’s Brussels-based team seeks to **improve understanding of our industry and share the tech sector’s collective expertise**, with a view to fostering balanced and well-informed policy making in Europe.



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