



June 15, 2026

Response to the Commission’s public consultation on the Digital Networks Act

The Danish Chamber of Commerce (Dansk Erhverv), the Danish ICT and Electronics Federation (DI Digital) the Danish ICT Industry Association (IT-Branchen) and the Telecommunications Industry Association in Denmark (Teleindustrien) welcome the European Commission’s proposal for a Digital Networks Act and appreciates the opportunity to provide input at this important stage of the legislative process. The proposal reflects a clear recognition of the strategic importance of connectivity for Europe’s competitiveness, resilience, and digital transformation—objectives which the four organisations representing the Danish telecommunication sector strongly support.

At the same time, it must be noted that, in its current form, the proposal does not appear fully aligned with its stated objectives. In particular, there are significant concerns as to whether the framework will effectively deliver on the ambition of regulatory simplification. Rather than reducing complexity and fragmentation, several elements of the proposal risk maintaining—or in some cases adding to—the existing regulatory burden on operators, thereby limiting its practical impact.

Implementing acts will delay clarity and prolong uncertainty in rule interpretation

These concerns mentioned above is further compounded by the degree of uncertainty introduced by the proposal. A considerable number of key elements are left to be defined at a later stage through implementing acts to be adopted by the Commission. While such an approach may provide flexibility, it also reduces legal certainty for market participants at a time when long-term investment decisions depend on a clear and predictable framework. The absence of sufficient detail at the legislative stage risks postponing clarity on core regulatory conditions, potentially creating delays, divergent interpretations, and additional administrative complexity. To ensure that the Digital Networks Act effectively supports its objectives, it will be essential to strike a more appropriate balance between flexibility and certainty, with clearer parameters established already in the primary legislation.

As underscored in the recent report led by Mario Draghi on European competitiveness, Europe must address persistent structural challenges, including an investment gap and inefficiencies stemming from market fragmentation. A central conclusion of the report is the importance of scale in capital-intensive sectors such as telecommunications. Achieving greater scale—supported by

simpler, more coherent and predictable regulatory conditions—is essential to enable the level of investment required for next-generation digital infrastructure. In this context, facilitating in-market consolidation is a key enabler of investment, as it allows operators to achieve sustainable scale, improve returns on capital, and strengthen their capacity to undertake long-term infrastructure investments. Without sufficient consolidation within national markets, operators risk remaining sub-scale, thereby constraining their ability to meet the Union’s connectivity and competitiveness objectives.

Against this backdrop, it is important to note that the proposal, as currently designed, is not conducive to mobilising the level of private investment needed across Europe’s telecommunications networks. The overall balance between incentives and obligations remains misaligned, with the proposal placing additional or sustained regulatory burdens on the sector without correspondingly strengthening the incentives to invest. This imbalance risks weakening the business case for large-scale, long-term infrastructure deployment. Without a framework that more clearly rebalances conditions in favour of investment, the proposal is unlikely to deliver the scale of private capital required to meet Europe’s connectivity and competitiveness objectives.

In addition, it is essential that the regulatory framework ensures a level playing field across all market participants. Providers delivering equivalent services should, as a matter of principle, be subject to comparable rights and obligations, irrespective of their underlying business model or technological approach. Any asymmetry in the application of rules risks distorting competition, undermining investment incentives, and fragmenting the internal market further. Ensuring consistent regulatory treatment for functionally similar services will therefore be key to fostering fair competition and supporting sustainable market development.

The Digital Networks Act should serve as a vehicle for genuine simplification and targeted harmonisation across the Union. This requires a framework that meaningfully reduces administrative complexity, avoids duplicative obligations, and provides clearer, more consistent rules, while also enabling operators to realise efficiencies and strengthen their investment capacity. However, as currently drafted, the proposal does not appear sufficiently conducive to achieving these outcomes.

The following sections of this response address in more detail a number of key areas of the proposal, including the framework for spectrum regulation, net neutrality, and sector-specific end-user obligations.

Spectrum regulation

The Danish telecommunication sector supports the ambition to create more predictable and investment-friendly spectrum policy across the EU. Access to spectrum is essential for continued investment in mobile networks, 5G Standalone, future 6G, resilience, security and digital innovation.

The Danish telecommunication sector welcomes a spectrum period of at least 40 years but ask to remove the requirement for spectrum licences to expire at least seven years after the implementation of the regulation

The Danish telecommunication sector particularly welcomes the move towards longer and more predictable spectrum rights. Article 24 provides that time-limited individual rights of use for harmonised spectrum for wireless broadband services should generally have a duration of at least 40 years. Article 25 introduces a model of automatic renewal, unless the relevant authority adopts a reasoned decision not to renew no later than five years before expiry.

This is an important step towards a more investment-friendly spectrum regime. Longer license periods can reduce regulatory uncertainty and provide greater confidence for long-term investments in coverage, capacity, security and future network technologies.

However, the transition to a new regime must be handled carefully. While longer and more predictable spectrum rights can support investment, the new framework must not create barriers for operators seeking to build viable spectrum positions in order to serve customers and compete effectively. Automatic renewal of rights obtained under the current regime should not become a mechanism by which scarce spectrum remains locked with incumbent holders without a genuine assessment of market demand, efficient use and competition.

The Danish telecommunication sector therefore recommend that the Regulation includes a clear transition model from the existing regime to the new which balances investment predictability with contestability, competition and efficient spectrum use.

Where existing licences are renewed, the renewal process should be transparent and should allow proportionate for conditions in order to safeguard competition, avoid spectrum hoarding and ensure efficient use.

Danish auction regime works well

The Danish telecommunication sector also considers that the Danish auction regime has generally worked well. Denmark has a well-functioning system for spectrum assignment, where auctions, coverage obligations, payment models and licence conditions reflect national market conditions. While Articles 30 and 31 may be relevant in Member States where auction design or reserve prices have weakened investment incentives, the procedures should not develop into a de facto EU approval process for national auctions. This could delay assignments and limit the ability of Member States such as Denmark to maintain models that already work well.

Increased harmonisation should also not lead to higher spectrum costs in Member States where the current level is reasonable and balanced

Article 29 provides for a common methodology for annual spectrum fees and reserve prices, including through Commission recommendations and possible

implementing acts. Spectrum payments should support investment in rollout, capacity, security and quality, not primarily maximise state revenue.

The Danish telecommunication sector is concerned about the extensive use of subsequent legal acts and guidance in the proposal. Important details on spectrum fees, reserve prices, databases, harmonised procedures and EU authorisations will only be developed after the Regulation is adopted. This makes it difficult to assess the full consequences of the proposal. Core principles for assignment, pricing, renewal, revocation and sharing should therefore be set out as clearly as possible in the Regulation itself.

The Danish telecommunication sector supports more long-term European spectrum planning, including roadmaps for relevant bands

Early clarity on future bands for 6G and other advanced services can support investment and coordination. However, roadmaps should be used to create predictability, not to weaken national licence frameworks or create uncertainty about already assigned spectrum rights.

Any rules on spectrum sharing must be designed carefully

Articles 15 and 27 points towards increased shared use of spectrum, including a procedure where potential users may request shared use. Sharing may be relevant in specific cases, but should generally take place voluntarily and on commercial terms. A broad use-it-or-share-it model could create uncertainty if licence holders must continuously document future capacity plans, refarming, investment strategies or commercial priorities.

If imposed sharing rules are introduced, they should be limited to clearly documented cases of lasting and significant underuse. There should be no general presumption that spectrum must be shared, and the burden of proof should not in practice be shifted onto the licence holder. The primary licence holder must be able to develop and optimise its network without risk of interference, fragmented coverage or loss of future flexibility.

The Danish telecommunication sector is sceptical on the proposed European database

The Danish telecommunication sector is also sceptical about the proposed European database on spectrum use and geolocation in Article 28. Although the provision refers to confidentiality, privacy and national security, it raises concerns about administrative burden, security and protection of information on critical infrastructure. Operators should only have to report the necessary information once, and existing national reporting should be reused as far as possible.

Satellite regulation and pan-European services – no harmful interference with terrestrial services must be ensured

The Danish telecommunication sector recognises that satellite-based services are becoming increasingly relevant as a supplement to terrestrial networks, including

for remote areas, maritime and airborne communication, emergency preparedness, crisis situations and specific industrial use cases.

The proposal introduces a significant new EU framework for satellite services. Articles 40 and 41 allow the Commission to issue EU authorisations for the provision of satellite networks or satellite communication services and the use of spectrum across the EU or in selected Member States, without requiring national authorisation.

The Danish telecommunication sector can support simpler and more harmonised rules for satellite services where this promotes innovation, resilience and better coverage. However, the framework must ensure fair competition. If satellite providers deliver services directly to end-users and compete with mobile or broadband services, they should be subject to comparable obligations where relevant. This includes requirements on security, resilience, lawful interception, data access, consumer protection, emergency communications and other societal obligations that apply to terrestrial providers.

It would be problematic if new providers could gain access to the entire EU market through one or a few broad EU authorisations without comparable obligations. Existing network operators carry significant costs related to licences, coverage, security, preparedness and compliance. Satellite providers should not be given easier market access on lighter terms when offering comparable services. The principle should be same services, same rules.

The Danish telecommunication sector therefore recommends that EU authorisations for satellite services are accompanied by clear and practical conditions ensuring fair and balanced competition with national providers of comparable services. A pan-European authorisation model should not be used to bypass national requirements justified by security, preparedness, consumer protection or efficient spectrum management. Enforced – pointe...

The Danish telecommunication sector supports Article 45, which provides that shared use of spectrum between terrestrial and satellite systems may only take place by agreement with and under the responsibility of the primary holder of the terrestrial spectrum rights. This provision is essential and should be maintained. It protects existing and future investments in mobile networks, ensures clear responsibility and reduces the risk of harmful interference.

The Danish telecommunication sector is particularly attentive to direct-to-device services, where satellite connectivity may be used directly with ordinary mobile terminals. This may create positive opportunities, but it must not come at the expense of the predictability, capacity or development opportunities of terrestrial mobile networks. Terrestrial operators must continue to have secure and long-term access to the spectrum bands needed for 5G, 6G and future mobile services.

Overall recommendation

The Danish telecommunication sector supports a reform of EU spectrum and satellite regulation if it strengthens investment, predictability, security and fair competition. Longer spectrum licences, clearer roadmaps and better European coordination can be positive elements. However, the proposal should be adjusted to ensure that it does not weaken well-functioning national auction models, create uncertainty through broad subsequent legal acts, impose disproportionate sharing or reporting obligations, or give satellite providers easier market access without comparable responsibilities.

Net neutrality

The rules on the open internet, or net neutrality, currently regulated in Regulation (EU) 2015/2120, are continued unchanged in the proposal for the Digital Networks Act (DNA) in Articles 93 and 94. Consequently, the shortcomings of the current rules are also preserved in the DNA.

Unclear rules hinder innovation

As the rules continue in largely unchanged form, existing legal barriers and ambiguities are maintained, as is the operators' reluctance to introduce new and innovative services. As a concrete example, the continuation of Article 93(3), which requires internet access providers to treat all traffic equally, imposes an overly restrictive framework on which types of new services operators dare to offer—particularly those services using new technologies such as 5G standalone in mobile networks.

With the Commission's draft, operators had hoped that the legislator would adopt a more forward-looking approach in this area by creating a framework that enables providers to fully utilise the technical capabilities of existing infrastructure, and especially those expected in the future. This would support the introduction of new services that facilitate a digital society and improve efficiency across the economy.

Rules should be relaxed and clarified

The Danish telecommunication sector supports a relaxation of the net neutrality rules. As the rules are currently designed, the interpretation of when the internet is no longer open and equal for all, is too narrow. The Danish telecommunication sector does not necessarily advocate for the complete removal of the rules, however, to ensure optimal use of network infrastructure, there is a need to allow a certain degree of differentiation between users in specific scenarios and at different times of day.

Increasingly, businesses are demanding connectivity solutions that ensure stable and reliable connectivity in critical locations and along key transport corridors, enabling employees to remain productive and competitive at all times. While such services may be possible under existing rules, it is not clearly defined how they should be structured to allow operators to provide such services while ensuring

that consumers still enjoy connectivity with more than enough capacity. This creates legal uncertainty and hampers innovation.

Operators therefore call for a relaxation of the rules, combined with the development of guidelines and interpretative guidance that facilitate the introduction of new services. Network capacity today is significantly greater than in the past, creating room for a more efficient allocation of capacity without diminishing users' experience of an open internet. This would constitute an optimal use of infrastructure.

New elements

The proposal introduces three new elements to the net neutrality framework:

- Specialised business services, including low latency and guaranteed service quality for applications such as artificial intelligence (AI), edge computing, and defence
- A new implementing power for the Commission to set detailed conditions via implementing acts
- Enhanced reporting and supervision, including mandatory biennial reporting by providers and reports from BEREC

Ad 1. Specialised business services

Recital 255 of the DNA states that:

“specialised business services are becoming integral part of network offering for interconnecting data centres, in provision of edge computing and for AI services...”

“...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.”

The Danish telecommunication sector supports the inclusion of specialised business services and, importantly, that the need for guidance on new services and technologies - including network slicing, experimental services and differentiated industrial use cases is - explicitly recognised.

The introduction of specialised business services represents the most significant substantive change compared to the current legal framework. Although it primarily concerns the wholesale level, the Danish telecommunication sector considers the Commission to be moving in the right direction.

The Danish telecommunication sector notes that the Commission emphasises the need for a harmonised approach to new services and technologies, including network slicing and experimental services. However, the Danish

telecommunication sector criticises that this is not explicitly reflected in the operative provisions of the proposal.

Ad 2. Conditions for internet access services via implementing acts

The Commission proposes, in Article 93(6), to introduce a power to adopt implementing acts concerning net neutrality rules. The Danish telecommunication sector considers that this will contribute to legal certainty and regulatory consistency across the Union and expects that clear criteria will be established regarding the scope of the rules, including service quality parameters or minimum standards for general internet access services.

While this provision is positive, it also creates legal uncertainty. Operators will not know the regulatory framework for designing new services until the implementing acts are adopted. As the adoption process may take considerable time, this could further delay the launch of new services, which is undesirable.

Ad 3. Biennial reporting

Under the current rules from 2015, operators are required to report annually. This is now changed to a biennial obligation, which the Danish telecommunication sector considers a positive development.

Sector-specific end-user rights

The Digital Networks Act must serve as a genuine simplification exercise and ensure that the regulation of electronic communications services reflects today's converged digital ecosystem.

The current framework continues to impose extensive sector-specific end-user obligations on telecommunications providers, despite the existence of comprehensive horizontal consumer protection legislation at EU level, including the Consumer Rights Directive, the Unfair Commercial Practices Directive, the Digital Services Act, the Digital Markets Act and the GDPR. This creates unnecessary overlap, legal uncertainty, compliance costs and administrative burdens that are disproportionate in a mature and highly competitive market.

The DNA therefore presents an important opportunity to streamline and modernise end-user regulation by removing duplicative telecom-specific consumer obligations where equivalent protections already exist under horizontal EU law.

Modernisation of the network means migrating to new technologies. The Danish telecommunication sector therefore finds that a 2 years' notification period to customers for migrations to a new technology mentioned in article 5 (4) to be too long. A correct migration must be handled in the best practical way in close connection with the NRA, and specific rules on this should be avoided.

A future-proof framework should move towards a principle-based and technologically neutral approach, where telecommunications services are treated

consistently with comparable digital services unless there is a clearly demonstrated and objective justification for sector-specific intervention.

Reducing unnecessary sector-specific obligations would:

- lower compliance and administrative costs;
- facilitate cross-border service provision;
- support scale and consolidation in the European market;
- accelerate investment capacity;
- and ultimately benefit consumers through improved network quality, innovation and service differentiation.

This would also align with the Commission's broader simplification and competitiveness agenda and support the objective of strengthening Europe's digital infrastructure leadership.

Harmonisation of end-user rights – maximum duration periods

Given the cross-border nature of electronic communications services, consumer protection rules should be harmonized at EU level. National deviations and uncoordinated solutions risk creating regulatory fragmentation, increasing compliance costs, and undermining the Digital Single Market. A common European framework provides greater legal certainty for both consumers and providers.

The proposed regulation includes a maximum duration of 24 months for contracts with consumers. However, national rules with shorter maximum periods may be laid down and will result in different maximum contract duration periods across countries.

In some specific countries (such as Denmark), the maximum commitment period is strictly restricted to just 6 months.

The Danish telecommunication sector calls on the EU Commission to ensure harmonized rules in this area and to ensure that telecommunications companies can enter into contracts with consumers on equal terms across countries. This will create the same security for covering costs and help ensure a minimum return on invested capital in establishing the digital infrastructure.