Title: i2Coalition Position on the Proposed Digital Networks Act (DNA)
Submitted via: Have Your Say Portal
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The Internet Infrastructure Coalition (i2Coalition), representing companies that build and operate the Internet's core technologies—including web hosting providers, data centers, domain registries, cloud infrastructure operators, and VPN services—welcomes the European Commission's initiative to modernize Europe's digital connectivity landscape through the proposed Digital Networks Act (DNA).

We agree that a modern, harmonized, and future-ready regulatory framework is essential to secure Europe's economic competitiveness, resilience, and digital sovereignty. As companies providing the infrastructure upon which the Internet runs, we offer the following positions and recommendations to ensure that this initiative supports innovation, open competition, and a thriving digital single market.

1. Exclude Neutral Infrastructure Providers from Scope—and Recognize Their Distinct Role

Position:

The DNA must clearly distinguish between traditional electronic communications providers and neutral Internet infrastructure providers—including web hosting services, non-carrier cloud infrastructure, DNS and content delivery services, and VPNs—whose business models and functions are fundamentally different from telcos.

Recommendation:

Avoid bringing infrastructure providers into the scope of telecom regulation under the European Electronic Communications Code (EECC) or other instruments. Imposing authorisation, interoperability, or reporting obligations on providers not offering end-user connectivity would deter innovation, impose unnecessary compliance costs, and disproportionately harm SMEs.

To avoid any ambiguity, we stress that neutral infrastructure providers such as cloud service providers, CDNs, and content/application providers (CAPs) should be excluded entirely from the scope of the DNA. Applying telecom-style regulation to these actors would constitute regulatory

overreach. Achieving this clarity requires technically precise definitions that reflect functional roles, ensuring that only entities providing public electronic communications services fall within scope.

1a. Oppose Unwarranted Network Fee Regimes

Position:

We are concerned by proposals to establish mechanisms where NRAs or BEREC act as arbitrators in interconnection disputes. These mechanisms could create a pathway for dominant operators to indirectly impose network usage fees, even in the absence of formal mandates.

Recommendation:

Avoid any form of regulatory intervention—whether mandatory dispute resolution, negotiation frameworks, or stakeholder forums—that could create indirect or de facto interconnection fees. Such measures would undermine well-functioning IP interconnection markets and core principles of Internet neutrality.

1b. Reject Extension of EECC Scope to CDNs

Position:

The idea of classifying CDNs as Electronic Communications Networks (ECNs), Electronic Communication Services (ECSs), or associated facilities under the EECC mischaracterizes their role. CDNs operate at the application layer, optimizing content delivery without managing core network access or transport.

Recommendation:

Do not extend EECC obligations to CDNs. Doing so would create red tape, distort incentives, and degrade user experience by increasing costs and reducing efficiency. Legal definitions under the EECC do not justify their inclusion, and such expansion would amount to regulatory overreach based on a false narrative of infrastructure convergence.

2. Enable Cross-Border Provisioning Through Legal Clarity

Position:

While few i2Coalition members fall directly under EECC scope today, we support streamlined rules that reduce fragmentation for those that do. Variance in national requirements continues to discourage entry into multiple EU markets, especially for smaller providers.

Recommendation:

Pursue harmonization through a streamlined notification or registration model for providers offering business-to-business infrastructure services. This should avoid duplicative national compliance and be part of a broader effort to modernize and simplify the EECC.

2a. Simplify the Framework and Merge Fragmented Instruments

Position:

The current regulatory landscape—split among the EECC, Open Internet Regulation, and BEREC Regulation—imposes unnecessary complexity.

Recommendation:

Consolidate relevant legislative instruments where possible. But ensure that simplification does not come at the expense of precision: distinctions between telecom access providers and infrastructure operators must be maintained.

3. Preserve an Open Internet Without Hindering Infrastructure Innovation

Position:

We support Open Internet principles. However, ambiguity around their application to enterprise-grade and infrastructure services creates uncertainty and discourages network optimization.

Recommendation:

Without reopening the Open Internet Regulation, the Commission could consider issuing interpretative guidance clarifying that performance-enhancing services (e.g., managed CDN, low-latency edge routing, VPNs) do not violate neutrality principles when they serve enterprise or non-consumer contexts. The goal is clarity, not regulatory expansion.

4. Avoid Overreach on Spectrum and Edge/Cloud Regulation

Position:

We caution against claims of convergence between telecom spectrum rights and cloud/edge service provision. These operate under different business models and should not be regulated under the same assumptions.

Recommendation:

Do not tie spectrum-related rights or obligations to the operation of edge or cloud infrastructure. References to virtualization or AI should remain technology-neutral and not lead to cross-regulatory obligations that blur functional boundaries.

5. Expand Governance Input Without Expanding Scope

Position:

The governance of Europe's connectivity ecosystem should include voices from the broader infrastructure layer. But this engagement must not imply that such providers fall under telecom regulatory frameworks.

Recommendation:

Establish formal consultative mechanisms for non-carrier infrastructure providers to participate in BEREC working groups, impact assessments, and implementation dialogues. This should enhance governance diversity without expanding regulatory scope.

6. Avoid Overreach in Access Regulation and Copper Switch-Off

Position:

Proposals related to copper switch-off and regulated access must not sweep in neutral colocation facilities, cloud interconnects, or peering hubs that are not last-mile access bottlenecks.

Recommendation:

Access regulation should focus on end-user delivery infrastructure. Promote copper switch-off through incentives and flexible national planning—not one-size-fits-all EU mandates that could harm underserved areas.

7. Evidence-Based Policy: Our Offer of Expertise

Position:

Effective policymaking must reflect operational and technical realities. Misaligned regulation risks undermining the DNA's goals.

Recommendation:

i2Coalition and its members are prepared to share technical expertise, case studies, and economic analysis that demonstrate the value and diversity of Internet infrastructure. We encourage the Commission to engage directly with operators to ensure balanced and evidence-based outcomes.

Conclusion

The Digital Networks Act is an opportunity to build a digital Europe that is open, secure, and competitive. To do so, Europe must recognize the vital role of neutral infrastructure providers and preserve a regulatory environment that fosters—not hinders—innovation, investment, and global interoperability.

We look forward to ongoing dialogue with the Commission, BEREC, and other stakeholders and stand ready to support the DNA process with data, technical insight, and real-world experience.

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