Digital Networks Act: ecta Statement on the ITRE Rapporteur's draft Report

ecta, the european competitive telecommunications association, welcomes the ITRE Rapporteur's ambition for European competitiveness but calls for stronger safeguards for effective competition

Competition in telecoms is a prerequisite for Europe's global competitiveness. National regulators must retain the full range of tools needed to address market power.

Brussels, 28 October 2026: ecta welcomes the publication of the draft Report on the Digital Networks Act (DNA), presented by Michał Kobosko, Rapporteur of the European Parliament's Committee on Industry, Research and Energy (ITRE).

ecta supports the Rapporteur's ambition to transform the DNA from a reform of telecom-sector rules into a broader European strategy encompassing the entire connectivity ecosystem, with the objective of strengthening Europe's global competitiveness.

In particular, ecta strongly welcomes the restoration of effective competition as a stand-alone objective, the preservation of the EU's proven ex ante regulatory framework for operators with Significant Market Power (SMP), and the Rapporteur's amendment concerning connection to electricity grids.

Effective competition in electronic communications is an essential prerequisite for Europe's global competitiveness. It is also a fundamental driver of efficient investment, innovation, service quality, affordability and user choice.

A competitive and inclusive electronic communications sector, bringing together a diversity of participants, large and small, and supporting a wide range of networks, products and services, is essential to empower European businesses and unlock the innovative potential of the entire economy.

Diversity and competition in telecoms are essential foundations of a competitive Europe.

To ensure that the draft Report's ambition translates into effective competition in practice, ecta calls for several targeted improvements to the draft Report. In particular, the following safeguards are essential:

Preserving the SMP framework is essential, but effective remedies are what make it work

ecta is seriously concerned that the proposed hierarchy of regulatory remedies could significantly weaken the effectiveness of the legal and regulatory framework in practice.

The European Competitive Telecommunications Association AISBL
Rue de Trèves 49-51, 1040 Brussels, Belgium
T + 32 (0) 2 290 01 00
E info@ectaportal.com **W** www.ectaportal.com
Registered in Belgium Company No.0679.888.440; RPM Brussels

By prioritising commitments offered by SMP operators and favouring a limited range of remedies before allowing national regulatory authorities (NRAs) to consider other forms of wholesale access regulation, the proposed approach risks restricting NRAs' ability to address identified competition problems effectively.

The effectiveness of SMP regulation depends not only on the identification of market power, but also on the ability of NRAs to impose the remedies necessary to address it.

NRAs are best placed to assess and address the specific competitive circumstances of their markets. They must therefore retain a **full toolbox of effective regulatory remedies**, together with sufficient discretion to select and combine them in a proportionate manner. **The effectiveness of these remedies also depends on the technical and operational conditions under which access is provided**, which NRAs must be empowered to define and enforce.

Symmetric regulation must remain complementary to SMP regulation

ecta acknowledges the improvements proposed by the Rapporteur concerning symmetric access regulation.

However, **symmetric regulation must remain a complement to, rather than a substitute for, asymmetric SMP regulation**.

The two mechanisms serve different purposes and address different market circumstances. Greater reliance on symmetric obligations must not become a justification for weakening SMP regulation or restricting the remedies available to NRAs.

Commitments or commercial agreements must not replace effective regulation

ecta is particularly concerned about the proposed priority given to commitments offered by SMP operators.

Commercial agreements and regulatory commitments can contribute to addressing competition concerns, but only where their effectiveness has been demonstrated. They must not be treated as substitutes for ex ante regulation unless they can effectively, sustainably and verifiably remedy the competition problems identified by NRAs.

A system that gives priority to commitments proposed by the dominant operator risks placing excessive influence over the regulatory outcome in the hands of the very undertaking whose market power justifies regulatory intervention.

Furthermore, a regulatory approach centred on individual commitments accepted from SMP operators in lieu of fit-for-purpose regulation in different Member States could lead to divergent outcomes, undermining rather than advancing the objective of a genuine European single market.

Regulatory intervention must be driven by the need to ensure effective and sustainable competition, not by the preferences of the undertaking subject to regulation.

Effective access to civil engineering infrastructure must be guaranteed

ecta underlines the fundamental importance of effective access to existing passive infrastructure, including ducts and poles, for sustainable infrastructure-based competition.

Access to civil engineering infrastructure is to fixed network operators what access to radio spectrum is to mobile operators: an essential prerequisite for deploying networks, competing effectively and investing efficiently.

A significant part of the existing civil engineering infrastructure was deployed during periods of monopoly. Moreover, unlike active network equipment, passive civil engineering infrastructure has an exceptionally long lifespan, extending over several decades and potentially up to 100 years or more. Investments made during the monopoly era can therefore continue to confer structural competitive advantages for generations.

ecta sees no justification for former monopolists to continue benefiting from a structural competitive advantage over alternative operators simply because they inherited infrastructure built under monopoly conditions.

Effective access to this infrastructure must therefore be guaranteed on **cost-oriented, transparent and non-discriminatory terms**, ensuring a level playing field between incumbent and alternative operators.

Importantly, **cost orientation provides sufficient flexibility to differentiate access conditions between legacy infrastructure and newly deployed infrastructure**. It allows NRAs to take account of the actual costs, investment risks and appropriate returns associated with new infrastructure, while preventing excessive returns on legacy assets whose investment costs may have been recovered long ago. Cost orientation therefore reconciles effective competition with appropriate incentives for new infrastructure investment.

Just as access to spectrum is fundamental to competition in mobile markets, access to passive infrastructure must be recognised as a fundamental requirement for competition in fixed markets, rather than being subject to a restrictive hierarchy of remedies or dependent on commitments offered by dominant operators.

Price control must remain available for all access remedies

ecta stresses that effective wholesale access regulation requires not only the ability to impose access obligations, but also the ability to regulate the prices at which wholesale access is provided.

NRAs must retain the power to impose price controls, including cost orientation and cost-accounting obligations, for all types of interconnection and access remedies, including those imposed under Article 78 and, where justified, under article 84..

Such remedies must remain available whenever a market analysis identifies risks of excessive pricing or margin squeeze resulting from a lack of effective competition. The DNA must not introduce a hierarchy of remedies that prevents NRAs from combining access obligations with the price controls necessary to make them effective.

Business markets must receive greater regulatory attention

ecta regrets that the draft Report does not sufficiently recognise the strategic importance of business connectivity markets for Europe's competitiveness.

Reliable, secure, high-quality, innovative and competitively priced electronic communications services are essential inputs for European businesses, from SMEs to large multinational companies. However, business connectivity markets remain highly concentrated across Member States, with persistent barriers to effective competition and market entry.

ecta therefore calls for the DNA to explicitly recognise the importance of competition in business markets and to ensure that the regulatory framework addresses their specific characteristics and persistent competitive bottlenecks.

The DNA should explicitly require national regulatory authorities to assess whether business connectivity services constitute distinct relevant markets from mass-market services

Where such differences are identified, separate relevant markets must be defined, allowing regulatory remedies to be tailored to the specific competition problems affecting business customers.

In addition, the **Recommendation on Relevant Markets should be strengthened** to ensure that business connectivity markets receive appropriate regulatory scrutiny and that national regulatory authorities can effectively address competition problems affecting business customers.

A competitive connectivity ecosystem for a competitive Europe

ecta considers the Rapporteur's draft Report an important contribution to the legislative debate and welcomes its ambition to place the competitiveness of the European economy at the centre of the DNA.

However, achieving that ambition requires a regulatory framework that safeguards effective competition, supports market entry and investment by operators of all sizes, and enables NRAs to respond effectively to persistent market power.

ecta looks forward to working constructively with the European Parliament, the Council and the European Commission to ensure that the DNA delivers an open, innovative and genuinely competitive European connectivity ecosystem.

Europe's global competitiveness starts with competition in its telecoms markets.

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ecta members are united in their belief that competition is the best driver of efficient investments and the greatest enabler of innovation, choice and benefits for citizens and businesses, as well as for the European economy overall. This is the key message that ecta and its members promote.

For further information on the contents of this press release and ecta*'s positions, please contact:*
Luc Hindryckx, Director General, +32 472 35 06 54

ecta, the european competitive telecommunications association (www.ectaportal.com), represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. ecta represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities.