

## **The new Digital Networks Act: Building a competitive and investment-friendly digital future for Europe**

The European Commission's Digital Networks Act (DNA) aims to modernise the EU telecom framework and support gigabit infrastructure deployment across Europe. BDEW, BREKO, and VKU, representing over 90 percent of network operators active on the German telecommunications market and being responsible for 70 % of the fibre deployment in Germany, call for a DNA that reflects the diversity of the telecommunications market instead of paving the way for re-monopolization and promotes long-term competition, investment, and innovation. Only a diverse and competition-oriented market can ensure fair offers and prices for consumers and foster digital sovereignty.

### **Copper-to-fibre transition: fast, fair and workable**

A structured, criteria-based approach is needed for ensuring a fair copper-to-fibre transition. We welcome the Commission's approach to introduce sustainability conditions. Deviating from the Commission's proposal, we see a threshold of 85 % premises passed for every copper switch-off area as sufficient for initiating the copper switch-off-process in order to avoid undue delays. Transition plans should be available early to provide planning certainty for operators, regulators, and customers. Timelines must be phased and adapted to regional conditions, using milestones rather than a one-size-fits-all approach. Exceptions should be narrowly defined to prevent continuous parallel copper operation. The DNA has to adhere to clear non-discrimination requirements and strong enforcement, including a right to initiate the process also for alternative operators, to ensure an orderly migration for all stakeholders.

### **Competition safeguards: keep ex-ante tools — protect fibre investment**

A strong ex-ante/SMP framework is vital to prevent market foreclosure while safeguarding fibre investment incentives. We appreciate the Commission's approach to maintain the current SMP-regime as a key instrument to safeguard competition. However, approaches of regulatory intervention, easing the application of symmetric regulation, should not undermine incentives for fibre roll-out. Any new measures, especially those affecting passive infrastructure, must be clearly justified, strictly proportionate, and used only as a last resort. The DNA should avoid regulatory uncertainty or devaluation of privately financed infrastructure, particularly during sensitive transition phases. Effective competition policy and investment protection can coexist: the framework must provide targeted safeguards against market bottlenecks while maintaining a strong business case for continued deployment.

### **Spectrum policy: don't entrench scarcity — enable access pathways for non-holders**

Policy direction-setting in Europe's spectrum management is highly relevant, especially for operators without spectrum holdings. Extended licence durations and automatic renewals without access obligations risk entrenching scarcity and reinforcing incumbent advantages. The provision of wholesale access, sharing orders, transfer or lease arrangements, and secondary-market tools must be clearly defined to provide reliable access for third parties in order to safeguard competition, and not just remain theoretical, last-resort options. Europe should avoid spectrum policies that disadvantage new entrants and converged business models (FMC), and instead support innovation, regional solutions, and scalable competition.