

Joint Statement on Competition, Innovation and Consumer Choice in European Mobile Markets under the Digital Networks Act

The signatories strongly support the overall objectives of the Digital Networks Act (DNA) proposal.

As associations and companies representing, active or involved in European mobile communications markets and with its consumers, we share the ambition of creating a stronger and more integrated Digital Single Market. We believe that Europe can only achieve this objective if competition, investment and consumer welfare continue to be pursued in parallel.

Despite successive regulatory reforms aiming at improving the situation on the European telecommunications market, **mobile communications markets continue to be characterised by structural barriers that limit effective competition and consumer choice**. The DNA provides an important opportunity to address these challenges and strengthen the conditions that allow all market participants to contribute to Europe's mobile connectivity ambitions.

Mobile Communications Markets Require Effective Safeguards

Mobile communications markets differ fundamentally from many other sectors of the economy. Due to the **intrinsic scarcity of radio spectrum**, only a limited number of network operators can obtain access to this scarce public resource and operate nationwide mobile infrastructure. Infrastructure competition can therefore emerge only between a limited number of operators.

As a result, **efficient mobile communications markets cannot rely exclusively on infrastructure-based competition**. To achieve a sustainable framework and safeguarding citizens' interests, it also depends on the ability of Mobile Virtual Network Operators (MVNOs) and other access seekers to compete at wholesale and retail levels under fair, non-discriminatory and technologically neutral conditions.

This is particularly important as mobile services increasingly form part of broader digital ecosystems, enabling innovation in areas such as bundling with other consumer services, Internet of Things (IoT) and artificial intelligence solutions for businesses and consumers across Europe.

We therefore urge the institutions to recognise non-discriminatory wholesale access to mobile networks as a key pillar of the European mobile communications sector, benefiting citizens' interests, SMEs, as well as larger businesses and public administrations.

Characterisation of wholesale access to mobile networks as an exceptional regulatory remedy is not appropriate.

<i>Amendments to Art 32 DNA to genuinely ensure wholesale access to preserve and promote competition and end-user interests are therefore essential.</i>
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Competition and Long-Term Investments are Mutually Reinforcing

We are concerned that the Commission's proposal places greater emphasis on investment certainty for spectrum holders while providing insufficient safeguards for competitive market outcomes. Competition and investment must not be treated as mutually exclusive objectives.

Investment certainty and long-term spectrum rights can contribute to network deployment and Europe's digital objectives **only on the condition that effective and enforceable wholesale safeguards are secured in parallel**. These objectives reinforce each other and can create positive outcomes for network operators, access seekers, consumers and businesses alike.

Well-functioning wholesale markets improve network utilisation, support innovation, create additional revenue streams and contribute to the efficient use of scarce radio spectrum. Non-discriminatory

wholesale access is not in contradiction with network investment; it helps make network investment economically more efficient. A successful DNA should therefore promote investment through competition rather than at the expense of competition.

Long or unlimited licence durations without corresponding wholesale access obligations risk entrenching existing (or even tighten) oligopolistic market structures for decades and reduce opportunities for regulatory review. **In case rights-of-use over radio spectrum are substantially lengthened, competition safeguards must be strengthened accordingly.**

Any extension of spectrum licence durations beyond a proportionate period should therefore be **made conditional upon effective, non-discriminatory wholesale access obligations**. This balance is essential to ensure that greater certainty for spectrum holders does not become a regulatory shield against competitive mobile markets.

Assessment of Art 24 DNA must therefore necessarily be conducted in conjunction with fundamentally revising Art 32 in particular.

For a Connected European Union

The DNA represents a unique opportunity to strengthen Europe's connectivity ecosystem and create the conditions for sustainable growth, cross-border competition, and the interests of citizens and other users of electronic communications networks and services. To succeed, however, **the current draft requires a stronger focus on ensuring competitive supply**, for the benefit of the single market and all categories of end-users alike.

To achieve these objectives, the DNA must provide for a union-wide, non-discriminatory right of wholesale access to mobile networks. Only with this safeguard will the DNA be able to fairly address all market segments in all Member States and ensure a true level playing field between mobile network operators and MVNOs. Long-term planning certainty for mobile network operators is simultaneously strengthened by a series of new measures (with longer spectrum license durations, harmonised spectrum allocation conditions and greater regulatory certainty across Member States).

Europe does not need to choose between promoting investment and ensuring effective competition. Sustainable investment, innovation, consumer choice and consumer welfare depend on both. For the DNA to be successful, **it must provide competition safeguards alongside investment incentives** and ensure that neither objective is pursued at the expense of the other.

We stand ready to engage constructively throughout the legislative process and to contribute to a truly competitive European single market.

List of Signatories in Alphabetical Order:

(Associations)



(Companies)



Full List of Signatories in Alphabetical Order:

AIIP – Associazione Italiana Internet Provider

AOTEC – National Association of Telecommunications Operators

BREKO – German Broadband Association

CoopVoce – Coop Italia Società Cooperativa

easybell GmbH

ecotel communication ag

EWE AG

freenet AG

http GmbH

MVNO Europe

Transatel

vianova

VKU – Verband kommunaler Unternehmen e.V.