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Europe's Connected Future

The Liberal Case for the Digital Networks Act (DNA)

Abstract

This paper is the most recent attempt by liberals to shape a coherent narrative for strategic digital infrastructure in the EU. Our starting premise is liberal: open markets, clear rules, and open competition are the best engines of innovation and consumer welfare, but they require predictable, proportionate EU-level frameworks to function at continental scale. Public action should therefore focus on removing fragmentation, lowering barriers to cross-border deployment, and catalysing private investment while safeguarding competition and consumer rights. By enabling scale without mandatory structural concentration and strengthening resilient, home-grown infrastructure, the Digital Networks Act should seek to reconcile strategic autonomy with open markets, with the aim of moving towards an innovation-friendly Digital Union.

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Introduction: Unleashing digital innovation in Europe

On 21 January 2026, the European Commission formally adopted the Digital Networks Act (DNA), merging four existing legal acts into a single directly applicable Regulation. The DNA is explicitly framed as a strategic competitiveness instrument, with the Commission stressing that 'a cutting-edge digital network infrastructure is critical for the future competitiveness of Europe's economy' and that a modern and simplified legal framework is key. The proposal contains notable strengths, including 'Single Passport' authorisation for pan-European operations, EU-level satellite spectrum authorisation, and an EU-level Preparedness Plan for network resilience.

Our digital era is defined by rapid technological evolution and global competition. Advances in 5G/6G, cloud computing, and AI are increasing demand for high-capacity networks and resilient infrastructure. Yet EU telecoms remain a patchwork of 27 markets: average investment lags well behind the US or China, and expenditures across all industries are lagging by 50% as compared with the US. This fragmentation raises costs and deters investors as well as innovators. The Draghi report warned that, without scale, European operators cannot follow. Furthermore, dependence on non-EU suppliers for core network equipment and lack of coordinated cyber standards could further undermine Europe's strategic autonomy.

However, the DNA proposal reveals significant gaps when measured against the Draghi and Letta reports. On spectrum policy, Article 24 extends licence durations to 40 years with automatic renewal, risking indefinite proprietary rights for incumbents that could lock in market structure for decades. The proposal lacks adequate coordination mechanisms for European defence needs in spectrum allocation. On copper switch-off, Articles 54 to 61 impose complex EU-level timelines disconnected from local business realities. The access regulation provisions largely reproduce the traditional significant market power (SMP) framework rather than completing the shift towards focused bottleneck regulation. While Articles 81 and 84 recognise wholesale-only platforms, they layer new requirements atop existing SMP remedies rather than creating a streamlined path for neutral wholesale markets.

Our starting premise is liberal: open markets, clear rules, and open competition are the best engines of innovation and consumer welfare, but they require predictable, proportionate EU-level frameworks to function at continental scale. For liberals, the DNA represents an opportunity to align single market-driven growth with strategic autonomy imperatives: a lighter, more consistent framework that empowers not only businesses but also consumers, by enlarging the range of services they can choose from. The DNA thus offers a chance to make Europe's telecom rules fit for a digital future: modern, simple, and focused on innovative outcomes.

Enhancing Europe's digital competitiveness and sovereignty

The competitiveness imperative

Europe's telecom sector needs innovation and scale, not just in itself, but for the platform it offers to all activities. This is now within reach with the advent of cloudification and virtualisation of network management. Therefore, it is crucial that the DNA effectively promotes a truly EU-wide market for connectivity. This means further harmonising rules on spectrum licensing, rights-of-way, and authorisation, so that operators can roll out services across borders without facing a maze of local procedures and constraints.

The existing European Electronic Communications Code (EECC) has already laid the groundwork for co-investment and wholesale models.[1] However, the DNA must go further by mandating EU-level standards for network virtualisation (cross-border network virtual consolidation) and virtual broadband access. It should also explore, possibly through an Important Project of Common European Interest (IPCEI), a concrete framework for common infrastructure projects and network management tools. Analysts note that the predictability of EU rules has, to some degree, fostered co-investment and expansion into rural areas under the EECC, and a harmonised DNA would build on that partial success.

The telecom industry is evolving towards greater modularity, where distinct players can expand, interoperate seamlessly across a shared infrastructure, and tailor bespoke services offerings. They have the potential to aim at large or niche markets, expand their customer base across Europe, and scale up by highlighting and taking advantage of their distinctive competences. For instance, an operator that already excels in delivering services for international and maritime commerce could, under a more modular and virtualised regime, act as a service provider across the whole single market.[2] Service providers like these should also be empowered by the regulator to offer these specialised services across borders by accessing infrastructure networks in a transparent and standardised way.

This form of virtual consolidation, where operators scale up their operations and interconnect through virtually consolidated infrastructure rather than waiting for corporate mergers, can support innovation without Member States being anxious about the economic and social consequences of the perceived loss of a domestic champion (i.e. a national operator). This in turn enables 'scaling up' without the need for corporate concentration at infrastructure level, and market

1 European Union, 'Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (Text with EEA relevance), https://eur-lex.europa.eu/eli/dir/2018/1972/oj/eng.

2 Frequentis, '"KPN and FREQUENTIS Maritime Sign Strategic Agreement for the Netherlands', press release, November 2013, https://www.frequentis.com/en/pr/kpn-and-frequentis-maritime-sign-strategic-agreement.

openness without structural disruption. Such harmonised access obligation offers a pragmatic path to competitiveness that respects subsidiarity and diversity within the EU market.

Strategic autonomy and foreign actors

Europe's digital sovereignty depends on a principled approach to engagement with third-country connectivity providers. A liberal framework prioritises open, competitive markets while acknowledging legitimate security imperatives. Therefore, an EU-wide policy on such providers is essential, as is moving beyond fragmented national responses that create inefficiencies and potential security loopholes. This policy should be grounded in common, risk-based cybersecurity and resilience frameworks uniformly applied across all Member States. Such harmonisation ensures a predictable operating environment for businesses and prevents a regulatory environment where states might compromise standards to attract investment.

The liberal goal is to foster a vibrant open market where EU-based operators can compete fairly and innovate with minimal constraints, whether partnering with, or competing against, non-EU players. However, this openness necessitates robust, common safeguards. Embedding seamless, standardised security assessment and incident-response mechanisms across Member States is key. This includes transparent protocols for vetting high-risk vendors in critical infrastructure, coupled with swift, coordinated dispatch mechanisms for cross-border cyber incidents. Such an approach mitigates security risks posed by foreign actors without resorting to blanket bans that stifle competition and innovation. The focus should be on ensuring all players adhere to stringent, transparent EU security standards and contribute to a resilient, interconnected digital ecosystem. This balanced strategy safeguards critical infrastructure and data flows while upholding the EU's commitment to an open digital economy.

Scaling up

Achieving the necessary 'scale' for European operators to compete globally requires a shared understanding of the meaning of 'consolidation'. A liberal perspective supports market structures that demonstrably enhance innovation, investment, and consumer choice, recognising that scale can foster progress and innovation. Consolidation manifests in distinct forms, each with different implications:

- In-market consolidation: this refers to mergers between operators within a particular national market. While potentially improving short-term financial viability and possibly enabling an increase in investment in next-generation networks (such as 5G stand-alone or fibre deep rollouts), it

carries significant risks. Reducing the number of national competitors can dampen price competition, lessen incentives for service innovation, and potentially increase consumer prices. The bar for demonstrating net consumer benefit is therefore set high.

- Cross-market consolidation: this involves mergers between operators based in different Member States. Cross-market consolidation offers a path to creating truly pan-European operators with the scale to invest in research and development, address the continent-sized market, and compete with global digital industry giants. It can drive efficiency and facilitate the deployment of seamless cross-border services. However, it faces substantial political hurdles due to Member State concerns about losing national champions and control over critical infrastructure. Regulatory complexities across multiple jurisdictions also pose challenges, as does the time taken by competition authorities to clear each and every merger proposal.
- Virtual consolidation: recognising the political and time challenges of corporate mergers (both in-market and cross-market), virtual consolidation is a change accelerator, as well as the most pragmatic solution. It leverages the principles of network virtualisation, open interfaces, and mandated wholesale access to create operational scale without requiring a priori corporate mergers. Operators can offer seamless pan-European services by accessing and combining network resources (such as cross-border network slices or virtualised RAN functions) from multiple infrastructure providers across borders, based on standardised, transparent, and non-discriminatory terms. This 'scale without necessary concentration' allows specialised players (such as those operating in sectoral industries, in trade, logistics, land, maritime, or air transport, supply chain services, or connectivity) to thrive by reaching EU-wide markets instantly via shared network infrastructures. It fosters innovation at the service layer, enhances consumer choice, and builds resilience through infrastructure diversity. Crucially, virtual consolidation can be implemented rapidly by 'upgrading' existing policy tools within the DNA framework context, bypassing the multi-year timelines typical of corporate mergers and acquisitions.

Where neutral wholesale platforms exist and meet strict independence and non-discrimination criteria, Article 81-harmonised wholesale access products should replace, not duplicate, national SMP-style access obligations. Wholesale regulation should be technology-neutral and service level-driven. Rather than mandating specific technologies (copper vs fibre), the DNA should define common, transparent service standard parameters: latency, reliability, interoperability, and emergency access.

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The upcoming DNA, in line with the Letta and Draghi proposals, could define a largely deregulated generic 28th EU telecom regulatory regime, harmonised at EU level,[3] in line with the Competitiveness Compass proposal, [4]and in coexistence with the existing regimes. The notion of a 28th regime illustrates the need for a change accelerator to foster the emergence of a virtually consolidated network across national borders, transcend the 'mille-feuille' of EU and Member State regulations, and create opportunities for innovative business solutions. It would be an additional and fully harmonised regime, radically deregulated and simplified, optionally available to any telecom actor (incumbent or new entrant) providing guarantees that it would open its access network infrastructure (fixed, mobile, or both) to any third parties under simple and clear conditions, indistinctly from its possible upper-layer service provision and meeting minimal safeguard conditions.

Fair competition, citizens' rights, and consumer empowerment

Balancing scale with competition

A core liberal challenge is to ensure that scale does not come at the expense of market competition. While the DNA aims to create the conditions for stronger, more competitive EU operators, it must also protect the conditions for market competition. Excessive consolidation risks reducing consumer choice and weakening service innovation. European consumer unions remain sceptical of dominant operators, particularly when the process of switching providers is complex or when price competition is weakened.[5]

The DNA should envision virtual consolidation as a change accelerator in parallel with traditional mergers. It would be much faster for operators to scale up through interoperable platforms, rather than by acquiring competitors. This model protects innovation incentives while enabling infrastructure cost-efficiency and preserving legacy investments. While some voice concerns that a virtually consolidated market could allow dominant foreign platforms to establish new monopolies, this risk also exists with large-scale physical consolidation, where remedies can be even more difficult to conceive.

[3] European Commission, 'An EU Compass to Regain Competitiveness and Secure Sustainable Prosperity', press release, 29 January 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_339.

[4] Existing EU and national regulatory regimes should be maintained so as to ensure legal certainty. The adherence to the 28th regime should be a voluntary option available to both new and existing market players that elect to abide by the new rules.

[5] Connectivity imperatives for EU sovereignty: the 2025 DNA (https://liberalforum.eu/event/connectivity-imperatives-for-eu-sovereignty-the-2025-dna/)

Ultimately, general competition law, alongside the Digital Services Act and Digital Markets Act, should be the primary tools to address dominance in the upper layers. Additionally, the DNA should ensure low entry barriers for new players: mobile virtual network operators, alternative fibre providers, and smaller cloud-based entrants must be guaranteed fair access to spectrum, ducts, and wholesale services. In line with liberal values, fair regulation must also extend to over-the-top (OTT) players, and one cannot deprive EU innovators of the chance to deploy services in the single market by claiming that foreign competitors must be kept at bay.

The DNA should allow existing and new actors to 'assemble' modules into a virtual network to meet innovative connectivity demands on a pan-European basis. Virtualisation, cloudification, and open interfaces now make it technically feasible to separate physical infrastructure from logical networks and expose connectivity capabilities as standardised wholesale products. The DNA should remove obstacles to an independent wholesale capacity market, where neutral wholesale providers sell capacity on standardised, non-discriminatory terms and service-layer operators can assemble EU-wide offers without owning infrastructure everywhere. This requires reframing wholesale access provisions away from case-by-case SMP micromanagement towards the recognition and safeguarding of truly independent wholesale platforms, with standardised interfaces and application programming interfaces (APIs) as the key regulatory focus rather than granular SMP controls. This path towards a virtually consolidated network could speedily address the challenge of pan-European deployment of services.

Consumer protection and innovation

Liberalism recognises the consumer as a sovereign actor, not a passive recipient. The DNA should reflect this by codifying strong, uniform rights across Member States. This should be taken as an opportunity to better align these rules and avoid unnecessary national divergences (this is why a Regulation is preferred over a new Directive). The Regulation must be technology-neutral and consistently applied, whether the service runs on fibre, 5G/6G, satellite, or Fixed Wireless Access (FWA).

Importantly, the DNA should foster innovation through transparency, accountability, and technology neutrality, not through overregulation. In particular, liberal policy supports outcome-based rules that focus on service reliability, responsiveness, and user satisfaction, rather than technology mandates. This balance allows dynamic business models to flourish while ensuring citizens retain control over their connectivity experience.

Regulatory equality between operators and OTTs

An improved single market for connectivity requires regulatory symmetrical obligations among actors providing similar services. In the current environment, there is an asymmetry, where telecom operators face licensing, security, and service quality rules while OTTs can generally escape most of these constraints, undermining fair competition. The DNA must eliminate these distortions. If a service functions as a communications tool (voice, video, or messaging), it must face the same baseline obligations (including cybersecurity and intelligence-related requirements), regardless of whether it is delivered by a telecommunications company or a tech platform.

Levelling the playing field will ensure that regulation serves its purpose: protecting consumers and enabling open markets. This also reinforces a liberal vision where dynamic ecosystems are not shaped by regulatory loopholes or legacy privilege, but by innovation and value.

A lighter and simplified digital single market

Simplification

The new EU framework should also streamline the numerous existing regulatory frameworks and bodies, simplify them, phase out most of the ex ante competition provisions, and address any remaining regulatory discrepancies between te-lecommunications companies and OTTs. The balance of regulatory competences between the EU and Member State levels should run in parallel to the evolution towards more integrated networks across Europe.

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In the same spirit, in matters subject to technical and industry-specific considerations, such as copper switch-off, regulators should refrain from interfering, and decisions should be left at the undertaking level. Within the Commission's DNA proposal, Articles 54 to 61 impose EU-wide copper decommissioning plans with coverage and affordability triggers and a hard backstop around 2035. While the objective of accelerating migration to fibre is fully shared, this approach is over-centralised and disconnected from business reality. Demand,

migration costs, coexistence operational expenditure, and financing capacity are key differentiating factors that uniform EU deadlines fail to take account of. The DNA should instead set EU-wide minimum service levels and strong consumer protection rules for migration, leaving the precise timing and sequencing of copper switch-off to operators under ex post National Regulatory Authority (NRA) supervision, thereby restoring the prevalence of business decisions.

Such an approach respects the legitimate expectations and existing investments of operators under the current regime and paves the way for a more open and competitive pan-European wholesale market for local access connectivity.

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The DNA should complete the shift away from generic SMP markets towards a focused, bottleneck-based, localised essential-facility framework. Ex ante access obligations should be significantly reduced and focused on remaining local bottlenecks, with symmetric rules and ex post competition law as the default safeguard of competition. After more than 20 years of the SMP approach, the costs and limitations are clear. SMP analysis is administratively heavy, conceptually fragile in dynamic markets, and slow to adapt when competitive conditions change. The more promising direction is a localised essential-facilities framework focused on structural positions (local last-mile access, call termination) rather than abstract market shares, permitting easier exit from regulation as competition conditions evolve, and aligning EECC logic with Digital Markets Act (DMA) architecture (gatekeeper designation).

Finally, within the Commission proposal, single EU-wide authorisation established in Articles 4 and 9 is the most structurally innovative element of the DNA, replacing fragmented national regimes with a one-stop passport valid across the Union. For this to work, Articles 4 and 9 must remain the central legal basis for cross-border operation, with no reintroduction of host-country authorisation layers or NRA vetoes. The passport must deliver tangible regulatory relief, and it must complement neutral wholesale platforms so that service operators can assemble capacity and offer pan-EU services without mergers. Optionality, broad derogations, or national gold-plating would keep the EU stuck in 27 quasi-national markets despite the appearance of a new Regulation.

Towards more agile and incremental spectrum allocation and assignment processes

Spectrum policy should reflect the need for defence coordination within the EU. For decades, EU spectrum policy has been constrained by the view that the radio spectrum is a core national sovereignty and defence asset and must therefore remain largely under Member State control. That logic is increasingly obsolete in a context where the Union is attempting to build a European defence capacity and interoperable security posture across borders. In a world of integrated command-and-control systems, cross-border secure communications, joint air and missile defence, and pan-European satellite/non-terrestrial network (NTN) architectures, fragmented spectrum decision-making is a structural vulnerability. The DNA should explicitly recognise that the radio spectrum is not only an industrial and consumer input but also a core enabler of defence, resilience, and security. The DNA should also strengthen EU-level coordination mechanisms far beyond the traditional 'harmonisation by decision plus national implementation' model.

Spectrum reform should reflect the principles of the new, agile, digital connectivity perspective by implementing more systematically the recommendations of the EU Guidebook.

> Spectrum policy should reflect the need for defence coordination within the EU.

In the Commission's DNA proposal, Article 24's plan to extend spectrum licence durations to 40 years with automatic renewal risks transforming spectrum authorisations into de facto proprietary rights over critical spectrum for a small group of incumbents. This would entrench the existing strong oligopoly for multiple technology cycles, blocking new actors such as neutral wholesale platforms, specialised vertical-network operators, and NTN providers. The DNA should instead limit standard licence durations to 15 to 20 years with non-automatic, criteria-based renewal, ensure that bands designated as essential facilities are subject to competitive and public-interest tests, and preserve the possibility of repurposing spectrum where EU-level defence or security requirements justify a different allocation

Policy recommendations and conclusions: Towards a liberal digital union

The DNA represents a pivotal moment for European telecommunications policy. It offers the EU an opportunity to move beyond fragmented national regimes towards a genuinely integrated digital infrastructure that can underpin competitiveness, innovation, and strategic autonomy.

The liberal vision for the DNA is clear: leverage market forces and open competition to drive investment and innovation, while ensuring that the regulatory framework removes barriers rather than creating them. Network virtualisation, cloudification, and AI-enhanced management now make it technically feasible to achieve continental scale without waiting for corporate mega-mergers or sacrificing competitive market structures. Virtual consolidation through neutral wholesale platforms can deliver the seamless, cross-border connectivity that European businesses and citizens need while preserving infrastructure diversity and market contestability.

However, realising this vision requires the DNA to go beyond incremental adjustments. The Commission's proposal contains important innovations – the Single Passport, EU-level satellite authorisation, and the Preparedness framework – but it falls short in critical areas. To truly deliver on its promise of competitiveness and scale, the DNA must address spectrum governance, copper switch-off rigidity, SMP framework obsolescence, and passport implementation risks. The following policy recommendations provide a roadmap for strengthening the DNA to create a liberal Digital Union fit for the next decade.

Policy recommendations

1. Spectrum policy and market access

- *Limit spectrum licence durations* to 15–20 years (not 40 years) with explicit, non-automatic renewal procedures tied to competitive and public-interest criteria.
- *Establish an EU spectrum coordination body* with a treaty basis (anchored in the Treaty on the Functioning of the European Union) to manage defence-critical bands and ensure interoperability for European defence initiatives.
- *Designate strategic spectrum bands as essential facilities*, subjecting renewal to competitive assessments and ensuring access for new entrants, including neutral wholesale platforms and vertical-network operators.
- *Mandate synchronised renewal periods* across Member States for key bands

to enable coherent EU-wide spectrum planning.

2. Copper switch-off and infrastructure transition

- *Replace Articles 54–61's prescriptive timelines* with EU-wide minimum service-level objectives (throughput, latency, reliability standards).
- *Empower operators to determine switch-off timing* based on local demand, migration costs, and fibre availability, subject to ex post NRA supervision.
- *Require strong consumer protection* during migration: mandatory advance notice (minimum 12 months), no service interruption, special provisions for vulnerable users, and affordable transitional offers.
- R*emove the 2035 hard backstop* in favour of outcome-based regulation focused on service quality rather than infrastructure mandates.

3. Regulatory simplification and bottleneck regulation

- *Phase out generic SMP market analyses* in favour of a focused essential-facilities framework targeting only structural bottlenecks (local last-mile access, call termination).
- *Make symmetric regulation and ex post competition law the default*, reserving ex ante obligations for clearly identified, locally defined bottlenecks.
- *Align sector-specific regulation with DMA gatekeeper logic* to create a coherent EU approach to economic power across networks and platforms.
- *Launch a regulatory simplification omnibus* to reduce overlapping obligations between EECC/DNA, the General Data Protection Regulation (GDPR), ePrivacy, and other frameworks, trim reporting burdens, and prohibit national gold-plating.

4. Wholesale market architecture

- *Mandate that Article 81-harmonised wholesale products replace (not supplement)* national SMP access obligations where neutral wholesale platforms meet strict independence and non-discrimination criteria.
- *Define technology-agnostic service standards* (throughput, latency, reliability, interoperability, emergency access) rather than technology-specific mandates.
- *Link the Article 84 wholesale-only regime explicitly to the Article 4 passport*, enabling passport holders to access compliant wholesale platforms EU-wide without additional local authorisations.

- *Require standardised APIs and interfaces* for wholesale platforms to enable seamless cross-border service assembly.

5. Strengthening the Single Passport

- *Prohibit Member States from imposing additional host-country authorisation requirements* beyond the limited notifications specified in Article 9.
- *Ensure Articles 4 and 9 provide tangible regulatory relief* compared with current EECC regimes, particularly for service providers using neutral wholesale platforms.
- *Establish clear enforcement mechanisms* to prevent national gold-plating, including Commission oversight powers and expedited infringement procedures.
- *Create a 28th regime option* as a fully harmonised, radically simplified alternative available to any operator providing open-access infrastructure under transparent conditions.

6. Strategic autonomy and security

- *Enforces common, mandatory cybersecurity and resilience* posture applied in all Member States to regulated entities, ending fragmented national approaches.
- *Leverages an EU-wide risk assessment framework* addressing non-technical risks in critical ICT supply chains, with transparent criteria, key asset definition, and consistent application of mitigations. This is complementary to other EU level technical cybersecurity requirements such as those laid down in NIS2, DORA and CRA.
- *Create shared intelligence mechanisms* on supply chain vulnerabilities and coordinated contingency planning for disruptions.
- *Ensures effective mitigations of security requirements are embedded in procurement and design,* which will ensure after transition periods that these requirements are not imposed retroactively as operational constraints.

These recommendations would transform the DNA from a cautious adjustment of the EECC into a genuine enabler of European competitiveness, combining the liberal principles of open markets and competition with the pragmatic recognition that continental-scale infrastructure requires coherent, simplified, EU-level governance.

Author bio

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About ELF

The European Liberal Forum (ELF) is the official political foundation of the European Liberal Party, the ALDE Party. Together with 56 member organisations, we work all over Europe to bring new ideas into the political debate, to provide a platform for discussion, and to empower citizens to make their voices heard. Our work is guided by liberal ideals and a belief in the principle of freedom. We stand for a future-oriented Europe that offers opportunities for every citizen. ELF is engaged on all political levels, from the local to the European. We bring together a diverse network of national foundations, think tanks and other experts. In this role, our forum serves as a space for an open and informed exchange of views between a wide range of different EU stakeholders.

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