



The Danish Government's response to the Commission's call for evidence for the Digital Networks Act (DNA)

The 11th of July 2025

Denmark welcomes the opportunity to provide feedback to the European Commission's consultation on the upcoming Digital Networks Act (DNA). The Commission's aim to revise the European Electronic Communications Code (EECC) in order to ensure a European digital infrastructure that is of high quality, secure and resilient is essential to the competitiveness of the EU.

In general, Denmark supports the Commission's policy objectives of consumer welfare, competitiveness, security and resilience and environmental sustainability. In particular, we support the Commission's aims towards simplifying the telecoms acquis, including the proposed reduction of existing reporting obligations with up to 50 per cent and, most importantly, to remove unnecessary regulatory burdens. Further, we share the Commission's objectives of rationalising and simplifying the regulatory environment generally, with the aim of reducing administrative burdens by 25 per cent, and believe that the upcoming DNA has potential to contribute significantly towards this aim.

Denmark emphasize the need for continuity in the regulatory framework and underlines that the fundamental elements of the current approach has served Europe well. Therefore, we are cautious about introducing new measures in the upcoming DNA, as doing so would inevitably shift focus away from the existing objectives, which we consider to be both relevant and important.

We believe that the most important aim for the EU is to **maintain a technology-neutral and market-based regulatory approach, and avoid unnecessary intervention that could harm well-functioning markets**. Any addition of new objectives must be based on evidence, and demonstrably aligned to whether such new objectives are consistent with, and have an equal standing with, the existing objectives. Hence, any addition of new objectives, e.g. as those mentioned in the Commission's White Paper on "How to master Europe's digital infrastructure needs?" must be aligned and work toward the same overall goals as the current objectives.

The digital connectivity landscape is changing, and we must ensure that Europe has the best possible conditions to foster the deployment of digital infrastructure. However, framework conditions cannot replace a business case. Investment in deployment of telecommunications infrastructure will only happen if there is a broad demand for services that require such infrastructure. Therefore, the DNA should not seek to promote specific technologies, if these are not in broad demand. In general, we believe that the DNA should continue the technology-neutral approach to regulation, and that it should maintain a focus on ensuring framework conditions that are transparent and predictable. Such conditions will ensure a strong and well-functioning market for electronic communications with a high level of private investments.

To ensure that the DNA delivers a flexible, simplified, and future-proof telecom legislation of high quality, Denmark recommends that the Commission takes the following into account, when introducing the DNA:

1. Streamline regulation with responsible simplification
2. Maintain a proportionate approach to spectrum policy
3. Safeguard competition through targeted regulation
4. Preserve effective and balanced governance

1. Streamline regulation with responsible simplification

As outlined by the Commission in Section B on Simplification, the DNA may include measures to reduce existing reporting obligations by up to 50 per cent. Denmark broadly supports these objectives. A substantial reduction in administrative complexity is desirable, and we strongly support a regulatory approach that eliminates unnecessary requirements while preserving key safeguards. However, any simplification must be pursued with due consideration. In particular, the potential removal or modification of national regulatory rules must take into account implications for national security, which remains the competence of Member States.

One promising area for simplification is the conditions set out in **Annex I of the EECC** on authorisations, which could be streamlined to reduce regulatory burdens and foster a more uniform authorisation regime across the Union. In this regard, Denmark notes the Commission's reflections on merging relevant legislative instruments into the DNA, including the Open Internet Regulation. It is of paramount importance that the core principles of open internet access are preserved to ensure that end-users retain the right to access and provide content and services of their own choosing.

Denmark supports efforts to ensure coherence and proportionality between sector-specific and horizontal consumer protection rules. In cases where horizontal legislation already provides equivalent safeguards, a partial repeal of duplicative sector-specific provisions could be considered. However, it is vital that the DNA maintains flexibility to reflect specific market conditions in member states, such as consumer preferences and competition levels. For example, in Denmark, a maximum consumer contract commitment period of six months has been shown to promote both consumer welfare and competition in the market.

2. A proportionate approach to Spectrum policy

In Section B on Spectrum, the Commission highlights concerns around fragmented assignment procedures, harmonisation gaps, and barriers to market entry, particularly for satellite services. Denmark acknowledges these challenges, but emphasises that the existing EECC framework already provides a solid basis for coordinated and harmonised spectrum policy across the EU.

The regulatory framework already contains a broad set of tools and mechanisms that enable coordinated and harmonised spectrum policy and management across the Union. These include, among others, deadlines for the award of spectrum, common timing, joint authorisation selection processes and procedures for limiting the number of rights of use to be granted. Preserving the flexibility currently embedded in the EU framework is essential as it allows Member States to adapt policy implementation to national market conditions and strategic considerations.

While Denmark acknowledges the aim of strengthening internal market integration, it is important to recognise that a more centralised or uniform approach to the radio spectrum market may, in certain contexts, risk adverse effects on competition, innovation, and growth, potentially to the detriment of both consumers and businesses.

Nonetheless, Denmark sees merit in further exploring targeted initiatives to support a more coherent and equitable framework for specific cross-border challenges. In particular, we support examining how a level playing field might be established for satellite constellations seeking access to the EU market.

Additionally, European cooperation on spectrum policy is functioning effectively. This includes the current role of the Radio Spectrum Policy Group (RSPG), which provides high-level strategic advice to support the Commission in developing Union-wide spectrum policy. In a similar manner the cooperation between the European Union and the European Conference of Postal and Telecommunications Administrations (CEPT) has proven valuable for Member States. CEPT's in-depth technical work has served as a robust foundation for spectrum-related decisions at EU level. Denmark considers it a particular strength that CEPT includes both EU and non-EU countries, thereby facilitating broader harmonisation across the European continent and contributing to a more integrated and competitive telecommunications market.

3. Safeguard competition through targeted regulation

While the Commission, in Section B on Access Regulation, suggests that reducing the role of ex-ante regulation could help advance a more integrated single market, Denmark believes that the existing framework already plays a central role in supporting this objective. In our view, it is precisely the availability of targeted ex-ante tools that has enabled effective competition to emerge across diverse national markets, thereby contributing to the gradual strengthening of the internal market for electronic communications.

While harmonisation plays an important role in supporting the Digital Single Market, it is equally essential to uphold a regulatory framework that remains flexible and allows Member States to account for national market conditions, legal frameworks, and policy priorities when making decisions. In this context, Denmark finds it important to retain the overarching objectives of the EECC. The framework has proven effective in fostering competition, while supporting continued investment in infrastructure and innovation at the same time. Crucially, it enables national regulatory authorities to incorporate a diverse set of economic and technological considerations into their decision-making.

In line with this, and as part of the Danish national telecom agreement from June this year, Denmark will initiate a national analysis of investment needs in telecom infrastructure, including security and green transition, to better understand market dynamics and ensure that regulatory decisions continue to support fair competition and adequate investment conditions.

Against this backdrop, it is vital that the DNA preserves the possibility for ex-ante regulation. Such tools remain necessary to ensure that providers have access to infrastructure on fair and reasonable terms, particularly in areas where parallel or competing networks do not exist. Ex-ante measures are indispensable for promoting effective competition and safeguarding end-user interests in less competitive market segments.

4. Preserve effective governance and institutional balance

In Section A and B on Governance, the Commission reflects on the limited role of existing governance bodies such as the Body of European Regulators for Electronic Communications (BEREC) and RSPG and considers expanding their functions to include decision-making power. Denmark acknowledges this discussion but calls for caution.

Denmark supports the current institutional setup of BEREC. We see no justification for centralising or redistributing the responsibilities and competences currently held by Member States and National Regulatory Authorities (NRAs). Denmark supports the principle of a level playing field for services that are functionally equivalent. However, there is currently not enough evidence of a sufficient degree of convergence currently existing between traditional electronic communications networks and other digital infrastructure, such as cloud services, to warrant an extension of the regulatory scope at this time.

In relation to IP-interconnection, the White Paper on *“How to master Europe’s digital infrastructure needs?”* indicates that markets for transit and peering and the contractual relationships between markets players generally function well. Therefore, any policy measures that gives NRAs or BEREC the empowerment to facilitate cooperation under certain conditions and in duly justified cases, should be subject to careful assessment, as the market is driven by functioning market dynamics and by cooperative behavior of market players. In addition, it is unclear what the mandate of the NRAs or BEREC would be, and in what cases an expanded role would be duly justified.

Conclusion: A call for a proportional, flexible and coordinated Digital Networks Act

Strengthening European competitiveness requires access to fast, secure, and resilient digital infrastructure. Hence, Denmark welcomes the Commission’s aim to create the best possible framework conditions to support this. However, we do have some reservations regarding the possible policy options with regards to the DNA. We believe it is possible to strive for both competition in the telecommunications market and competitiveness for Europe. Denmark welcomes the Commission’s initiative to establish a modernised regulatory framework through the Digital Networks Act. We share the ambition of ensuring that Europe is equipped with fast, secure and resilient digital infrastructure, which is essential for long term competitiveness, innovation and inclusion across the Union.

As outlined in this response, we believe that this ambition can best be realised through a framework that is balanced, proportionate and firmly grounded in evidence. A forward-looking DNA should be built on the strengths of the current system, preserving the principles of technological neutrality, effective competition, subsidiarity and national flexibility, all of which have proven effective in advancing connectivity and market development in diverse national settings. In conclusion, we believe that the EU’s telecommunication objectives should **maintain a technology-neutral and market-based regulatory approach, and avoid unnecessary intervention that could harm well-functioning markets.**