



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Digital Networks Act

## Summary of ComReg observations to the Department of Culture, Communications, and Sport

### Information Notice

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**Commission for Communications Regulation**

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## Introduction

The Commission for Communications Regulation (ComReg) welcomes the publication of the proposed EU Digital Networks Act (DNA), which seeks to modernise the regulatory framework for telecommunications in Europe in the context of a rapidly changing geopolitical, macroeconomic, and technological landscape. While much of the DNA represents a sensible updating of regulation, ComReg nevertheless has significant concerns over some aspect of the DNA and has set out its views in a paper submitted to the Department of Culture, Communications and Sport.

The Digital Networks Act is a legislative policy proposal from the European Commission that aims to harmonise and simplify digital connectivity and electronic communications rules across the EU. It is, arguably, the most significant reform of the European electronic communications regulatory framework since the adoption of the European Electronic Communications Code.

In its current form the DNA has potentially far-reaching implications for member states, operators, consumers and national regulatory authorities. The policy proposals suggest changes to a broad range of areas relating to electronic communications networks and services, including:

- Spectrum management
- Consumer Protection
- Numbering
- Competition & Access Regulation
- Regulatory Governance
- Resilience
- Environmental sustainability
- Fibre migration

While ComReg welcomes elements of the DNA, including measures relating to resilience, environmental sustainability, fibre migration and the retention of key aspects of the existing regulatory framework, ComReg has serious concerns regarding aspects of the proposals relating to spectrum management, consumer protection, numbering, competition and regulatory governance, which it sets out in the submission accompanying this summary note.

## Spectrum Management

The DNA spectrum management proposals are a fundamental departure from the current framework which functions well, and where the promotion and safeguarding of effective competition is a key standalone objective across the broad range of spectrum management decisions. The current framework also strikes an appropriate balance between EU-level spectrum harmonisation (where appropriate and justified) and national discretion to effectively manage the use of this valuable, scarce public resource, and to respond to specific national circumstances

ComReg has strong concerns about the DNA proposals on spectrum management and its potentially negative impact on competition, innovation and consumer welfare (e.g. potential for increased prices).

From a **ComReg perspective**, our issues with the spectrum management proposals are:

- The DNA proposes **Indefinite/Unlimited licences for incumbents**, which weakens market contestability, competition and innovation, and leads to more administrative decisions which increases the likelihood of increased litigation.
- A **softening of competition**, where the DNA proposes the downgrading of the existing promotion of competition objective from a standalone regulatory objective to a means for ensuring the provision of affordable, high-quality services. This fails to recognise competition's pivotal role in supporting competitiveness, investment, innovation and consumer welfare. Competition has delivered many consumer benefits, for example, European mobile prices (ARPU per month adjusted for GDP) are considerably lower than USA, Japan, China and South Korea.
- The many **EC centralisation proposals** in the DNA where the EC would decide on many important spectrum management aspects (e.g. licence duration, fees) which are currently reserved to Member States. This raises subsidiarity issues, reduces national flexibility and increases complexity. It would also remove the awarding of radio spectrum from national regulatory authorities (NRAs) such as ComReg and centralise it in the European Commission. As a 'shared competence' rather than a Member State competence, EC-level spectrum management would fail to properly have regard to national-level circumstances.

## Consumer Protection

ComReg is concerned that the DNA end-user proposals, which aim to simplify and harmonise regulation of electronic communications services, could result in a weakening of, or worse, the loss or prohibition of, existing protections for Irish consumers and businesses and impair ComReg's ability to protect these end-users effectively.

Additionally, ComReg is concerned that the proposed extent of harmonisation would prevent Ireland from exercising discretion to intervene in relation to issues which have arisen or may arise in the Irish market. ComReg believes that the new statutory framework should maintain existing levels of end-user protection and ensure that the pursuit of commercial interests does not come at the expense of end-user rights.

## Numbering

ComReg does not agree with the DNA proposal to shift numbering from a predominantly national competence to a centrally-managed EU competence. NRAs have decades of practical experience managing national numbering efficiently, imposing numbering conditions, and addressing national market needs, while the EC lacks comparable operational experience. Centralised handling of numbering by the EC would greatly restrict ComReg's ability to efficiently specify numbering conditions. Moreover, the DNA presents no evidence to justify greater harmonisation or the introduction of pan-European numbers, noting the absence of an impact assessment, clear use cases, demonstrated market demand, or economic rationale. Numbering should remain a national competence and any proposed move towards pan-European numbering should be supported by a full regulatory impact assessment.

## Competition

ComReg is concerned that the proposed removal of the EC obligation to maintain a Recommendation on Relevant Markets would create uncertainty in relation to competition analysis and market reviews, reduce guidance or discretion for NRAs, and make it more difficult to justify NRA interventions, where warranted.

ComReg is not convinced that the proposed hierarchy of SMP remedies is workable. Requiring NRAs to follow a rigid sequence of remedies undermines their ability to tailor interventions to identified competition problems and local market conditions. The prioritisation of harmonised access products which have not yet been defined, together with ambiguities surrounding pricing remedies and access obligations, risks significant legal and regulatory uncertainty.

ComReg strongly opposes the proposed extension of the EC's unilateral veto powers to NRA decisions on remedies. Together with the removal of the standalone objective of promoting effective competition, the removal of the mandatory Recommendation on Relevant Markets, the prescribed hierarchy of remedies, and the prioritisation of harmonised access products, these changes shift the framework away from a flexible, principles-based model and reduce the ability of NRAs to respond effectively to national and local market conditions.

## Regulatory Governance

ComReg is also concerned that the DNA's proposed institutional and funding arrangements (which treat spectrum, administrative charges, and numbering as potential EU-level financing sources,) risk undermining Ireland's (and other Member States') national funding models. We call for clear safeguards to ensure that EU-level financing does not constrain NRAs' independence, operational capacity, or budgetary autonomy.

## Resilience

The EC introduces resilience as a main area of focus in the DNA, emphasising the role of electronic communications networks and services in ensuring continuity of connectivity during natural or man-made disruptions, crises, or force majeure events. ComReg welcomes measures to further strengthen resilience and preparedness, including provisions for greater cooperation in Europe and measures to reduce or avoid dependencies. Due to the interdependencies between the Network and Information Systems Directive (NIS2) and the DNA, it is important that these pieces of legislation are implemented in a cohesive manner.

## Environmental sustainability

ComReg welcomes the inclusion of environmental sustainability as an explicit objective in the DNA and supports measures that promote deployment of energy-efficient digital infrastructure and contribute to the EU's climate objectives. In line with the Body of European Regulators for Electronic Communications (BEREC), ComReg considers that the DNA would benefit from clarity and consistency in its use of the term 'sustainability', distinguishing between environmental sustainability and other concepts such as economic sustainability, service continuity or market viability.

ComReg supports proposals for NRAs to facilitate investment in more sustainable networks, improve traffic efficiency, and collect data on environmental sustainability. However, the DNA must specify the scope of NRA objectives and tasks relating to environmental sustainability. Greater clarity is needed regarding NRA responsibilities and BEREC's role in developing common approaches to environmental sustainability, reducing the risk of divergent national practices and supporting a coherent Single Market approach.

## Fibre migration & Copper Switch Off

ComReg agrees that end-users will benefit from gigabit connectivity. It is imperative that end-users benefit from migration to fibre and have a smooth and seamless copper switch-off (CSO) transition (e.g., they are adequately made aware, in advance, about a CSO and prepared for a CSO deadline before any withdrawal of copper-based electronic communications services). ComReg welcomes the DNA's objective of accelerating fibre deployment by means of a structured copper switch-off process and supports the

enhanced role for Member States and NRAs in managing the transition. The proposed timetable is broadly consistent with ComReg's existing approach, but greater clarity is needed regarding end-user safeguards during migration.