

CISPE's Recommendations for the Digital Networks Act

July 2025



About CISPE

CISPE is an association of [more than 35 cloud infrastructure service providers](#), the vast majority of which are European SMEs. Our members deliver essential cloud services across the EU, support millions of users, and invest heavily in European infrastructure.

In 2025, CISPE adopted a new governance model that firmly grounds the association in European leadership. Only European entities may now hold board positions and large non-European cloud vendors can only participate as non-voting (adherent) members, without influence over governance decisions. This ensures that CISPE remains the largest, and only fully European-led, independent trade body representing the cloud infrastructure sector.

Introduction

Since connectivity is critical to the cloud, CISPE and its members have a direct interest in ensuring that Europe's digital networks are regulated in a way that is conducive to fair competition, innovation and investment. As such, we welcome the opportunity to comment on the Commission's Call for Evidence on the Digital Networks Act (DNA).

This being said, we are concerned by the lack of detail and non-committal nature of the document, which we believe do not reflect the sweeping regulatory changes that we expect from the DNA and their far-reaching consequences for Europe's economy and society.

Below we indicate a few of the most important points regarding some of the main concerns we have about the proposal.

1. Cloud services must not be regulated like telecom services

The proposed initiative risks conflating entirely different markets and technologies. Cloud services and telecoms do not operate in the same layer of the internet architecture, nor do they compete directly. They are interdependent but distinct, and cloud acts as a horizontal enabler across vertical sectors (including telecoms). Claims of 'convergence' between these layers are largely overstated (or confused with cooperation/co-dependence) and often serve as rhetorical justification for regulatory expansionism.

Extending telecom rules (e.g. access obligations, authorisation schemes, interconnection rules) to cloud providers would be both legally incoherent and practically damaging. These rules were designed to prevent monopolistic abuse in last-mile access networks, not to regulate data centres or intra-cloud traffic.

This is especially critical for cloud SMEs, who are already navigating a complex compliance environment under the Data Act, DSA, NIS2, and other horizontal frameworks – and do so without the large resources and legal teams of hyperscalers. Adding telecom-style obligations on top (even if they are 'simplified' in the process) risks further suffocating smaller players without solving any real-world problem.

The DNA could also inadvertently complicate the responsibility of cloud providers towards their clients. CSPs are generally not responsible for interruption and/or damages caused by telecom networks, and we fear the Digital Networks Act could blur the line between these distinct responsibilities.

2. Interconnection rules should not be touched

Generally, we are happy to support more dialogue within the ecosystem and can cautiously support increasing '*cooperation among the actors of the broader connectivity ecosystem*'. However, this must not be a Trojan Horse for regulatory change and especially not to revive the widely and repeatedly rejected 'network fees' proposal the incumbents were pushing for, in whatever shape or form.

The internet's interconnection model, based on widespread voluntary peering and highly affordable transit, has served Europe well. Across multiple assessments from 2012 to 2024, BEREC has documented that IP interconnection markets function effectively

with high levels of cooperation, with only a handful of disputes arising among the millions of peering connections operating across Europe. Disputes are rare and the only notable conflicts typically arise where vertically integrated incumbents leverage their termination monopoly, which is already prohibited under the Open Internet Regulation and EU antitrust and consumer protection rules. Creating new regulatory structures for IP interconnect (such as dispute settlement mechanisms) is not only unjustified, but risks legalising (and thereby incentivising) the very disputes it claims it tries to solve.

Where anti-competitive behaviour does occur in interconnection markets, the existing Open Internet Regulation – combined with established EU competition law – provides adequate tools to address such issues without creating new intervention mechanisms that would enable mandatory fee arrangements. Indeed, in a few recent high-profile cases, telcos have accused of degrading network quality, creating artificial congestion or imposing additional requirements for cloud service providers when peering (interconnecting) with their networks. As noted by BEREC in their IP-Interconnection Report late last year, the Open Internet Regulation already covers IP-IC. This means that these practices are already illegal due to being contrary to the principle of net-neutrality. CISPE is concerned that unnecessary regulation or new dispute mechanisms could make sure practices more prevalent, while undermining existing legislation and thus leading to confusion, delays and increased costs for cloud customers.

3. Clarifying the Open Internet Regulation does not require new rules

The Call for Evidence states that the DNA could include a ‘*clarification of the Open Internet rules concerning innovative services, e.g. by way of interpretive guidance, while fully preserving the Open Internet principles*’.

We do not understand the purpose of this, since the BEREC Regulation already includes a mechanism (Article 4) for introducing guidelines on the implementation of the wider EU regulatory framework for electronic communication (including the Open Internet Regulation). Such a mechanism was designed exactly for this purpose – to ensure clear and consistent interpretation of these rules across Member States. If the Commission believes further clarity is needed – such as on the aforementioned treatment of innovative services – it can already ask BEREC to issue guidelines on the topic. Using the regulatory path risks – contrary to the stated intent of the Commission – leading to regulatory change instead of guidance.

4. Governance reform must not sideline technical expertise or stakeholder balance

Any attempt to ‘enhance’ BEREC’s role as a pan-European Regulator must not come at the expense of weakening the Body’s independence. In recent years, BEREC has often been the voice of reason against politically charged proposals that could have caused significant damage to the European digital ecosystem (such as the idea of ‘network fees’ / ‘fair share’). As such, CISPE will not support any attempt to create a new centralised EU governance structure that removes BEREC’s ability to push back against such ill-conceived and dangerous ideas should they arise in the future, thereby undermining the checks and balances that protect European citizens and SMEs. Governance reform should not be used as a justification to shift regulatory powers into hands that are more sympathetic to the complaints of large incumbents.

Conclusions

While we welcome the Commission's efforts to improve connectivity, the Digital Networks Act risks creating more problems than it solves, if it fails to respect the structural differences between connectivity and cloud. Applying telecom-style rules to cloud providers would be a grave error with significant legal and economic consequences, particularly for smaller European players who are already carrying a disproportionate compliance burden. The current system of internet interconnection and net neutrality rules, underpinned by the Open Internet Regulation and BEREC's guidance, works well. There is no compelling evidence that new regulatory tools are needed, and in fact, the proposed changes risk disrupting a functional and competitive system to the benefit of entrenched incumbents.

Instead of expanding telecom regulation into adjacent markets, the Commission should focus on ensuring proper enforcement of existing rules, upholding net neutrality, and preserving BEREC's independence. The goal should be to maintain a fair, innovation-friendly environment for all players in the digital ecosystem, and not one that hands more leverage to already-dominant operators under the guise of reform.

About CISPE

CISPE is the most representative, respected and relevant association for cloud service providers in Europe. Working for the benefit of cloud vendors and users, CISPE gives a voice to all players from local SMEs to global hyperscale cloud providers. It has proven itself a valuable partner to European institutions through insight and the development of practical tools, frameworks, codes of conduct and guides that help implement EU policy. CISPE is a founding member of Gaia-x.

CISPE is governed by an exclusively European board that enshrines the power of smaller players whilst understanding the reality of federated, distributed, and multi-cloud approaches.

