

Digital Networks Act (DNA)

Arbitration Mechanism is no Alternative

Date January 15, 2026

A. About VAUNET

VAUNET is the umbrella organization of private audio and audiovisual (AV) media in Germany. Its 160 members (including TV, radio, web and streaming offerings) enrich the EU's media landscape through diversity, creativity and innovation. The trade association aims to create acceptance for the political and economic concerns of audio and AV media at national and European level as well as raise awareness to the great socio-political and cultural importance of the sector.

B. Network fees would endanger media pluralism

Unrestricted distribution and free flow of content is the predisposition for journalistic independence and media pluralism. **Any form of network fees or similar mechanisms risk negatively impacting several areas: Economic detriment for media, an unlevel-playing-field, loss of consumer choice and quality.** This is due to the fact that network fees or similar mechanisms could distort competition, as some network operators with strong market power could impose terms on media service providers while potentially promoting their own affiliated media services (vertical integration), thereby even exacerbating monopolies. Hence, negotiating power would lie with a small number of network operators with significant market power, allowing them to set commercial conditions and influence the visibility and reach of media content – the economic basis for journalistic-editorial media services and ultimately media pluralism.

C. Arbitration Mechanism as De Facto Network Fees

Dispute resolution or arbitration mechanisms (henceforth: arbitration mechanism) – whether voluntary or mandatory – would in effect not differ from network fees as the gatekeeping position of network operators creates a pressure to pay or negotiate. The abovementioned power of network operators to create fast or throttled, slow lanes is leverage that undermines regular competition. **An obligation to negotiate changes the mode – not the effects.** Instead, arbitration mechanisms offer a solution to a non-existent problem: the Council conclusion of December 2024 found the interconnection market to be well functioning and urges a thorough impact assessment prior to any initiatives (including dispute resolution mechanisms). (cf. [Council Conclusion 16644/24](#), 06.12.2024: para. 29).

Currently, there is no evidence for a significant number of disputes necessitating intervention. Through arbitration mechanisms network operators could intentionally let negotiations fail unless payment is agreed on in the arbitration. The outcome would lead to the regulator eventually setting prizes, undermining the free market and functioning

competition, and eventually resulting in the consumer paying twice – once for access and once for proper usage.

D. Broad rejection from regulators

The demands of large telecommunications network operators for payments by service providers that generate larger volumes of data traffic (including providers of streaming and VOD services) have already been rejected by BEREC under differing economic framework conditions (cf. [BEREC, 2022: BoR\(22\)137](#)). The EU Commission as well has already recognized the risks that network fees pose and confirmed to refrain from their introduction (cf. [Joint Statement USA-EU, 21.08.2025: para. 17](#)). However, the risks remain through other means of unfair additional charges such as arbitration mechanisms. In its most recent sector report on telecommunications, the German Monopolies Commission found “no competition concerns regarding data exchanges between large telecommunications companies and large content and service providers” (cf. [Monopolies Commission, 14th Sector Report Telecommunications, 2025: 23](#)), thereby ruling out the need for any additional fees or arbitration mechanisms.

As long as the negative effects on media service providers and consumers cannot be excluded with absolute certainty, the introduction of network fees – including mandatory or voluntary arbitration on such fees – is incompatible and endangers media pluralism.