The GSMA and Connect Europe Response to the BEREC Report on the Impact of Generative AI on Internet Openness

Executive Summary

The GSMA and Connect Europe welcome BEREC's review of the impact of generative AI on internet openness and broadly agree with its assessment of the facts. Growing reliance on generative and agentic AI is changing how users access content and services, how information is selected and prioritised, how internet traffic is generated and delivered, and how economic value and operational costs are distributed across the internet ecosystem.

However, the report overlooks important implications for connectivity networks, fails to address the regulatory asymmetry between network operators and AI intermediaries, and stops short of recommending the reforms logically required by its own findings. In particular, AI actors with significant influence over internet openness are not captured by the current Open Internet rules, while network operators remain heavily restricted in how they can manage the resulting traffic and operational impacts. The current regulatory asymmetry, with heavy legislative implications affecting only one part of the Internet value chain undermines the end users' benefits and causes distortions to the detriment of certain stakeholders. There are risks to the wider efficient, resilient and sustainable functioning of the open internet ecosystem if critical actors are not subject to clear cooperation obligations. Moreover, there is a clear regulatory blind spot regarding actors other than heavily regulated network operators, such as the one operating AI agents, despite their growing influence over Internet access limiting the users' ability to freely choose services, applications and content.

The risks identified by BEREC are real, but a "wait and see" approach is not an adequate response to the rapid development of generative and agentic AI. Therefore, BEREC should recommend that the Digital Networks Act applies core Open Internet principles to all actors that materially influence internet openness, reachability and traffic flows; provide network operators with greater flexibility to manage AI-related traffic and support dynamically differentiated connectivity requirements; and establish an effective

ecosystem-cooperation framework, backed by binding dispute resolution where necessary.

AI Models, Generative AI and Internet Openness

1. Open Internet Principles Should Apply to AI Platforms

We welcome BEREC's review of the internet ecosystem and broadly agree with its factual analysis. BEREC establishes the factual grounds for regulatory reform but stops short of calling for the necessary regulatory adjustments.

Particularly, BEREC recognises that AI services are increasingly becoming gateways through which users access online content and services. Internet access is shifting from conventional web browsing and search engines towards generative, agentic and dynamic AI services integrated into an increasing number of online interfaces [4.2.1]. AI services can select, prioritise, suppress or steer users' access to content and services, while self-preferencing and paid prioritisation may become significant features of agentic AI services [4.2.2]. AI models can also be selective regarding the sources they scan and use to produce responses [4.2].

BEREC further recognises that generative AI may weaken incentives to create and distribute new internet content, with potentially negative consequences for innovation and content diversity [4.3]. AI-related crawling and retrieval can affect traffic flows, impose costs elsewhere in the internet ecosystem and, in some circumstances, disrupt end-users' access to online services [4.3.1]. The position of major AI providers is reinforced through their control of, or integration with, cloud infrastructure, operating systems, browsers, messaging services, data and technical protocols.

The regulatory conclusion does not follow from BEREC's analysis

Despite these findings, BEREC concludes that the Open Internet Regulation is not an operative tool because its obligations currently apply only at the network layer [5.1]. This conclusion is circular: the fact that the current framework does not reach AI intermediaries does not demonstrate that Open Internet principles are irrelevant to

them; rather, it demonstrates that the framework's scope may need to be updated to reflect the changing structure of the internet ecosystem.

The Commission's decision to incorporate the Open Internet Regulation into the Digital Networks Act necessarily places its provisions before the co-legislators and opens them to amendment. It is therefore not credible to dismiss a potential revision merely because the Commission's proposal did not itself include substantive changes. Where BEREC has identified material risks to internet openness, and we broadly agree with that assessment, the Open Internet rules now being considered within the Digital Networks Act are the most direct and effective instrument for addressing them.

BEREC's own analysis also indicates that the other available regulatory instruments, while relevant to particular aspects of the issues identified, cannot resolve them either individually or in combination and can offer only partial solutions. This further confirms that the Open Internet framework within the Digital Networks Act is the appropriate instrument for a comprehensive response. A further "wait and see" approach is no longer justified: these developments have been monitored for some time, the risks are already evident, and rapid technological change will make them substantially more pressing in the near term.

AI platforms now exercise material influence over the content and services users can discover, the sources and providers that can reach users, the prioritisation and presentation of information, user choice and autonomy, and the generation and direction of internet traffic. These functions directly engage the underlying objectives of the Open Internet framework, including openness, non-discrimination, user choice, access to content and the capacity to innovate.

Recommended approach

The Digital Networks Act should be based on the principle of functional equivalence. BEREC recognises that AI interfaces, operating systems, browsers and applications can structure, filter and prioritise access in ways previously associated with network gateways.

The regulatory framework should therefore address the following inconsistency: potential influence over users' access to content and services attracts strict ex ante

obligations when exercised by an ISP, while the same or greater identified influence may escape equivalent openness obligations when exercised by an AI intermediary. Regulation should follow the function performed and the material effect on users, providers and the internet ecosystem, rather than the formal classification of the actor concerned

Therefore, the Digital Networks Act should apply core Open Internet principles to AI platforms and other ecosystem actors that materially shape the internet experience. The framework should be technologically neutral, non-discriminatory across the different actors of the digital ecosystem and based on the function performed, rather than the historical regulatory classification of the provider.

BEREC should therefore revise its assessment of the Open Internet framework [5.1] and support the application of core openness and non-discrimination principles to relevant AI intermediaries, transparency concerning source selection, prioritisation, paid placement and self-preferencing, meaningful user choice over AI-mediated and non-AI-mediated access to content, and safeguards ensuring that providers of content and services can continue to reach users on fair and non-discriminatory terms.

2. ISPs Should Be Given Greater Flexibility to Manage the Impact of Generative AI

AI is changing the volume and nature of internet traffic

BEREC identifies several operational consequences arising from generative AI, including intensive automated crawling, repeated retrieval of online content, increased website and infrastructure costs, operational disruption, and a growing need for protection against automated and potentially harmful bot traffic. BEREC also describes the increasing integration of AI functionality into messaging services and other digital interfaces [2.3]. In many cases, users are actively encouraged to use embedded AI features, potentially increasing data consumption and the volume of AI-related traffic (e.g. meta suggesting that users utilise its WhatsApp AI-filter photo feature whenever users share an image on the platform).

However, the report does not adequately consider: the aggregate impact of generative and agentic AI, including where these are integrated into AI-native devices, on network traffic, for example, enterprises expect the share of AI traffic on their networks to grow by about 5× in the next 36 months, today, they estimate AI functionality averages about 3% of total network traffic, but they expect that share to balloon to 15% over the next three years[1]. Moreover, the report does not adequately consider whether AI-generated traffic is being produced and managed efficiently, the environmental and network consequences of unnecessary or inefficient consumption, or the implications for the quality and availability of internet access for other users.

Nokia's 2026 Global Network Traffic Report reinforces that this is not only a question of aggregate volume, but also of where and how AI traffic is generated. In a mature-market AI-dense cell, Nokia projects that the uplink share could rise from around 13% on average to 24% by 2035, driven by physical and industrial AI as well as consumer generative and agentic AI. The implications of this are networks face a concentration challenge rather than a uniform shift of traffic. Moreover, synchronized video uploads, sensor events and live visual-AI sessions can create short local peaks above this average.

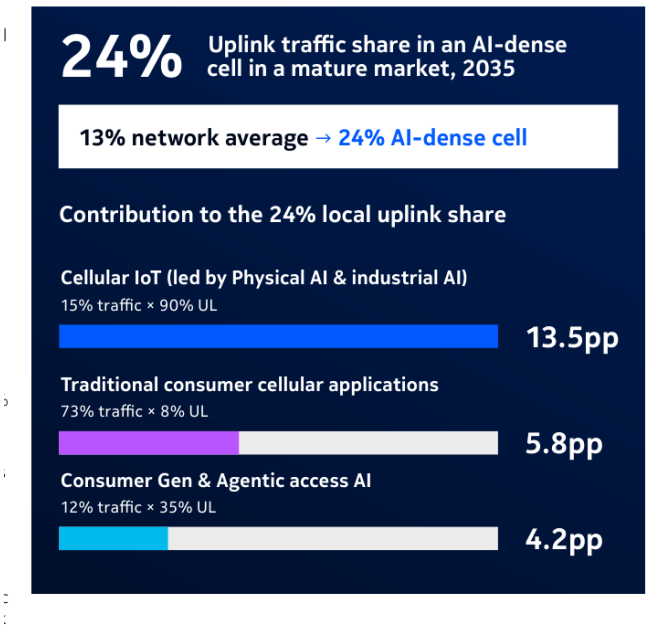


Figure: Uplink traffic share in an AI-dense cell. Source: Nokia, Global Network Traffic Report 2026, p. 28.

[1] Omdia, AI's Impact on Wide Area Networking: https://omdia.tech.informa.com/-/media/tech/omdia/marketing/commissioned-research/pdfs/ais-impact-on-wide-area-networking-v3.pdf

Figure 3: Projected global total network traffic, AI and non-AI, 2023–33

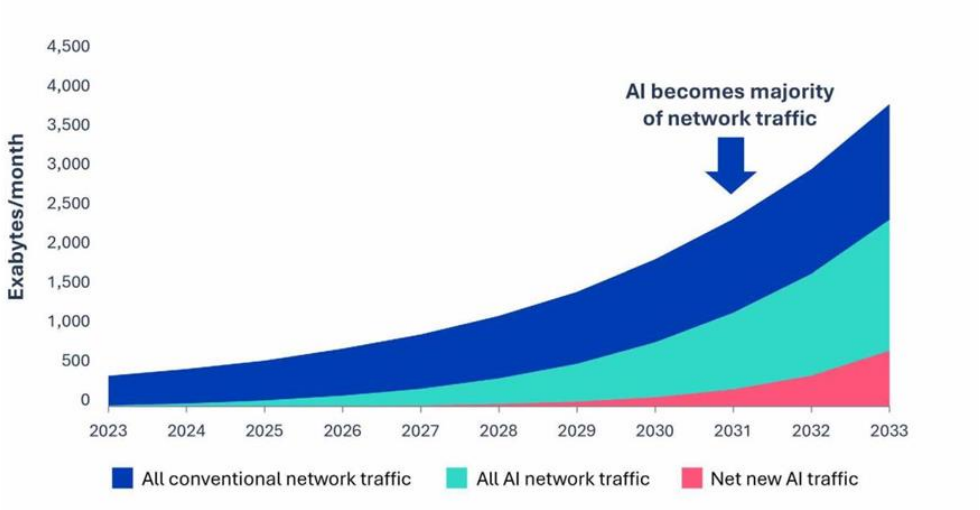


Figure: Projected global total network traffic, AI and non AI, 2023-33. Source: Omdia, AI's Impact on Wide Area Networking, 2025, p. 4.

Network operators face strict limitations in responding

Generative and agentic AI are creating new demands on communications networks, while network operators remain subject to highly prescriptive traffic-management restrictions. This creates a policy inconsistency: AI intermediaries can make opaque distinctions between content, services, providers and sources, and AI services can prioritise commercial partners, favour their own services and steer users towards particular content or applications.

Yet network operators face strict regulatory limitations even when managing traffic to protect capacity, service quality, resilience or security. These restrictions may constrain operators' ability to identify, manage or mitigate AI-generated congestion and harmful automated traffic – and can have an overall impact on the openness of the internet.

BEREC should assess whether the existing Open Internet framework provides operators with sufficient flexibility to: recognise and manage agentic AI traffic, mitigate congestion or operational disruption caused by automated traffic, protect the quality of ordinary open internet access, respond to security and resilience risks; and optimise network resources in a proportionate and transparent manner – all of which would drive towards a more 'open' internet for end-users.

The framework should also enable positive differentiation

Reform should not be limited to mitigating the negative effects of AI-generated traffic. Different AI applications will have different connectivity requirements. Consumer chatbots, real-time multimodal AI, industrial applications, remote-control systems, fraud-prevention services and mission-critical enterprise applications may require different combinations of requirements in terms of latency, reliability, throughput, resilience and security.

Treating every AI use case as indistinguishable best-efforts traffic may prevent networks from meeting these differentiated requirements. Greater flexibility to develop commercial services optimised for the needs of different forms of AI traffic could enable positive collaboration between AI providers and connectivity operators.

Recommended approach

BEREC should recommend that the Digital Networks Act: replace overly prescriptive rules with a more principles-based framework, permit proportionate, transparent and non-discriminatory traffic management, give operators sufficient flexibility to mitigate the impact of AI-generated traffic, support user-driven and application-specific quality differentiation, all whilst preserving strong protections against harmful discrimination, blocking and throttling.

3. Generative AI Depends and network openness relies on High-Quality Connectivity

We welcome BEREC's recognition of the structural dependencies within the generative AI ecosystem [2.1]. However, the report does not adequately identify high-quality connectivity as a fundamental dependency. BEREC analyses the AI value chain through infrastructure, modelling and deployment, but gives limited attention to the communications networks connecting: end-users, data centres, cloud platforms, edge infrastructure, AI applications, and content and service providers.

AI is therefore treated primarily as a service-layer functionality, despite depending on secure, resilient, scalable and low-latency connectivity. Compute, cloud and

connectivity should instead be understood as complementary components of the same end-to-end digital infrastructure value chain.

The connectivity implications require dedicated analysis

The expansion of generative and agentic AI will require cooperation on traffic volumes and patterns; latency and reliability; network and service quality; capacity planning; interconnection, etc. BEREC should add a dedicated assessment of the connectivity implications of generative and agentic AI and the potential impact on the internet overall. That assessment should consider how AI-related traffic is generated and delivered, where costs arise across the digital value chain, how traffic patterns may affect network capacity and resilience, what technical cooperation is required between AI and connectivity providers, and how the regulatory framework can support continued investment in the networks on which AI services depend.

Nokia's network-level modelling provides a concrete indication of the scale of this dependency. By 2035, it projects that 1,134 EB/month of AI-related traffic exchanged with access networks could translate into 3,720 EB/month across network links, as requests traverse several network tiers and trigger additional cloud-AI exchanges. More than 70% of this traffic is expected to traverse communications service provider transport networks. Nokia also projects that 36% of AI-native traffic will be served at the edge or metro core by 2035, reflecting latency, compute, sovereignty and data-locality requirements. These findings underline that advanced connectivity is part of the AI delivery architecture itself, not a peripheral input.

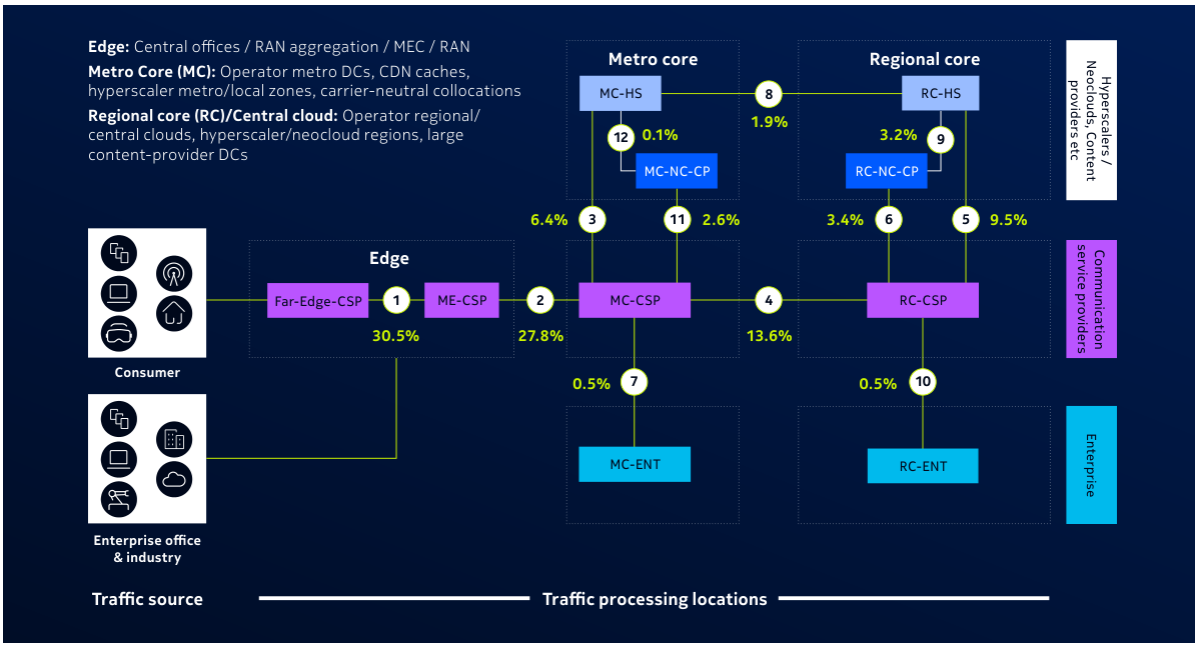


Figure Illustrative distribution of AI traffic across network tiers and providers. Source: Nokia, Global Network Traffic Report 2026, p. 24.

A strong ecosystem-cooperation framework is required

Based on this assessment, BEREC should support a stronger framework for cooperation across the digital ecosystem. The Digital Networks Act should provide for:

1. Good-faith cooperation: AI providers, connectivity providers and relevant intermediaries should be required to cooperate in good faith on matters affecting the efficient and resilient functioning of the internet.
2. Technical and operational cooperation: Relevant actors should exchange appropriate information concerning various technical parameters (e.g. traffic forecasts, crawler identification; capacity requirements etc).
3. Fair arrangements for traffic exchange: Connectivity and AI ecosystem actors and their intermediaries should be able to negotiate fair technical and commercial arrangements for the exchange and delivery of traffic. Where voluntary negotiations fail, the framework should provide access to effective and binding dispute resolution.

The regulatory framework should not leave network operators solely responsible for absorbing and managing the infrastructure consequences of generative AI growth.

Recommended Approach:

The Digital Networks Act should establish effective ecosystem cooperation by introducing meaningful cooperation obligations covering technical, operational, resilience and commercial issues. Moreover, it should provide for an effective dispute resolution, ensuring that persistent failures to cooperate or negotiate can be addressed through proportionate and binding dispute-resolution mechanisms.

Additional Digital Ecosystem Considerations

Digital Markets Act (DMA)

We agree that the DMA is potentially relevant where generative AI is integrated into designated core platform services; AI agents increasingly perform gatekeeping functions addressed in DMA and should therefore explicitly considered within the DMA. BEREC should assess more clearly whether the existing obligations are sufficient in practice to prevent gatekeepers from favoring their own AI services, restricting access to essential interfaces, or limiting the ability of third-party providers, including connectivity providers, to develop competing and complementary services. Effective interoperability should cover not only formal access, but also the technical conditions, functionality and quality necessary to compete on an equal footing.

The DMA should also support the ability of telecom operators to participate in the emerging AI ecosystem as providers of trusted identity, security, authentication, edge and connectivity-based services. Gatekeepers should not be able to use control over operating systems, browsers, app distribution, messaging services or AI interfaces to foreclose such services or reserve key functionalities for their own vertically integrated offerings.

Digital Services Act (DSA): Disinformation and harm

We support the application of the DSA's systemic-risk framework to AI functionalities integrated into VLOPs and VLOSEs, where these functionalities affect access to reliable information, media pluralism or the dissemination of illegal and harmful content. Risk assessments should specifically examine source concentration, manipulation of

frequently cited sources, synthetic disinformation and the extent to which AI-generated answers enable users to identify and verify the original sources.

In section 4.3.1 BEREC discusses websites becoming simply machine-readable data for AI, rather than for end-users. This is correct; however, consideration should also be given to known disinformation being planted into sources frequently used to underpin AI answers (e.g. Reddit posts weighing heavily).

Question: Can BEREC provide detail of any studies it reviewed in assessing the variety / type of data and sources that the major generative AI models typically use, to identify where there are significant concentrations / reliance on a small number of sources?

Digital Fairness Act (DFA) – Consumer choice and allocation of responsibility"

The future Digital Fairness Act could complement the existing framework by ensuring that consumers receive clear information when AI systems influence their choices, recommendations or transactions. Any new rules should focus on the actors controlling the AI interface and decision-making architecture, avoid duplicating the DMA, DSA and AI Act, and should not shift responsibility to connectivity providers that merely transmit the relevant services.

Copyright

The discussions should not be limited to the rights of publishers alone. Telecom operators increasingly invest in digital platforms, audiovisual services, online applications and proprietary content that may be used by AI systems for training, retrieval and grounding. Future policy developments should ensure that all rightsholders can exercise meaningful control over such uses without being forced to sacrifice the discoverability of their services or content online.

In section 3.4 BEREC provides some high-level stats on how websites use the Robots.txt protocol, and a couple of examples.

In correlation to this, section 5.2 refers to the Copyright in the Digital Single Market Directive) and preserved ability to opt out of data mining. This recognises weaknesses in the technical means to do so but also raises the question of the competitive ability to opt out. In practice, providers cannot simply choose not to be involved.