



**Renaissance
Numérique**



EUROPEAN COMMISSION CONSULTATION

11 MARCH 2026

Consultation « Digital Fitness Check » : Our response

Introduction

Renaissance Numérique is a Paris-based independent think-tank dedicated to shaping a fair, inclusive, democratic, and sustainable digital society. Bringing together a diverse community of academics, business leaders, civil-society representatives, and citizens, the think-tank acts as a platform for constructive dialogue between research, policymaking, and public debate. Since its creation, Renaissance Numérique has contributed to several national and European consultations on digital policy, with a strong focus on protecting user rights, promoting digital inclusion, and democratic resilience online.

Over the last decade, the EU has progressively built a dense « digital acquis » through a succession of landmark regulations – from the GDPR to the SMA, the DSA/DMA package, the Data Governance Act, the Data Act, the AI Act, NIS2, DORA and others. While each instrument is justified in its own right, their cumulative effect has generated a complex and sometimes fragmented landscape, with overlapping competences and potential inconsistencies between rules and regulators. In this context, the Digital Fitness Check should not be framed as an exercise in deregulation (I.), but as an opportunity to strengthen the coherence and governance, accessibility and effectiveness of this digital acquis for both citizens and businesses (II.).

Simplify Yes, Deregulate No

Simplifying the EU's digital regulatory framework is a legitimate and necessary goal. However, simplification must not be confused with deregulation. The European Union's regulatory architecture represents a global model, protecting European citizens and consumers more effectively than anywhere else in the world. Rolling back these protections¹ risks undermining not only users' trust, but also Europe's regulatory credibility and soft power in global digital governance. The EU institutions – supported by Member States – should also better « marketize » its Digital Rulebook to citizens, whose knowledge about their online rights and how to use them properly is too often fragmented. Therefore, instead of focusing most of its regulatory simplification narrative on companies, the European Commission could lead by example and make the existing – and hopefully soon to be improved – EU digital acquis more visible and tangible to European citizens.

Besides, the DSA and the DMA remain two cornerstones of this EU digital acquis. Despite being relatively recent regulations, they have laid the foundations of a new « EU model » that prioritizes accountability, transparency and fairness in the platform economy. The focus today should not be on reopening or weakening these frameworks, but rather on guaranteeing their full and consistent implementation across Member States, since they

¹ See the concerns expressed by the EDPB and EDPS in their [joint contribution to the Digital Omnibus proposal](#), especially on changing the scope of art. 4 GDPR. See also the contributions from privacy defenders, such as NOYB's on the same matter.

would need time and stability before reaching cruising speed and – ultimately – achieving the objectives they were meant for.

Proposal #1 - Prioritize implementation over complete revision

We recommend prioritizing implementation over complete revision, particularly regarding the DSA and DMA, through horizontal coherence instruments (e.g. common guidance, delegated acts, joint enforcement plans) rather than reopening the core regulations. This also requires increasing resources and enforcement capacities at both national and European levels, as well as an active, structured dialogue with civil society.

Moreover, Renaissance Numérique supports a systematic assessment of the cumulative costs and impacts of the digital acquis for different categories of actors – including SMEs – not as a pretext for lowering standards, but to identify overlaps, unnecessary administrative burdens and opportunities for mutual recognition of compliance efforts across instruments. Without such evidence, the narrative that EU regulation is inherently anti-competitive will remain difficult to counter.

Proposal #2 - Measure and integrate the costs and impacts of regulation for businesses

We recommend that the European Commission improve the way it measures the costs and impacts of digital regulation – particularly on SMEs and micro-enterprises – not to pursue deregulation, but to identify cumulative effects, gold-plating through over-transposition at national level, and unintended barriers to market entry. To this end, the DFC could be seen as a continuous effort to streamline processes and improve policy and enforcement coherence, rather than a stand-alone initiative. This would align with the Commission's own Better Regulation Agenda and SME Impact Assessments (REFIT), as well as the European Parliament's calls for ex-post evaluations of regulatory burdens under the DSA/DMA/AI Act².

Finally, Europe's normative power – sometimes described as the « Brussels Effect » – derives from its ability to shape global standards through regulation grounded in democratic values. Succumbing to narratives that frame regulation as an obstacle to innovation³ or geopolitical competitiveness would be a strategic error. Instead, Europe should double down on what makes its model distinctive: rights-based digital governance that reconciles technological progress with human dignity, market fairness, and the public interest. This

² See ITRE committee's study on [Interplay between the AI Act and the EU digital legislative framework](#) (2025).

³ See OECD's [Recommendation of the Council for Agile Regulatory Governance to Harness Innovation](#) (2021), CEPS' Special Report « [Does EU regulation hinder or stimulate innovation?](#) » by Jacques Pelkmans and Andrea Renda (2014), as well as the flourishing literature from multiple National Regulatory Agencies (NRA), for instance in the telecom sector.

also requires revising the governance model of the EU Digital Rulebook.

Improving the Governance of the EU Digital Rulebook

Beyond the question of coherence, the *Digital Fitness Check* should examine how governance mechanisms can evolve to make digital regulation more inclusive, responsive and evidence-based⁴.

In this respect, we strongly support the interregulation approach, which emphasizes enhanced coordination among institutional, national, and civil-society actors. As argued in multiple Renaissance Numérique’s policy papers⁵⁶, the EU’s digital governance will be more effective if it relies on the expertise and legitimacy of a broad community of stakeholders — including national regulators, consumer and human rights organizations, research institutions⁷, and technical communities. Indeed, the EU’s digital rulebook now resembles a regulatory *millefeuille*, where successive layers of sector-specific texts have been added without a genuine overarching vision or clear arbitration between norms and regulators. This produces a legal environment that is both highly complex and fragmented, fuelling conflicts of

competence between authorities and making enforcement harder. Instead of adding yet another sectoral layer, we call for horizontal procedural and coordination instruments to ensure coherence across regimes and to organise how different regulators work together. This effort should be closely coordinated with Member States’ authorities in full compliance with the subsidiarity principle.

Beyond high-level coordination, the *Digital Fitness Check* should address the very practical obstacles that currently prevent regulators from working together efficiently. Our recent work⁸ has identified the need to harmonise basic investigative procedures and to facilitate the re-use of evidence and information gathered by one authority in the proceedings of another (for instance between data protection, consumer protection, competition and media regulators). This would enable more joint investigations, reduce duplication of efforts, and strengthen legal certainty for both companies and users, without creating a single « super-regulator ». More specifically, we recommend that the European Commission develop common guidelines on key digital regulatory concepts — such as dark patterns (in the context of the upcoming Digital Fairness Act⁹), profiling, and risk assessment — that apply consistently across the GDPR, the DSA, consumer protection law, the AI Act, and related instruments. This would align with the EU’s own

4 As rightly mentioned in [SWD\(2025\) 836 final](#) (point 1.2.2).

5 [EU Digital Policy: the Time Has Come to Connect the Dots](#) (2024).

6 [For an Effective Interregulation in the Digital Sphere](#) (2025).

7 To this end, the approach developed in art. 40 of the DSA could be extended to other relevant digital legislations – or even the EU digital acquis as a whole – as a means to better leverage independent research-action to the benefit of regulation.

8 Renaissance Numérique 2024 & 2025.

9 On the DFA, specific attention should be given to aligning policy objectives with existing laws (e.g. GDPR’s approach to data minimization) in order to prevent inconsistencies.

« Better Regulation » and « consistent interpretation » objectives, and with calls from bodies like the EDPB and the Commission itself for coherent enforcement in the digital sphere.

To make this operational, these guidelines should be backed by joint action plans between competent authorities (for example, coordinated inspections, joint investigations, and shared hearings of major platforms), drawing inspiration from French practice, where formal cooperation agreements between regulators (such as CNIL–DGCCRF or Arcom–VIGINUM) structure information-sharing and coordinated enforcement.

Proposal #3 - Launch a single platform for reporting incidents related to the application of the texts of the digital package

We recommend that the EU create a single reporting and contact platform for all incidents related to the digital regulatory package, which would both pool information among regulators and offer a clear, user-friendly entry point for businesses and citizens. This should go hand in hand with efforts to harmonise and share investigative procedures, so that information gathered by one authority can be efficiently reused by others and to enable joint action plans, coordinated investigations and hearings, and shared definitions of key notions (for example, « dark patterns » across the DSA, consumer protection, and data protection law). To avoid institutional overload, the EU should stabilise the current institutional landscape, limiting the creation of new agencies, clarifying mandates, and strengthening existing authorities rather than constantly reshuffling structures. Finally, national and EU levels should be better articulated by systematically feeding national enforcement experience into EU comitology and cooperation fora (EDPB, AI Office, DSA/DMA committees¹⁰, and similar bodies), and by aligning this with the EU's wider digital diplomacy efforts.

Establishing formal cooperation structures between European and national authorities — and allocating (or strongly incentivising) sufficient financial and human resources to them — is therefore essential. Such a model would also

¹⁰ Regarding the DMA High-level Group, CERRE has already formulated some proposals that would be worth experimenting.

strengthen democratic accountability by ensuring that regulatory processes remain transparent and « grass-rooted », as many NRAs are deeply connected to the EU tech ecosystem. Finally, a renewed dialogue between EU institutions, Member States, and civil society is needed to monitor the real-world impact of digital regulations in the future. Progress indicators should not focus exclusively on market outcomes and competitiveness, but also on users' empowerment, algorithmic accountability, environmental sustainability, and accessibility for all citizens.

Proposal #4 - Support more open and transparent governance of the EU Digital Rulebook

Building up on our report on AI governance¹¹, we recommend setting up (1) open and transparent selection processes for expert groups and consultations to ensure diverse representation beyond tokenistic involvement; (2) a duty to respond to civil society contributions, inspired by OECD guidelines on public consultations, so inputs are systematically acknowledged and addressed; and (3) dedicated funding mechanisms to support independent civil society participation, addressing barriers like resource shortages and enabling sustainable engagement in forums like the Paris AI Action Summit and beyond. These measures aim to move from superficial consultations to a « full and permanent seat at the table » for civil society in shaping the EU Digital Rulebook.

11 See Renaissance Numérique's report [AI Governance: Empowering Civil Society](#) (2025).



Renaissance Numérique

www.renaissancenumerique.org

March 2025 CC BY-SA 4.0