Renaissance Numérique

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Rethinking the Digital Omnibus: why the proposed simplification fails rights, coherence, and methodological standards

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Executive Summary

The “Digital Omnibus” proposal presented by the European Commission in November 2025 stems from a legitimate ambition: to **simplify a body of digital law** that has become dense, fragmented, and at times difficult to implement. However, several of the proposals go beyond a mere effort to **clarify** and **reduce administrative burdens**, as they affect essential balances within European law, particularly in the areas of **data protection**, **privacy**, **cybersecurity**, and **artificial intelligence**.

This report defends a simple idea: **simplification is necessary, but it is only valuable if it improves the readability of the law, reduces duplication, and strengthens legal certainty without weakening fundamental rights**. Yet, in its current form, the Omnibus package risks, on the contrary, creating greater uncertainty, undermining certain safeguards, and introducing — under the guise of rationalisation — substantive changes to the existing framework.

For example, the AI Omnibus primarily responds to a timing constraint, as certain obligations under the Artificial Intelligence (AI) regulation are due to come into force in the very near term. Several **adjustments are relevant**, particularly when they aim to **clarify responsibilities**, better frame **transparency requirements** for AI-generated content, or more **finely articulate** the **horizontal regime** of the AI Act with certain **sectoral legislation**.

However, the use of deferral mechanisms, the lack of anticipation regarding implementing acts, and the temptation to prematurely relax certain obligations raise a broader question: **is the European Union (EU) in the process of weakening the implementation of a framework that is nonetheless grounded in the protection of rights and trust?**

The Digital Omnibus raises even deeper concerns. The proposal to **modify the definition of personal data**, based on a questionable reading of recent case law, would **create major legal uncertainty** and could reduce the practical scope of the General Data Protection Regulation (GDPR). Likewise, the proposed changes regarding cookies, the consolidation of the Data Act, and the establishment of a single entry point for reporting cyber incidents must be examined with caution. While they **may improve the coherence of the system**, this holds true only if **they remain strictly proportionate**, technically **restrained**, and **compatible** with the role of **national authorities**.

On the cybersecurity front, the idea of a **single entry point** for incident reporting could provide genuine operational added value, particularly by avoiding the multiplication of forms, deadlines, and points of contact. However, its **usefulness** will depend on its technical design: it must be **minimalist**, **secure**, **interoperable** with existing frameworks, and must not weaken the competences of national authorities. Otherwise, **simplification** in form risks failing to offset underlying **complexity**.

Moreover, the consolidation of the Data Act may constitute a real improvement in readability if it is limited to grouping and harmonising texts without altering their substantive balance. Conversely, if this consolidation becomes an opportunity to redefine the scope of the right of access to data generated by connected devices or to multiply exceptions and differentiated regimes, it could result in a more fragmented and less comprehensible legal framework for both users and businesses.

Beyond the substance, the **Omnibus method** itself must also be questioned. By significantly **compressing** the **drafting**, **consultation**, and **negotiation phases,** the Union risks producing a **diminished democratic debate, weakened parliamentary scrutiny, and less stable law**. Yet the quality of European digital law depends as much on the robustness of its procedures as on the quality of its rules. **Simplification** must not mean **legislating** faster at the expense of **coherence**, **predictability**, and the **protection of rights**.

In this context, the Digital Fitness Check appears to be the most promising initiative within the package, provided it is conducted in a transparent and inclusive manner and oriented toward the overall coherence of the European digital framework. Only under these conditions will the EU be able to **build a body of law** that is more **readable**, more **effective**, and **genuinely protective** for both **businesses** and **citizens**, without sacrificing essential **safeguards**.

To contribute to this debate, **Renaissance Numérique proposes 11 recommendations** aimed at reconciling simplification, legal certainty, the protection of rights, and the effectiveness of public action. The objective is not to slow down the modernization of European digital law, but to prevent poorly designed simplification from becoming a vehicle for deregulation, instability, and the erosion of fundamental safeguards.

11 policy recommendations

Disclaimer: the Digital Omnibus package remains a moving target. While the AI Omnibus reached political agreement in early May 2026, the proposed Digital Omnibus regulation is still under negotiation within the Council of the European Union and at the European Parliament. Therefore, this policy report and its recommendations reflect the status of the discussions as of mid-June 2026 only.

1. **Do not slow down the regulation of AI systems**, particularly high-risk ones, for the sake of a supposed data liberalisation.

2. **Promote a coercive, deterrent approach-modeled on the AI Act's fine scale** (up to 7% of global revenue) for all AI systems that conflict with the EU's core values.

3. **Do not alter the definition of personal data as set out in the GDPR.**

4. **Support the establishment of a single point of contact at the European level** for reporting cyber incidents, but one that is technically minimalist and does not undermine the role of national authorities.

5. **Consolidate the Data Act without altering the substance of the merged texts**, particularly the right of access to data generated by connected devices.

6. **Strengthen coordination mechanisms and promote the "co-regulation" approach** between European and national regulators.

7. **Establish a single information platform** to address SMEs and SMC questions regarding the EU digital rulebook

8. **Do not prioritise speed** at the expense of the quality of both the democratic debate and the resulting legislation proposal.

9. **Review the new cooperation procedures** between the Commission and the co-legislators.

10. **Prioritise the enforcement of existing rules** rather than systematically reopening legislation.

11. **Ensure privileged access to the legislative process for every national competent authority impacted by an Omnibus proposal, as well as for the stakeholders.**

Policy context

01

The "**Digital Omnibus**" package proposed by the European Commission (the "Commission" thereafter) on 19 November 2025 forms part of a broader policy framework in which simplification has become a central theme of the European political agenda. The Commission presents this **package as a set of technical adjustments** designed to **reduce compliance costs**, **minimise overlaps** between instruments and **improve the competitiveness** of European businesses, whilst **maintaining the fundamental objectives of the digital data acquis**.

The origins of the discourse on simplification

The discourse on simplification did not begin with the Digital Omnibus. It is part of a longer-standing trend in EU law and governance, evident in debates on the administrative burden, regulatory fragmentation and the growing difficulty of implementing EU legislation against a backdrop of proliferating texts and a more fragmented institutional architecture. Indeed, some EU machinery observers, such as the European Institute of Public Administration (EIPA), highlight that the use of "extraordinary measures" and legislative tools for regulatory simplification has become a recurring feature of European decision-making (Klika, 2026), despite widespread criticism (Alemanno, 2025).

In digital markets, this is also linked to a widely shared observation: between 2019 and 2024, the **European digital corpus has rapidly expanded**, with a proliferation of texts whose overall coherence has not always been fully ensured. On this point, substantial academic works and policy papers (Drouard et al., 2024) have emphasised the **urgent need to ensure the coherence of the framework**, not to weaken its substance, but to make it more readable, more predictable and more enforceable (Martens, 2023; Graux et al., 2025; Arcep, 2025; Élysée, 2025; Wiewiórowski, 2026). This is one of the key distinctions between **genuine simplification** and **disguised deregulation**.

The turning point: the publication of the Draghi report

The Draghi report (september 2024) gave a strong impetus to this process by placing **European competitiveness at the center of the debate**. In the digital sphere, it highlighted the idea that an excess of obligations, regulatory barriers and legal uncertainties could hinder innovation and the use of data by European businesses. The report also helped to normalise the idea that an institutional response must involve structured simplification efforts at Commission level.

In line with this approach, the Commission has explicitly linked its simplification agenda to the objective of boosting competitiveness and reducing administrative costs, particularly for SMEs and Small mid-caps (SMC) (European Commission, 2025a). The political message is clear: **simplification** is no longer merely a tool for good governance, but an **instrument of industrial policy and economic strategy**. A new EU Commissioner position dedicated to simplification has been created in March 2025, which is currently filled by Mr Valdis Dombrovskis (Latvia).

Both co-legislators are also gearing up for simplification

The European Parliament has updated its strategy following the 2024 elections, with a view to accelerating the processing of legislative files and strengthening its capacity to shape interinstitutional negotiations. This institutional development is significant. It reflects a **growing emphasis** not only on the **substance of regulation**,but

also on the **procedures** through which EU legislation is developed, with a clear objective of acting more swiftly and effectively.

At the same time, discussions have been initiated on a possible rebalancing of the relationship between the Parliament and the Commission, potentially granting the former greater capacity to act. From the Council of the EU's side, the "Strategic Agenda 2024–2029" also places competitiveness, resilience and the reduction of administrative burdens at the heart of its political priorities. Berlin and Paris are both actively urging the Commission to act quickly (Sandoval Velasco, 2026).

What exactly is an "omnibus"?

In EU law, the term "omnibus" refers to a legislative proposal that brings together several amendments or revisions to existing acts into a single package. This tool can help to correct inconsistencies, clarify rules and reduce friction between texts drafted at different times. The Commission also emphasises the "technical" and targeted nature of its proposals, presented as simplification measures rather than fundamental reform.

But this framing calls for caution. The first omnibus package ("Omnibus I") on sustainability and the environment has already drawn strong criticism from NGOs, which saw it as an undoing of several achievements of the "Green Deal" under the guise of simplification (European Environmental Bureau, 2025; Corporate Justice Coalition, 2025; CNCD-11.11.11, 2025; De Sadeleer, 2026). The Digital Omnibus (or "Omnibus VII") is therefore part of a sequence in which the "Omnibus" instrument can be seen either as a useful corrective or as a vehicle for substantial revision disguised as technical simplification.

↘ A reform under dual pressure

Simplification responds to a real internal market pressure: the accumulation of rules can increase compliance costs, place a burden on SMEs (in particular) and complicate the effective enforcement of rights within the EU itself. The Commission specifically highlights this objective of providing relief for European businesses, administrations and citizens, emphasising the reduction of costs and the elimination of duplication.

This internal pressure is compounded by a more political form of external pressure. Debates on digital competitiveness cannot be viewed in isolation from the EU's growing mistrust of the United States and China, which fuels the idea that more data should be made available for AI and industry in order to avoid falling behind these two "digital empires" (Bradford, 2023). This geopolitical interpretation is evident in pro-simplification positions. It is also criticised for its bias: some observers point out in particular that the Commission's strategy, despite improving the overall competitiveness of EU businesses, could actually widen the gap with the US in AI for instance (Martens, 2025).

This is the very heart of this controversy (Maout, 2026).

- → **For its supporters, the Digital Omnibus addresses a pragmatic need:** to cut red tape, clarify obligations, ease compliance and increase the accessibility of the law without undermining the principles of the amended legislation (EPP, 2025).
- → **For its critics**, particularly within civil society[1] and academia (Bernelin et al., 2026) as well as left-wing parties at the European Parliament (Greens/EFA, 2025), **the package crosses a line by turning a drive for simplification into a rollback of fundamental protections serving the interest of dominant foreign companies**.

1. Indeed, civil society organisations such as, EDRi and noyb, among other digital rights advocates, have raised concerns that the initiative could lead to a substantive weakening of core GDPR and ePrivacy safeguards, rather than constituting a purely technical simplification.

The **simplification** of the **digital acquis** is therefore both **legitimate** and **politically sensitive**. Legitimate because regulatory complexity, when excessive, can undermine legal certainty and harm those it is intended to protect. Sensitive because it comes at a time of **intense tension** between **competitiveness**, **sovereignty**, **fundamental rights** and the **transatlantic balance of power**.

Against this backdrop, the package presented by the European Commission in November 2025 should be understood as a first concrete response to these tensions. The **Digital Omnibus** consists of **three distinct**, **interrelated** yet **autonomous initiatives**.

- → The first addresses a particularly tight timeline linked to the entry into force of certain obligations under the AI Act by 2 August 2026.
- → The Digital Omnibus itself introduces substantial changes in the areas of data governance, personal data protection, and cybersecurity.
- → The Digital Fitness Check lays the groundwork for a more structured and comprehensive review of the EU's digital acquis in the medium term.

This proliferation of tools reflects the political urgency to "act quickly", but it also complicates the overall reading of the package and fuels the suspicion that the method matters as much as the substance.

Analysis of the Digital Omnibus Package: there is (significant) room for improvement

02

↘ The AI Omnibus: a central tension

The **fundamental debate** therefore does not pit simplification against protection, but rather **competing conceptions of simplification**, promoted by different stakeholders. A first approach seeks to clarify, harmonise and reduce compliance costs without altering the substance of existing safeguards. A second, more contested approach frames simplification as a means to relax certain regulatory constraints in the name of competitiveness and innovation, sometimes with ambiguous or unintended effects on the level of protection. A third, more explicit position advocates for a broader rollback of regulatory requirements, openly prioritising economic flexibility over existing safeguards. It is the interplay between these different visions that shapes the examination of the Digital Omnibus.

The **AI Omnibus** primarily addresses a **pressing timetable**. Certain provisions of the AI Act are due to come into force as early as summer 2026, particularly those relating to high-risk AI systems. According to the Commission, this new category justifies a rapid adaptation of certain implementing and governance rules. In this context, revising certain mechanisms before the 2 August 2026 deadline was presented as essential to avoid a gap between the adopted text and its actual implementation.

In substance, the dossier appears to enjoy greater political consensus than other parts of the package. Debates between the Parliament and the Council mainly centred on the implementation architecture, the transparency of AI-generated content, the ban on nudification applications, the powers of the AI Office, and the postponement of certain obligations relating to high-risk systems. The merging of AI act's Annexes A and B brought deeper tensions to the forefront, particularly due to the question of the primacy

of horizontal rules, as is the case with the AI Act, over sectoral regimes.[2]

The final political trilogue was held on May 7, and we are now awaiting the final political agreement (at the time this paper was finalised). The main changes adopted concern the transparency of AI-generated content[3], the ban on nudification apps[4], the strengthening of governance entrusted to the AI Office[5], and the technical deferral of certain obligations imposed on high-risk systems.[6] However, the merging of annex I (AI embedded in products under EU sectoral safety legislation) sections A and B - a proposal stemming mainly from the industry (DIGITALEUROPE, 2026), remained highly controversial until the very last moment. The final text settled the clash between the AI Act and sectoral product-safety law with a pragmatic compromise (Shah, Catrin, 2026):

→ Machinery AI will now follow sectoral rules instead of the AI Act's full high-risk regime (by moving the Machinery Regulation from Annex I Section A to Section B). To prevent a protection gap, the Commission must amend Annex III for machinery with AI Act requirements by 2 August 2028; until then, manufacturers can use AI Act harmonised standards or common specifications for conformity.

2. Particularly in sensitive areas such as product compliance (e.g. toys or medical devices), which are already governed by detailed sector-specific frameworks (e.g. the Toy Safety Directive or the Medical Devices Regulation).

3. See the revised Article 50 on "watermarking." The implementation timeline resulting has been clarified as follows: a final Code of Practice expected by June 2026; 2 August 2026 for the application of obligations to newly placed generative AI systems; 2 December 2026 for compliance of systems already on the market.

4. By including this purpose in the list of prohibitions set forth in Article 5. In principle, the approach adopted would be an explicit list of "intimate" body parts whose visual alteration using AI would be prohibited. The text also specifies that the prohibitions are without prejudice to national remedies, particularly those related to image rights, privacy, child pornography, and human dignity.

5. The AI Office should be granted broader inspection powers, including the authority to review internal documents, copy relevant data, and interview staff, with the ability to authorize national authorities to investigate on its behalf.

6. The original deadline of 2 August 2026 has been extended to 2 August 2027. These obligations, set out in Article 16 of the Regulation, cover in particular risk management, data governance, technical documentation, logging, transparency, human oversight, robustness, and conformity assessment. They also include provider obligations such as CE marking, the EU declaration of conformity, and registration where the system falls within the scope of Annex III of the AI Act.

→ By 2 August 2027, the Commission can, via delegated acts, drop specific AI Act requirements where Annex I sectoral laws already provide equal or higher protection for health, safety, or fundamental rights — without reducing the AI Act's overall protection level.

↘ Recommendations on the future implementation of the AI Omnibus

Recommendation 1: Do not slow down the regulation of AI systems, particularly high-risk ones, for the sake of a supposed data liberalisation.

Also, to prevent this situation from recurring — with an AI Act rendered unenforceable, in particular due to the pending publication of accompanying texts (e.g. standards and guidelines) — it seems necessary to learn from this episode and review the procedural rules. It also seems important that the Commission ensures, at the time the regulation is drafted, that all conditions are in place to produce the **European "guidelines"** in time and compliance standards that often **clarify the legal rule**, particularly when they are necessary for the **law's implementation**. Last but not least, the use of ex-post suspensive mechanisms, such as the **"stop the clock"** (Wilson, 2025; Farache, 2025) tool, **should be avoided**. It may point to a failure on the part of the European institutions to **define a realistic implementation timeline** for adopting and enforcing legislation that **protects European values**. Therefore, the Commission should make sure the implementation timeline is realistic from the beginning.

Recommendation 2: Promote a coercive, deterrent approach-modeled on the AI Act's fine scale (up to 7% of global revenue) for all AI systems that conflict with the EU's core values*(e.g., following the model of the ban on nudification apps).*

The AI Office could ensure that future AI developments and applications comply with the Union's values. The Office could also propose, where appropriate and in accordance with the rules set forth in Article 96 of the AI Act, to **expand the list of prohibited purposes** under Article 5 of the AI Act, without requiring a standard legislative procedure. This would help **reduce** the **time** needed to **regulate** certain particularly problematic uses of AI.

To **foster innovation**, regulatory dialogue, and understanding of use cases, the Commission should actively promote the **"test and learn"** approach and **"regulatory sandbox"**[7] mechanisms. Furthermore, getting practical support from all relevant regulators to help European AI startups make their **products** legally **compliant** is essential to boost Europe's **competitiveness** in the AI market.

↘ The Digital Omnibus

The core of the Digital Omnibus package is far more contentious. Whereas the AI Omnibus can largely be seen as a package of compliance and technical adjustments, it also raises some substantive questions, in particular regarding the articulation between the AI Act and existing sectoral legislation for high-risk AI systems. By contrast, the **amendments** proposed here directly **affect core provisions** of the GDPR, the ePrivacy Directive, and the broader data acquis. Also worth mentioning that the proposed regulation calls for repealing the Platform-to-Business regulation,

7. This includes, in particular, the measures provided for in Article 57 of the AI Act, the application of which has been postponed until 2 December 2027.

which raises concerns from the hospitality sector for instance.[8]

Measures related to personal data

The first point of contention concerns the **revision** of the **definition** of **personal data**. The Commission is not starting from scratch: the process for revising the GDPR is already set out in the text of the regulation and in the "Better Regulation Guidelines". However, the evaluation conducted in 2024 did not call for any substantial reform of the regulation (European Commission, 2024; Serban, 2024). Despite this, the November 2025 proposal aims to amend Article 4(1) of the GDPR, making the classification of personal data contingent on the means reasonably capable of **identifying** a **data subject** in a **pseudonymised dataset** (but not fully anonymised), from the perspective of a given "entity". The Commission's proposal does not define this concept, opening it to a wide range of interpretations.

This approach is politically and legally sensitive. The Commission attempted to support it with recent case law from the Court of Justice of the European Union (CJEU, 2025), where several research studies suggest that its overinterpretation of the scope of the cited ruling (Rossi, 2025) (notably by extrapolating a case-specific partial ruling into a general principle). In particular, the joint opinion issued by both the EDPB and the EDPS (EDPB, EDPS, 2026) acknowledged the value of certain simplifications but also cautioned against any changes which may weaken the scope of the GDPR or **introduce** new legal **uncertainties**. Similarly, several strong institutional positions supporting the European digital acquis, particularly the GDPR, against the Digital Omnibus proposal are emerging within Member States (Sénat, 2026).

There is significant uncertainty in particular around the concept of "entity" that the Commission aims at introducing. Indeed, the GDPR does not apply to personal data, but to its processing.

8. See this opinion from HOTREC, one of the EU hospitality lobbies.

The beginning of the said processing, fully or partially automated means, triggers immediately the rights for data subjects, and duties for data controllers and/or processors. In a networked digital world, there are often several joint-controllers involved who take part in shaping the means and purposes of the processing (Mahieu, van Hoboken, Ashgari, 2019; Rossi, Keller, 2025). All are liable for any infringement on the rights of data subjects regardless of who has actual access to the data. This has been underlined several times by the ECJ's case law (CJEU, 2025). This **misalignment** creates a lot of **legal uncertainty** for the **companies** in joint-controllership relationships with "entities" who would be able to try and claim they can do whatever they want with pseudonymised data.

The criticism voiced by several civil liberties NGOs is along the same lines[9]: the package would do more than just simplify; it would **lower the level of protection** by creating contradictions with the European Charter of Fundamental Rights. Using such a procedure to redefine a central concept of European law, according to several industry professionals and academics (Huin, 2025), would **endanger democracy** and the Rule of law without a sufficiently broad consultative basis or a clear demonstration of the need for change.

Apart from amending and potentially weakening the definition of personal data, the Digital Omnibus would also modify the GDPR concepts of scientific research and legitimate interest. These notions, which are key components of the expected liberation of additional data for AI systems, were being heavily discussed by Member States in the Council (Tar, 2026; Tar, Newman, 2026) at the time these lines were written.

Measures related to cookies

The cookies section illustrates a similar polarised debate. While there is a broad consensus on the need to reduce "cookie/consent fatigue" (CNIL, 2023), the current proposal struggles to persuade.

9. e.g. noyb, EDRi, Amnesty International, etc.

As highlighted by privacy NGOs, this **risks** primarily **weakening** the **effectiveness** of **consent** in relation to tracking practices. At the same time, AdTech companies specialized in cookie banners are actively lobbying to ease what they consider to be excessive constraints. Finally, regulators have raised concerns that the volume of complaints to be processed, combined with the number of platforms to be overseen, could exceed the operational capacities of any single authority, especially in the limited number of countries where these actors are established (Newman, 2026).

Could "cookie/consent fatigue" be reduced by providing for exceptions based on the public interest?

One avenue for consideration would be to treat the cookie reform as an exercise in targeted clarification, rather than as a complete overhaul of online consent, as seems to be taking shape with the Commission's proposal. The goal should not be to eliminate the consent requirement, but to reduce "cookie fatigue" by providing for strictly regulated exceptions when a use serves a clearly identified public interest.

This approach is credible only if the exceptions remain rare, proportionate, and justified by necessity. The real challenge, therefore, is to streamline the ePrivacy Directive with the GDPR regime, without hindering the role and powers of national competent authorities.[10]

Another thought-provoking idea: if a cookie banner is too complex because the underlying operation cannot even be explained by the data controller itself, it is illegal pursuant to the transparency principle under articles 5 (1) and 12 GDPR... so this cookie banner should not even exist.

Measures related to cybersecurity

The package also includes **cybersecurity** simplifications measures such as creating a **single entry point** — under the leadership of the European Union Agency for Cybersecurity (ENISA) — for reporting **cyber incidents**. This proposal required by stakeholders aims to address the following well-identified problem: a single incident can trigger multiple reporting obligations, involving different authorities, deadlines, and formats. The idea is therefore to allow for a single notification ("report once, share many" principle) which is then forwarded to the relevant authorities.

Motivations

- → **Operational simplification.** For businesses, particularly those already managing obligations under the GDPR, NIS2, DORA, or other sector-specific regulations, the potential benefit is real: fewer forms, less duplication, reduced risk of error, and greater clarity regarding reporting channels with an unified timing.
- → **Better data quality for authorities.** A single channel can facilitate the aggregation, comparison, and processing of incidents, provided that the data remains standardised and that national authorities retain effective access to the information. From this perspective, the tool could strengthen oversight capabilities, inter-agency coordination, and, ultimately, the understanding of threats.
- → **No change to substantive obligations.** The mechanism mainly changes the "how" of reporting, even if it does not address "what" or "when".

Criticisms

- → **Security and resilience risks.** Several Member States and observers (Tar, Bertuzzi, 2026) fear that a centralized entry point could become a prime target for attackers, or even a "single point of failure", since the platform would centralize

10. For example, certain independent audience measurement services. In this regard, the AMC — supported by several industry stakeholders and regulators (with whom these companies have partnership or service provider relationships) — advocates for a limited exception for "independent bodies and research suppliers" in order to preserve useful practices without undermining the principle itself.

sensitive information on security incidents, data breaches, and vulnerabilities. This concern, similar to the one raised by industry during the CRA negotiations (and the related reporting), is all the more serious given that the system would be managed at the European level and would be designed to store, retrieve, and transmit particularly sensitive data.

- → **Weak interoperability with existing systems.** Cyber reporting does not rely on a single European framework, but rather on a layered structure of already established sectoral and national regimes, each with its own reporting mechanisms and competent authorities. If the single entry point is merely an additional layer without any real harmonization of the underlying requirements, the gain in simplicity could remain limited in practice.
- → **Limited simplification in substance.** In practice, companies would still have to navigate different rules, even if they go through a single interface, the simplification would therefore mainly concern the form, not the substance of the obligations. In other words, using a single platform would not resolve the practical challenges, namely the differing deadlines and definitions. For example, an entity should notify the platform of an incident within the shortest possible timeframe, whereas a longer timeframe for a similar notification based on a different text might require additional information that could be difficult to provide within a shorter timeframe. A single platform does not address the fundamental problems. On top of this is the risk that centralising notifications could create new governance, security, and liability constraints, with no guarantee that the administrative benefits would offset the resulting costs.

Measures related to the "data acquis"

The proposal to consolidate the Data Act is, at first glance, one of the most coherent components of the Digital Omnibus. The idea of consolidating several existing texts into a single framework addresses a genuine need for clarity, since European data law has been built up in successive layers, with instruments that are sometimes similar in their objectives but distinct in their definitions, scopes of application, and enforcement mechanisms.

Motivations

- **Regulatory clarity**. The current legal landscape, which is difficult for both businesses and public authorities to navigate, is characterised by the coexistence of the Data Governance Act, the Open Data Directive, the Free Flow of Non-Personal Data Regulation, and the Data Act, all of which have overlapping data scopes. Harmonising the scope of these instruments through consolidation — i.e. the establishment of a single legal framework — would help to better structure the rules governing access to, sharing, reuse, and circulation of data, while reducing unnecessary overlaps (Numeum, 2025).
- **Simpler compliance**. Particularly for digital service providers and companies that handle industrial data or data from connected devices. Even before the Digital Omnibus, the Data Act aimed to clarify data access rights, the conditions for switching cloud providers, and data-sharing mechanisms between public and private entities; consolidation may therefore appear to be the logical next step in a process already underway.
- **Greater competitiveness**. The Commission presents consolidation as a means to ensure a coherent framework for the data economy and for AI by limiting the costs of regulatory fragmentation. In this vein, a consolidated Data Act could facilitate data exploitation in a more predictable manner, foster innovation, and make European rules more attractive compared to non-European competitors.

Criticisms

- **More than simplification**. While consolidation can enhance readability and coherence, it may also serve as a vehicle to reopen and alter the carefully negotiated balances underpinning each original instrument. This risk is particularly acute where consolidation affects not only legal structures but also the substantive content of obligations, data access rights, or the protection of sensitive interests such as trade secrets.
- **Weaker user rights**. Several analyses (Mariniello, 2025; EDRi, 2026) warn against the reduction of the practical effective scope of access to data generated by connected devices. The Data Act explicitly recognises that data is not merely an

industrial resource but also a domestic asset for users; a consolidation process overly focused on administrative simplification could upset this distribution.

→ **Added complexity for SMEs**. Simplification can also lead to a two-tier legal system with the proliferation of exemptions, derogations, or simplified regimes. Such fragmentation can not only increase compliance costs for smaller actors, but also make it more difficult for users to understand and effectively exercise their rights.

By trying too hard to adapt the consolidated Data Act to different categories of stakeholders, the EU could create a system that is less transparent, less risk-based, and more fragmented than before; which would undermine the simplification objective of the text.

↘ Recommendations on the Digital Omnibus

Recommendation 3: Do not alter the definition of personal data as set out in the GDPR.

The EDPB-EDPS joint opinion, which clearly distinguishes between technical amendments and substantive changes, should be closely followed by the co-legislators as it safeguards the core of the GDPR while promoting innovation. Furthermore, the **stability of** the **legal framework** surrounding the collection and processing of personal data is a key factor for many European companies. If this framework were to undergo significant changes, European economic actors — who lack the financial resources and compliance personnel of large online platforms — could see their competitiveness severely reduced by the costs of (re)compliance.

Recommendation 4: Support the establishment of a single point of contact at the European level for reporting cyber incidents, but one that is technically minimalist and does not undermine the role of national authorities.

Specifically, ENISA could provide a single template and a highly secure platform (along with the necessary resources) to relieve the burden on national authorities while centralizing information to better assess the nature and frequency of incidents, as well as the appropriate response to provide.

Recommendation 5: Consolidate the Data Act without altering the substance of the merged texts, particularly the right of access to data generated by connected devices.

As it stands, the text does indeed suggest a weakening of the right of access to data as set forth in the original text. This proposal sends a negative signal to users and consumer associations at a time when connected devices and data-hungry applications are proliferating. This is why it seems necessary to guarantee a right of access to data generated by connected devices — in line with the original Data Act — without requiring users to provide excessive justification for their requests. This **right of access**, a fundamental part of the European digital acquis, **should systematically take precedence over efforts to reduce administrative burdens**.

↘ The Digital Fitness Check

The Digital Fitness Check (DFC) has considerable potential, yet it is already suffering from a glaring lack of political visibility. The low response rate to the first public consultation (European Commission, 2026) symbolises the marginalisation of a tool which, however, could become central to the future coherence of the European digital acquis.

The problem is that little is yet known about its specific content, apart from generally addressing legal overlaps as well as cumulative impact of digital rules (would that also cover platform regulation?). This **lack** of **transparency**, at this stage, is **regrettable**, as a well-designed "fitness check" could indeed help correct structural inconsistencies as well as overlaps in the EU digital rulebook.

Support more open and transparent governance of the European digital regulatory framework

Building on our report on AI governance (Lenoir, Lucas, Galissaire, 2025), we recommend the implementation of:

1. Open and transparent selection processes for expert groups and consultations to ensure diverse representation that goes beyond token participation.
2. A requirement to respond to civil society contributions, inspired by the OECD guidelines on public consultations, so that contributions are systematically acknowledged and taken into account.
3. Dedicated funding mechanisms to support independent civil society participation, by removing barriers such as lack of resources and enabling sustainable participation in forums such as the Summit on Artificial Intelligence and beyond.

These measures aim to move beyond superficial consultations and secure a "permanent and full-fledged seat at the negotiating table" for civil society in the development of the EU's digital regulations. Besides, contributing to the Commission's consultation can be time and resources consuming for small organisations and introducing a mandatory provision for the Commission to reply would be a positive signal to acknowledge this effort.

This is where its main value lies: the Digital Fitness Check could serve as the basis for a genuine, comprehensive overhaul of European digital law. If it merely identifies gaps without proposing a reform framework, it will only pave the way for a succession of new Digital Omnibus packages — some more technical, others more substantive — without resolving the underlying issue of coherence.

↘ Recommendations on the Digital Fitness Check

Recommendation 6: Strengthen coordination mechanisms and promote the "co-regulation" approach between European and national regulators

Empower national regulators by urging the Commission to provide, within a reasonable timeframe, guidelines on "joint investigations" and "cooperation procedures between national regulators" (Renaissance Numérique, 2026). Strengthen coordination mechanisms at all stages of the legal process (conception, legislative, enforcement) to limit conflicting directives, siloed approaches, and the fragmentation of enforcement practices. This requires clarifying competencies, harmonising practices, creating spaces for dialogue between regulators, and preventing each text (GDPR, DMA, NIS2, DORA, CRA, AI Act) from being applied from an administrative or disciplinary silo (Sauron et al., 2025).

Recommendation 7: Establish a single information platform to address SMEs and SMC questions regarding the EU digital rulebook.

Building on Renaissance Numérique's recommendations on the Digital Fitness Check (Renaissance Numérique, 2026), this European information and contact platform could centralize the advice and resources available on websites such as servicepublic.fr for SMEs seeking clarification on EU law applicable to their business.

Beyond the substance, an “Omnibus method” that raises questions

03

↘ From simplification to "simplexification"

The choice of the **omnibus method** raises a **deeper issue**. Fast-track procedures curtail democratic debate, reduce the time available for the Commission's services to draft and critically assess proposals, and **weaken** the **quality** of impact assessments. In the case of the Digital Omnibus package, the workload imposed by the Commission on the co-legislators was all the more burdensome given that human resources and technical expertise on digital regulation topics. True debates could not be conducted in parallel due to the urgency of the AI Omnibus, which monopolised the few specialised resources available.

As demonstrated in the comprehensive article published by the Jacques Delors Centre (Quaritsch, 2026), the case for legal simplification is credible only when it is grounded in reliable data, measurable effects, and a clear demonstration that the proposed measures align with the objectives pursued. Yet several observers (Lazaro Cabrera, Maier, 2025; noyb, 2025) emphasize that **European simplification** reforms still too often **suffer** from **insufficient analytical investment** and a **lack of convincing justification**.

This challenge seems even bigger considering the growing size of the task. Indeed, the European digital agenda comprises a range of texts with sometimes different rationales (the GDPR, the AI Act, the Data Act, the DSA, the DMA, NIS2, DORA, and others) which, whilst pursuing compatible objectives, operate within distinct institutional frameworks and have different distributional effects. A simple "patchwork" approach cannot suffice to address such a vast set of issues, especially when it involves numerous institutional actors, significant economic interests and explicit geopolitical stakes.

This is why the **omnibus approach must not become** a substitute for a more **holistic structural reform**. The Digital Fitness Check

could precisely provide this space for comprehensive reflection, provided it is open to civil society, regulators and experts, and not used merely as a pretext for the repetition of ad hoc simplification packages.

The **ultimate risk** is that of "**simplexification**": legislation that is presented as simpler, but which is in reality more time-consuming, more fragmented and riddled with exceptions. By constantly adding exemptions for SMEs, small mid-caps (SMCs) or certain sector-specific practices, the EU could end up creating two separate digital law regimes, which would run counter to the risk-based approach and the objective of clarity pursued by the Commission.

The correct approach, on the contrary, should reserve omnibus legislation for genuinely technical amendments, require robust impact assessments, involve the relevant regulators more systematically, and prioritise the effective enforcement of existing rules before reopening the texts in response to every new political or industrial pressure. It is only on this condition that simplification can remain an instrument of regulatory coherence, rather than becoming a form of accelerated deregulation disguised as technical reform.

What if, tomorrow, other pillars of the European digital acquis – such as the Digital Markets Act – were fundamentally altered by a new wave of Omnibus legislation?

Should the substantive amendments to the GDPR envisaged in the Digital Omnibus be adopted, despite recent assessments not identifying any need for significant revision, there would be no guarantee that the Commission would not proceed in a similar manner with other politically and economically sensitive instruments, such as the DMA or the DSA. Although all EU pieces of legislation remain debatable, recent evaluations of these frameworks have likewise not pointed to any need for substantial change.

More broadly, such a development would imply that no regulation adopted in recent years — even those only recently implemented — would be shielded from far-reaching revision. It would open the door for core legislative compromises to be revisited at any time, even in the absence of a clearly established need, thereby increasing legal uncertainty and undermining the predictability of the EU regulatory framework.

↘ Recommendations on the "Omnibus method"

Recommendation 8: Do not prioritise speed at the expense of the quality of both the democratic debate and the resulting legislation proposal.

The main problem with the Omnibus method is directly linked to the extremely tight deadlines for publishing the initial proposal. Indeed, one could agree that observers have highlighted the poor editorial and technical quality of the Digital Omnibus package, likely resulting from preparatory work carried out at breakneck speed, a lack of evidence to justify certain measures (and the lack of time to conduct relevant analyses), and a Commission's

inter-service consultation reduced to the minimum.[11] It therefore seems prudent to ensure, even in the case of an accelerated "Omnibus" procedure, that more reasonable timeframes for analysis are allowed. Furthermore, Commission's services should retain the right to challenge or reject directives issued by the Commission's political leadership where the deadlines set by the latter are incompatible with the drafting of a proposal that adequately addresses the concerns of the regulated sectors. Otherwise, there is a risk of undermining the credibility of the EU institutions' actions as a whole.

Furthermore, it would be appropriate to review the "Better Regulation" rules, which were last updated very recently (28 April 2026) (European Commission, 2026), to ensure they include a requirement to systematically provide an impact assessment, including for accelerated omnibus procedures. In this regard, the concrete proposals put forward by the Bruegel think tank (Bucher, Golberg, 2026) seem particularly relevant and deserve further consideration.[12] In practical terms, **the impact assessments and evaluations** could be carried out by an **independent public expert body** (such as a dedicated unit within the Commission's Joint Research Center), but one not attached to its Secretariat-General. Impact assessments should be outsourced as little as possible, in order to guarantee the integrity of the process, and made public within reasonable timeframes set — ideally in a binding manner — in the Commission's "Better Regulation" toolkit (European Commission, 2025b).

Finally, it would seem appropriate to extend this obligation to provide an impact assessment to the co-legislators (the European

11. In a LinkedIn post, noyb (Max Shrems) mentioned that the Commission's Directorate Generals had been given a five-day deadline to respond to the first draft. If this information is real, this timeframe seems far too short to seriously analyze all the potential consequences that a change to the personal data framework could have — for instance — on health or industrial policy (amongst others).

12. The Bruegel policy brief recommends that the EU overhaul its better regulation framework by ensuring consistent application of impact assessments, strengthening oversight of gold-plating by Member States, and making ex-post evaluations more independent and evidence-based. Specifically, it calls for placing ex-post evaluations outside EU institutions in an independent body with multi-stakeholder input, improving impact assessment quality to manage trade-offs, and enforcing tougher rules against national gold-plating to reduce regulatory fragmentation.

Parliament and the Council of the EU) for any draft amendment of a substantial nature introduced during trilogues. The body responsible for the analysis should ideally be shared by the three European institutions, for the sake of resource rationalisation and efficiency.

Recommendation 9: Review the new cooperation procedures between the Commission and the co-legislators.

For whilst a review of legislative work is welcome, the pursuit of efficiency through the reduction of procedural deadlines raises fears of a general deterioration in the quality of law-making, which will ultimately be detrimental to the EU as a whole, including businesses. In this regard, it seems necessary to **restrict** the **Omnibus method** to **proposals** for **amendments** that are intrinsically **technical** or, at most, to **clarifying** the **interpretation** of certain texts and ensuring legal consistency between several rules drafted at different times (e.g. to harmonise definitions; to codify certain case law of the CJEU, without, however, over-interpreting the scope of its judgments).

Recommendation 10: Prioritise the enforcement of existing rules rather than systematically reopening legislation (e.g. NIS2, DSA, DMA, Data Act, etc.).

To give these pieces of legislation a chance "by default" (or at least a non-modification period). Indeed, whilst new rules may be imperfect, they are nevertheless the product of a democratic process conducted over several years. Reopening legislation that has not even yet come into force also sends the wrong signal from the institutions. First and foremost, it raises concerns for those subject to the law: how can **trust** be placed in the ordinary legislative process if each act is reopened shortly after adoption? Does this not risk creating incentives to delay or sidestep compliance, rather than invest in implementing the required changes?

It also affects public administrations themselves. Asking the drafters of a text — produced through extensive intellectual effort and numerous compromises — to revisit and unravel it so soon after adoption may undermine staff morale and, more broadly, the overall quality of administrative work.[13]

Recommendation 11: Ensure privileged access to the legislative process for every national competent authority impacted by an Omnibus proposal, as well as for the stakeholders.

This would guarantee that key public and private stakeholders can be heard and provide additional data, beyond the traditional format of public consultation or calls for evidence.

13. E.g., a decline in the appeal of public sector jobs, which has already been undermined; forced internal transfers and a loss of in-depth expertise regarding often complex legislation, etc.

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About the “Omnibus Dialogues”

The “Omnibus Dialogues”

After a wave of major digital regulations (DMA, DSA, DGA, Data Act, AI Act), the European Union is entering a phase of stabilization of its framework. The Digital Omnibus presented by the Commission in November 2025 aims at technical corrections in the short and medium term. In parallel, the Digital Fitness Check (DFC) - read Renaissance Numérique’s contribution to the Commission’s consultation - assesses the overall impact of these regulations on competitiveness and fundamental rights in the longer term, in a context of strong institutional complexity.

In this context, Renaissance Numérique organised a cycle of two study days, in April 2026, entitled the “Omnibus Dialogues”, in order to provide an independent, reasoned and useful contribution to the debates on the regulatory simplification of digital.

- Day 1: **Simplifying Digital Regulation, for Whom and for What?**
  2 April 2026, Paris
  (with the support of the AI and Society Institute at École normale supérieure)
- Day 2: **How can we simplify without weakening fundamental rights?**
  26 April 2026, Brussels

The "Dialogues"

The "Dialogues" of Renaissance Numérique are cycles of study days dedicated to a technological, regulatory or political subject. This multidisciplinary approach brings together French, European and international experts from academia, companies, institutions and civil society, around high-level exchanges.

Previous programmes:

→ The *AI Dialogues* cycle (2024/2025), and its final report "AI Governance : Empowering Civil Society" ;

→ The *Metaverse Dialogues* cycle (2023), and its final report "Gouverner le Métavers et l'internet de demain".

Independance

The organisation of these days benefited from financial support from Apple, covering part of the costs. Renaissance Numérique remains fully independent in its analyses, conclusions and positions.

About Renaissance Numérique

Founded in 2005, Renaissance Numérique provides an exclusive forum for discussion, analysis and engagement to debate and inform choices for a responsible digital society. Our action, in the service of civil society and the public interest, is independent of the stakeholders we bring together.

We bring together members with a wide range of expertise (political, economic, legal, communications, technical, sociological, etc.) and from diverse backgrounds (independent experts, consultancies, law firms, non-governmental organisations, universities, institutions, businesses, etc.). This diversity of stakeholders and perspectives makes Renaissance Numérique a unique forum for debate and a space for constructive exchange of ideas within the landscape of think tanks and digital actors in France and across Europe.

Renaissance Numérique is a non-profit association under the 1901 law. We are not affiliated with any party, any company, or any organisation.

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