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GUIDELINES

On the Digital Omnibus of the European Commission

Berlin, 14.10.2025

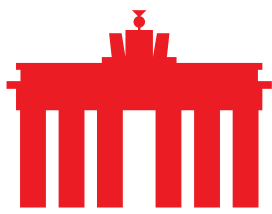
With the Digital Omnibus, the European Commission aspires to contribute to the agenda of reducing bureaucracy and increasing coherence and applicability of European regulation through the Commission Framework “[A simpler and faster Europe](#)”. The Digital Omnibus is sketched out as a strategy addressing different fields within the digital sector and does not immediately amend or alter existing regulations or directives. On 16 September 2025 the European Commission has launched a [call for evidence](#) on the Digital Omnibus, which it expects to present in the 4th quarter of 2025. The call for evidence namely addresses five fields of engagement for the Digital Omnibus, as they are:

- the data acquis (Data Governance Act, Free Flow of Non-Personal Data Regulation, Open Data Directive).
- rules on cookies and other tracking technologies laid down by the ePrivacy Directive.
- cybersecurity related incident reporting obligations.
- the smooth application of the AI Act rules.
- other aspects related to electronic identification and trust services under European Digital Identity Framework, including in view of the regulatory alignment with the forthcoming proposal for an EU

eco – Association of the Internet Industry welcomes the opportunity to contribute to the topics the Commission has set out as follows.

▪ **On the Data Acquis**

The Commission has set itself the task of streamlining existing data legislation referring to non-personal data, specifically addressing the Data Governance Act, the Free Flow of Non-Personal Data Regulation and the Open Data Directive. eco welcomes the initiative of the Commission and hopes that the streamlining will add to more coherent provisions for companies throughout the Union. With the advent of the Data Act, portability of data has gained a significant boost and incentivised companies to enable data portability of non-personal data following the corresponding requirements in the General Data Protection Regulation (GDPR). Provisions for data localisation through national legislation should still be considered critical and abandoned in favour of a European Single Market approach. However, the central question, whether data is personal or non-personal has yet to be resolved. eco understands, that these categories cannot generally be differentiated with ease and at all times. It would, however, be helpful to further address this topic within the data acquis and further elaborate on a definition of



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non-personal data, which can be easily transferred under the existing legal frameworks.

- **On rules on cookies**

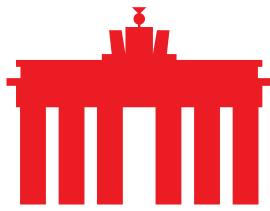
Tracking technologies remain at the helm of the discussion online privacy. The existing rules for the application of cookies through the GDPR and the ePrivacy Directive have created a tight regulatory environment, requiring companies to iteratively require consent from users for the deployment of cookies departing from the idea of a browser based “do-not-track” provision. This has led to an inflationary use of consent forms in the form of cookie banners, which are again reducing the usability and accessibility of webservices. eco – Association of the Internet Industry welcomes the Commission’s initiative to address this topic connecting it with the hope of creating a manageable and comprehensive framework for the establishment of comprehensive rules for tracking technologies. This stated, eco does not see the necessity to establish new or tighter regulation and instead vows for a clarification on the deployment of technical cookies.

In general, the ePrivacy Directive is outdated and significantly overlapping with the GDPR. The principle of confidentiality of communications should be preserved within a harmonised legal framework that applies consistently across all communications providers and ecosystems. A regulatory reform could establish a level playing field between different industries regarding data processing and to ensure that rules governing the use of communications data and metadata are both harmonised and adaptable, enabling the development of innovative, data-driven services.

- **On Cybersecurity related incident reporting**

Recent years have seen the establishment of a tight knit cybersecurity regime. With the NIS1 and NIS2 directives, the European Cyber Security Act (CSA) and the Cyber Resilience Act (CRA), iterative steps have been undertaken to increase cybersecurity and its regulation. eco understands the necessity for such regulation and supports the increase of the level of cybersecurity throughout Europe. At the same time, it is necessary to understand, that the short cycles of regulation pose a challenge to companies and regulators alike. eco welcomes the initiative of the Commission to streamline cybersecurity reporting and thus reduce administrative burden for companies. In addition, the EU cybersecurity regulatory landscape remains complex and fragmented. The coexistence of multiple overlapping frameworks results in conflicting procedures, thresholds, and reporting obligations. This not only drives up compliance costs but also diverts critical resources away from effective security implementation—undermining the very resilience these regulations aim to strengthen. All of it is further multiplied by differing national transpositions.

In order for this task to be successful it is necessary to take all existing reporting obligations, not only the CSA into account and create a comprehensive and uniform accessible reporting mechanism for companies.



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- **On the smooth application of the AI Act rules**

The European AI Act has proven to be the most comprehensive digital set of rules over the last years. Its application poses a challenge for companies trying to navigate the European rulebook of digital regulation established between 2016 and today. eco welcomes the initiative of the Commission to harmonize the application of the AI act and stresses, that, while guidance on the practical application could offer significant support, concretization does not imply further complication. To that end eco welcomes the idea of clarifying the European digital regulation rulebook and not expanding it through further specification of the AI Act.

- **On other aspects related to electronic identification and trust services under European Digital Identity and the Framework, including in view of the regulatory alignment with the forthcoming proposal for an EU Business Wallet and applying the ‘one in, one out’ principle**

eco welcomes the application of a digital business wallet and hopes for a swift and uniform application throughout the European Economic Area (EEA). Digital identities are vital for the application of business solutions both B2C and B2G in Europe. To that end, and to the completion of a European digital single market, eco hopes for a swift application of the European Identity Framework.

- **Summary**

The EU Commission's initiative is in principle to be welcomed and is a step in the right direction. However, it should be noted that the measures concerned are EU legal acts that have already been adopted and are either still pending implementation in the Member States or are nearing completion. Against this background, it seems reasonable – insofar as the procedures and national implementations have not yet been completed – to introduce a so-called “stop-the-clock” mechanism, as is also used in other initiatives. Such a mechanism would give Member States additional time to make the necessary adjustments. At the same time, companies could also benefit from an extended transition period, as this would reduce the risk of so-called “sunk investments” – i.e., investments that prove to be unsustainable in retrospect, for example due to short-term changes in the legal situation or already foreseeable developments.