

Digital Omnibus in the European Parliament: Averting irreparable damage, enabling productive regulation

18 June 2026

Dear Mr Voss,

The undersigned organisations are writing to you regarding the joint draft report by the two lead committees of the European Parliament on the Digital Omnibus.

We fully support the Digital Omnibus's objective of revising the data protection acquis in such a way as to ease the burden on businesses and users, ensure legal certainty and coherence, and strengthen the EU's competitiveness.

However, these objectives can only be achieved if Article 88b and Article 88a (4) of the Commission's draft are deleted.

We urge you to advocate for this.

1. The risks involved

The mechanism set out in Article 88b of the Commission's draft, which was formulated without an impact assessment, would not, in fact, make it any easier for users and businesses to seek and grant consent under data protection law. After all, the complex GDPR consent requirements are to remain unchanged. However, the mandatory 'opt-out once and for all' provisions, which have been introduced at the same time, would destroy opportunities for data use across the entire digital economy.

The prohibitions on requesting consent in Article 88a (4) of the Commission's draft, which were also drafted without an impact assessment, would likewise significantly complicate data-driven business models, and in some cases even render them impossible.

The repercussions would be far-reaching and negative; in other words, it is not just the digital revenues of advertising-funded European media services that would plummet dramatically. Data processing at the end-user device level is also required in other sectors, such as digital commerce, autonomous driving and on-device applications (IoT). Articles 88b and 88a (4) of the Commission's draft proposal would therefore not only act as a catalyst for reduced media diversity and restricted free access to European media. The mechanism would significantly undermine the EU's digital competitiveness across the board.

In the **annex**, we have set out in detail why these consequences are inevitable under the Commission's proposal.

2. Proposals from the S&D Group exacerbate the situation even further

Furthermore, the S&D Group has imposed a host of additional regulatory burdens on both provisions in its draft of 20 May 2026:

- Article 91d incorporates Article 10 of the former draft e-Privacy Regulation and merges this proposal – which had already been deemed unworkable – with Article 88b of the Commission's draft (now Article 91e). It is hard to imagine a more complex regime that is more hostile to data usage. The competitive disadvantages imposed on EU companies could not be greater.
- Article 91c not only retains all the shortcomings of Article 88a (4) of the proposed GDPR. Furthermore, it is intended that users must not be denied access to a digital service on the grounds that they have not consented to the processing of their personal data and/or the use of processing and storage capacities. As a result, digital services would be obliged to grant all users access to content and services – including those who have not consented to the processing of data for the purpose of refinancing the service. Digital content (e.g. professional journalism) and data-based services would therefore have to be given away for free in future or – given that non-data-based refinancing models are feasible, if at all, only for a handful of dominant social media gatekeepers – made available exclusively for a fee from the outset. We consider this to be irresponsible, particularly within the context of an omnibus legislative procedure.

To summarise: instead of seizing the opportunities missed by the European Commission to consolidate the consent-centred approach of EU law and ensuring well-considered, balanced legal grounds for authorisation that are consistent with the EU acquis, the S&D draft transfers further prohibitions, restrictions and complications into Articles 88b and Article 88a (4) of the Commission's draft. The result is a veritable bundle of restrictive regulatory proposals.

3. Possible solution

The members of the EPP Group in the LIBE and ITRE Committees bear a great responsibility for averting irreparable damage and, within the time available, steering the Omnibus package towards the necessary productive strengthening of the EU's digital competitiveness.

To this end, Article 88b and Article 88a (4) of the of the Commission's draft must be deleted without replacement.

At the same time, Article 88a (3) of the of the Commission's draft should be revised. In particular, the provision on so-called 'audience measurement' (point (c)) requires scrutiny. Wording that, in accordance with the EMFA, enables objective measurements in a practical manner and thereby strengthens the competitiveness of European digital media should be permitted. In its current form, the Commission's draft is a 'platform-strengthening' law, because self-serving measurements by gatekeepers are favoured contrary to the objectives of the DMA and the EMFA, thereby opening the floodgates to a further shift in advertising budgets. In the **annex**, we have set out and described the need for amendments in greater detail.

With this approach, the Omnibus can still be a success – not least because the wide range of other regulatory issues contained in the Commission's draft can be discussed in such a productive and objective manner.

Yours faithfully

On behalf of all the signatory associations



Dr. Bernd Nauen