



19/03/2026

### **ENSURING EFFECTIVE BURDEN REDUCTION IN THE DIGITAL OMNIBUS**

*REFLECTIONS ON COMPLIANCE BURDENS, SMES, AND A RISK-BASED APPROACH TO GDPR*

With the Council's review of GDPR amendments under the Digital Omnibus underway, and separate discussions ongoing in the European Parliament, it is vital to consider the impact of compliance burdens on enterprises across Europe. Recent signals from the Council's 27 February discussion risk moving in a direction that does not fully reflect the realities of businesses of all sizes.

The Commission's targeted amendments, notably on the definition of personal data and pseudonymised data, provide clarifications grounded in established jurisprudence. These adjustments do not lower protection but make the framework more operational. A relative and risk-based approach ensures pseudonymised data is assessed in context. This avoids disproportionate obligations in low-risk situations and ensures a level playing field in the Single Market.

Clarifications on scientific research follow a similar logic. By confirming a broad understanding of research and removing redundant compatibility assessments, the Commission reduces administrative burdens, especially on smaller organisations, while preserving the safeguards.

A proportionate approach is also needed for automated decision making. Restrictive interpretations risk limiting automation, which has as its very purpose the handling of routine processes efficiently while ensuring appropriate human oversight for critical cases. A clearer framework improves legal certainty, while high-risk applications remain covered by AI Act safeguards.

Removing automated and machine-readable consent from the Digital Omnibus and a thorough, evidence-based review of the ePrivacy framework and its interaction with the amended Article 5(3) is a must. This review should assess legal validity, operational feasibility, enterprise impacts, governance shifts, and sectoral asymmetries before any binding obligations are introduced.

More broadly, while GDPR has made Europe a global standard setter in data protection, it has not yet translated into leadership in data-driven technologies at scale. This invites reflection on whether the framework sufficiently enables companies of all sizes to innovate and grow.

Removing the proposed targeted simplifications would favour those able to absorb regulatory complexity, undermining the Digital Omnibus objective of reducing burdens. Preserving the Commission's approach keeps data-driven innovation open to all European companies, supporting growth, competitiveness, and a vibrant Single Market.