



Dear Representatives of the EU Member States,

As a civil society network committed to the protection of fundamental rights in Europe, we write to you with respect for the important work you carry out as co-legislators. Recent reports indicate that several delegations have expressed reservations about the Digital Omnibus proposal. We welcome this engagement. It reflects an understanding that the Council has a central role in protecting the integrity of the Union's legal framework and in ensuring that reforms strengthen the rights of people in Europe.

The process that has led to this proposal raises serious concerns. The European Ombudswoman [recently found maladministration](#) in how the Commission prepared previous urgent Omnibus initiatives, with failures to apply Better Regulation rules, significant gaps in evidence, and insufficient transparency. These shortcomings included rushed interservice consultations, late publication of supporting documents, and missing assessments that should have informed the proposals. The Ombudswoman stressed that essential principles of good lawmaking cannot be set aside, even under claims of urgency.

Similar issues arise here. A reform that simultaneously amends the GDPR, the ePrivacy framework, and the new AI Act requires full transparency, a clear and substantiated problem definition, and rigorous fundamental rights and environmental assessments. None of these elements is present. The accelerated timeline and limited scrutiny increase the risk of inconsistent and poorly justified changes to the Union's digital rulebook. The Commission has already suggested that yet another Omnibus of digital reforms may follow, which makes a sound and lawful process even more important.

Concerns have been raised across institutions. The EDPB and EDPS have already underlined that key elements of the proposal require careful examination and that the suggested change to the definition of personal data appears to go beyond recent CJEU case law, with possible consequences for the fundamental right to data protection. Political groups, academics, and civil society organisations have [echoed these concerns](#). The Commission's public minimisation of these risks is difficult to reconcile with the breadth of the proposed reforms and should give the Council pause.

On substance, the Digital Omnibus adopts a deregulatory approach across all three flagship instruments. The proposal narrows the definition of personal data in ways that reduce protection. It widens the possibility for reuse of data in high-risk contexts. It moves core ePrivacy device protections into structures that allow new exceptions.

It also amends the AI Act and undermines key achievements before it has fully taken effect, by substantially weakening transparency duties for high-risk AI systems, delaying the application of high-risk rules, and easing access to sensitive data for training with limited oversight. Importantly, the changes to the GDPR fundamentally undermine the logic of the AI Act. These changes weaken accountability and transparency and reduce the enforceability of rights. They increase the likelihood of intrusive data collection, profiling, and discriminatory outcomes for groups already exposed to heightened digital risks. Fundamental rights are the basis of Europe's digital governance model and its global credibility. Any reform that affects these rights must follow a process that is transparent, evidence-based, inclusive, and consistent with the Treaties. The Digital Omnibus does not meet these standards. Advancing it under the current conditions would weaken the Union's legal coherence and place people's rights at risk.

We therefore respectfully encourage the Council to send the Digital Omnibus proposal back to the Commission because of its failure to comply with the Charter of Fundamental Rights and Better Regulation rules. This would reaffirm the Union's commitment to rights-based lawmaking and create space for a structured and evidence-based discussion on how to improve implementation and enforcement of existing laws.

In this context, we also recall that under the Interinstitutional Agreement on Better Law-Making, the Council has the possibility to request or carry out impact assessments on substantial amendments when it considers this appropriate. Should the proposal nevertheless continue to be examined, despite the concerns outlined above, we strongly urge the Council to make use of this prerogative, given the absence of a comprehensive impact assessment by the Commission and the far-reaching implications of the Digital Omnibus for fundamental rights, regulatory coherence and enforcement.

We remain at your disposal for dialogue and stand ready to contribute to efforts that strengthen Europe's digital protections.

Yours sincerely,
European Digital Rights (EDRi)