



Statement to D9+ and EU co-legislators

13 October 2026



Ensure regulatory simplification works with, not against, innovation

Introduction

This paper sets out the perspectives of the B9+ Business Federations¹ on key business priorities for Europe's 'digital omnibus' and a 'post-omnibus vision for a Digital Europe'. B9+ welcome recent D9+ Ministerial commitments to keep up the momentum of an ambitious and evidence-based simplification agenda; adopt a simplification-by-design-and-by-default approach to new legislative instruments proposals; and prioritise an evaluation of the efficiency of the digital governance framework and address regulatory consistency and coherence².

We broadly welcome the recent [Non-Paper on Simplification](#) from 15 EU governments (including D9+ members DK CZ EE, FI, PL and SL), specifically the point that strengthening EU competitiveness and the Single Market must remain a central objective of EU law-making, and that simplification needs to advance as part of a stronger culture of better EU law-making. We urge D9+ governments to support calls for simplicity, coherence, clarity, proportionality and workability by design.

Digital Omnibus Recommendations

Regulation and competitiveness should not be exclusive objectives. While we continue to support the objectives of Europe's regulatory framework for the digital economy, such as trust, protection of fundamental rights and innovation, the combined effect of implementing these extensive rules has created a complex and fragmented landscape that increasingly constrains companies' ability to innovate, scale, invest and compete globally. This is compounded by significant administrative costs, legal uncertainty and compliance challenges for business. It presents a competitiveness challenge that is largely within Europe's control and can be addressed through decisive policy action. In this context, we urge D9+ policy makers and EU co-legislators to continue to work to deliver the stated level of political ambition required to deliver real simplification for businesses, in line with the ambition of the Draghi and Letta reports, endorsed by the European Council.

We welcome progress made to date. However, there is more to do, below we set out several recommendations for consideration, while stressing the need to conclude the Digital Omnibus file in a timely and constructive manner and to draw lessons from the negotiations for future policymaking.

¹ The **D9+** is a Ministerial forum of likeminded and digitally progressive EU Member States. The **B9+** Group is a grass-roots coalition of the main national business confederations of 12 D9+ Member States: CEOE (Spain), VBO-FEB (Belgium), SPCR (Czech Republic), DI (Denmark), EE (Estonia), EK (Finland), Ibec (Ireland), FEDIL (Luxembourg), VNO-NCW (Netherlands), LEWIATAN (Poland), CIP (Portugal) and Confederation of Swedish Enterprise (Sweden). Previous B9+ statements to D9+ and EU policy makers, dating back to 2021, are available in link [here](#).

² [D9+ Ministerial Declaration, Luxembourg – 8 June 2026](#).

Key Recommendations:

- 1. Safeguard trade secrets³** Enable clear risk-based safeguards, not unworkable burdens of proof, that allow business to provide data access without risking the leak of cybersecurity-sensitive information, IP or trade secrets⁴. Ensure swift, low-burden and independent dispute resolution if access is refused. Respect contractual freedom in B2B relations, safeguard manufacturers' ability to use product data for product improvement and digital services.
- 2. Put in place a pragmatic and future-proof legal framework for the development and deployment of AI. Preserve legitimate interest as a possible lawful basis for processing personal data across the AI lifecycle^{5 6}** in a consistent manner (training, testing, validation and bias detection) notwithstanding the other principles and obligations of the GDPR, such as data minimization, purpose limitation, right to object etc. It is key this notion is preserved clearly across all relevant provisions.
- 3. Strengthen the predictability, clarity and proportionality of privacy rules.** Keep the Commission proposal to align the definition of personal data with CJEU Case C-413/23P on sufficient levels of pseudonymisation^{7 8}. Use delegated acts to codify such requirements to avoid potential divergence⁹. Strengthen AI safety¹⁰ - introduce a carefully scoped derogation that allows the processing of residual sensitive data for AI¹¹, while underpinning safeguards to protect individuals' rights e.g., de-identified/non-personal use of SCD or a dedicated SCD legitimate interest assessment. Ensure the value of the relative test for what constitutes personal data in a service-provider chain is retained. For example, industrial and telemetry data should not be treated as personal data where individuals cannot reasonably be identified.
- 4. Promote practical consent exemptions to support Europe's digital economy and media ecosystem.** The D9+ coalition should champion a modern and balanced approach to online privacy that focuses on workable consent exemptions for low-risk processing, such as contextual advertising and audience measurement rather than disruptive and complex browser-level mandates¹². The framework should encourage the broad adoption of Privacy-Enhancing Technologies (PETs), ensuring tools that safeguard consumer privacy while preserving data utility can be widely deployed across Europe.

³ Data Act (amending Articles 4,5 and 11).

⁴ Within the meaning of Article 2(1) of [Directive \(EU\) 2016/943](#).

⁵ GDPR (Article 6(1)(f), Article 88bis, Article 88c).

⁶ Article 88bis in the Presidency proposal 2 October was positive on this point.

⁷ GDPR (Amending GDPR Article 4(1)).

⁸ The codification of the ECJ SRB-EDPS ruling in paragraph 2 of Article 25a, in the Presidency proposal 2 October is positive.

⁹ GDPR (Article 41a). Forthcoming EDPB guidelines on anonymisation should not diverge from the SRB judgement, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62023CJ0413>.

¹⁰ GDPR (Reflect in Article 9).

¹¹ For example, bias mitigation.

¹² The Presidency proposal 2 October was positive on this point.

- 5. Ensure coherence with European strategies to strengthen AI innovation. Enable commercial scientific R&D research¹³.** Ensure commercial and public-private R&D is not excluded from research exemptions. This definition of commercial innovation must include research, testing or development activity regarding AI systems or models prior to their being placed on the market or put into service in line with Article 2 of the AI Act¹⁴. The clarification does not alter the requirements for scientific research: research needs to be of high quality and meet the conditions of scientific research, such as methodological and systematic approach.
- 6. Simplify cybersecurity and data breach reporting** through single-entry national portals (SEPs), full regulatory coherence in underlying reporting requirements in directives and regulations, and EU-wide interoperability. Make incident reporting¹⁵ risk-based – report only high-risk breaches. Establish national SEPs to allow entities to ‘report once’ across NIS2, CRA, DORA and GDPR within a unified 96-hour window¹⁶ ¹⁷. Avoid binding data breach or DPIA guidance that would add further burdens on industry.

It must be noted that recommendations 1-3 and 5 will enable AI capacity building within Europe in line with a smart approach to technological sovereignty that B9+ has consistently advocated for¹⁸.

¹³ GDPR (Article 4(38)).

¹⁴ Wording in recital 28 of Presidency proposal of 2nd October could be incorporated in the definition of on scientific research (article 4 sub 38 GDPR) to provide the necessary legal certainty,

¹⁵ GDPR (Article 33)

¹⁶ NIS2 (new Article 23a)

¹⁷ The Presidency proposal of 2 October was positive on this point.

¹⁸ [B9+ Statement to D9+ Ministers in Luxembourg, June 2026](#)

Post-Omnibus Recommendations

The B9+ business community urges the Commission to be ambitious regarding the steps following the Digital Fitness Check (DFC). Europe needs a modern digital rulebook with stronger focus on delivering competitiveness, innovation, productivity, investment and growth.

The EU needs to remove unnecessary and disproportionate requirements, lower compliance costs and administrative burdens, and deliver a genuine Digital Single Market with regulation that works much better in practice.

The DFC offers a key opportunity to bring the necessary coherence, proportionality, harmonisation, predictability and clarity in the EU's digital rulebook to strengthen competitiveness and meaningfully reduce regulatory burdens. These steps are necessary to ensure the core objectives of the rules are met without lowering standards and innovation, investment and technology uptake are supported to boost our digital capacities.¹⁹

The Digital Omnibus and AI Omnibus may provide targeted improvements, but they cannot replace a broader structural review. We urge the European Commission to carefully assess the outcome of the Digital Fitness Check consultation and the feedback provided by business and come forward with concrete measures and proposals that address cumulative burdens, overlapping obligations, fragmented implementation, unrealistic timelines and governance shortcomings across the EU digital framework.

Going forward, ensure coherence, proportionality, harmonisation, predictability and clarity of rules should be basic regulation principles to be met now and in the future.

We support mandatory and rigorous Competitiveness Impact Assessments, to ensure future regulations keep pace with technological progress and safeguard Europe's capacity to innovate. To avoid further fragmentation of the Digital Single Market, B9+ also calls for closer coordination between regulators and resistance to national "gold-plating" or over-enforcement, ensuring Europe remains open to global investment and trade.

Key Recommendations

1. Simplify by design

Building on the momentum of the Digital Simplification package, a broader rethink is needed on how Europe designs and applies regulation. The EU digital framework should be guided by "simplification by design," embedding simplicity, coherence, and ease of implementation and enforcement from the outset, thereby avoiding unnecessary complexity, duplication, and administrative burden. Policy makers must consider the following design principles:

- **Prioritise the effective implementation, evaluation and enforcement of the existing framework before introducing new legislative initiatives:** apply a high threshold to new EU rules, ensuring legislation is introduced only where the existing framework has been properly implemented, assessed and shown not to function effectively in practice. Any new legislation should be clearly necessary, limited to

¹⁹ We refer to the position papers of BusinessEurope with many examples of inconsistencies, unclarities and overlaps which need addressing: Reducing regulatory burden to restore the EU's competitive edge - BusinessEurope (December 2025); Simplifying the EU digital rulebook - a BusinessEurope position paper -BusinessEurope (July 2025)

identified gaps and based on robust evidence, ensuring that it delivers tangible added value while minimising burdens on companies, with priority given to making the existing framework work effectively in practice. If new legislation is required, it should be risk-based, proportionate, predictable and implementable, support innovation, and remain effective over time, while favouring targeted or full harmonisation across the EU. This principle is particularly relevant to the planned Digital Fairness Act, which risks overlapping with existing EU rules and ongoing initiatives. It should address only clearly demonstrated regulatory gaps and avoid duplicating obligations, increasing compliance costs or creating further legal uncertainty.

- **Promote stronger, evidence-based impact assessments:** future legislation should systematically assess impacts on competitiveness, innovation, SMEs, investment conditions, and time-to-market from the outset. Importantly, assessments should also include cumulative administrative burdens/costs and interaction effects across different pieces of the digital rulebook, with a view to ensuring proportionality, effectiveness and tangible benefits in practice. Those assessments should also cover substantive amendments adopted in the negotiated positions by the co-legislators before trilogue negotiations begin.
- **Promote consistent operationalisation of legislation:** in implementation, application, and enforcement; member states should avoid divergence, fragmentation and “gold-plating,” and promote a harmonised and coordinated approach. Ensure harmonised, clear, coordinated and easily accessible guidance from the Commission, to enable practical implementation, support predictable compliance and reduce unnecessary administrative burdens. Future digital legislation should also include a non-regression or harmonisation clause preventing member states from imposing more burdensome national requirements than those established at EU level, unless justified by exceptional and duly substantiated circumstances.

2. Protect trade secrets and intellectual property

The Data Act should be revised to give data holders a clear and effective right to refuse access where disclosure would reveal trade secrets or would directly negatively impact cybersecurity to balance the necessary protection thereof with the access rights to data, without restrictive conditions or disproportionate burdens of proof. The right balance needs to be struck to boost Europe’s digital capacity and ensure economic security.

3. Enable responsible data use for AI innovation and research

The GDPR and ePrivacy framework should be reviewed to remove unnecessary barriers to the use of data for AI innovation and research, and to reduce disproportionate administrative burdens and compliance costs. The review should reaffirm a genuinely risk-based approach, simplify low-risk compliance.

4. Ensure a proportionate and workable AI Act

The AI Act and its implementation should be further reviewed to ensure that guidance on obligations remain clear, risk-based, proportionate and technically feasible and high-risk requirements should apply only where there is genuine risk. Unclear delimitation of high-risk AI creates uncertainty and discourages adoption. Remove or reduce the requirement to register non-high-risk AI systems. Most systems will not qualify as high risk in practice. This

requirement is an administrative burden that impacts innovation/adoption and offers little in terms of risk management or transparency.

5. Streamline cybersecurity obligations and incident reporting

The Commission should address overlaps between NIS2, DORA, the Cyber Resilience Act, the Cybersecurity Act, the GDPR, the AI Act and product legislation. A “report once, use many times” principle should be introduced for incident reporting, supported by common templates, definitions, deadlines and reporting points where possible.

6. Review implementation deadlines and cumulative burdens

The Commission should systematically review the implementation status of EU digital laws and only impose realistic deadlines where they are unrealistic or create unreasonable cumulative burdens²⁰. New proposals should not be advanced before the implementation and effects of recently adopted rules have been properly assessed. Generally, deadlines should be linked to the availability of harmonised standards.

7. Align EU digital rules with international standards

EU standards should, where appropriate, be aligned with relevant international standards to reduce unnecessary divergence, lower compliance costs and enable European firms to scale globally. At the same time promote businesses taking part in standardisation.

8. Improve governance and include ongoing initiatives

The Fitness Check should propose stronger coordination between Commission services, supervisory authorities and EU-level bodies, and ensure early industry input so that rules and guidance are workable in practice. Ongoing initiatives such as the Digital Networks Act, Cybersecurity Act II, Cloud and AI Development Act, Chips Act 2.0, KIDS Act and Digital Fairness Act should be assessed for their cumulative impact on competitiveness, coherence and burden reduction.

We propose to incorporate the following checks in the regulatory process:

- A consistency check. Introduce a check through the legislative process, including after the trilogue phase to identify and address overlaps, inconsistencies, and contradictions between interacting legislation.
- In the event of substantial amendments, new obligations, or significant expansion of scope introduced during trilogue negotiations a mandatory renewed impact assessment should take place before final adoption.
- A cumulative competition check: inter-DG assessments of the cumulative impact of new regulatory proposals on Europe's competitiveness, taking into account the interaction of the new rules with other existing and new relevant horizontal and sectoral rules.
- An SME check: think small: regulations must be reasonably operational for SMEs—also taking into account cost elements and a possible domino effect—without compromising the intended policy objective. For fragmented sectors comprising thousands of SMEs, any new digital obligations should rely on simple, interoperable

²⁰ For example, the interaction between timelines already positively amended under revised instruments, such as the AI Omnibus.

solutions, provide sufficient implementation time, and avoid duplicated technology investments to comply with different regulatory requirements.

- Enforcement checks: (a) carry out an enforcement check of existing rules to substantiate the necessity of new legislative proposals. If there are enforcement problems, do not draft new rules but improve enforcement; (b) ensure that enforceability of new EU rules is systematically assessed during legislative impact assessments.
- Break down silos: create inter-DG taskforces for each policy objective so that rules are not developed in silos but, from the outset, there is a clear picture of which existing (and other) rules the rules to be drafted will interact with and what this means cumulatively for competitiveness and adoptability.
- Realistic reporting and notifications: limit reporting and notification obligations to 'realistic must-haves' that effectively contribute to the policy objective and abide by the 'report once'-principle.

9. Ensure coherence and simplicity in future Cloud and AI legislation

B9+ restates its calls for a smart approach to technological sovereignty²¹. As the EU develops the Cloud and AI Development Act (CADA), policymakers should ensure that new requirements are fully aligned with existing digital legislation and do not introduce additional layers of overlapping obligations.

Future cloud and AI legislation should provide clear and operational definitions throughout the digital supply chain and avoid creating legal uncertainty through overly broad concepts that may inadvertently capture entities not directly involved in the provision of regulated services. Regulatory obligations should remain targeted, proportionate and linked to actual risk.

²¹ [B9+ Statement to D9+ Ministers in Luxembourg, June 2026](#).