

CEE Digital Coalition's call for legal certainty and coherence in the GDPR framework within the Digital Omnibus

We are organizations collaborating within the CEE Digital Coalition, a collective of digital and advanced technology industry bodies from Central and Eastern European Member States. Our goal is to align the region on its digital journey and jointly accelerate the digital transformation of the regional economy and information society. We hereby wish to comment on the current work on the Digital Omnibus Proposal.

The Digital Omnibus undeniably represents progress, showing a greater dedication to simplification and legal certainty companies need to develop and fine-tune AI models in Europe. Properly designed, the Omnibus could provide meaningful competitiveness gains for enterprises across Central and Eastern Europe and the entire EU.

However, we believe some provisions of the Omnibus proposal ultimately fall short of their true potential. In particular, the proposed changes affecting the GDPR framework in the context of artificial intelligence development may introduce additional legal uncertainty and fragmentation within the Single Market.

To achieve genuine regulatory simplification and secure a competitive advantage for enterprises across the CEE and the EU, the Coalition believes targeted drafting improvements are necessary."

1. Ensure a single, harmonized standard for AI and legitimate interest

The proposed Article 88c—which confirms legitimate interest as an appropriate legal basis for AI training and operation—is highly positive for any company developing or fine-tuning models in Europe. It offers significantly greater legal certainty than the December 2024 EDPB Opinion for companies to base their entire legal compliance on. However, the current drafting undermines these benefits by imposing new conditions that diverge from standard GDPR rules for legitimate interest.

To ensure legal certainty and prevent Single Market fragmentation, Article 88c must be harmonized with established GDPR case law. Therefore, the provision allowing Member States to impose national consent requirements and opening the door to 27 different or contradicting national regimes should be deleted. A unified and predictable framework is essential for cross-border digital services and AI development within the EU.

Co-legislators should additionally ensure the conditions for legitimate interest are harmonised between AI development and other processing activities as

recommended by the EDPB/EDPS Joint Opinion. We recommend deleting the additional conditions in Article 88c to ensure the test remains consistent for all technologies.

As a final point, the Omnibus should focus on the activity (data processing) rather than undefined labels like "AI models." Alternatively, co-legislators should reference the definition of a "general-purpose AI model" in Article 3, point (63) Regulation (EU) 2024/1689.

2. Replace the strict "avoid" obligation for special category data with a risk-based standard

The Digital Coalition welcomes the Omnibus proposal's exception for the incidental and residual processing of special categories of data in AI. This rightly recognizes that such data is crucial for mitigating bias and ensuring necessary representativeness in AI systems. However, the current drafting attaches unworkable conditions to this exception, requiring improvement.

First, the requirement to strictly "avoid" collecting sensitive data from the open web is technically unworkable. As the EDPB/EDPS Joint [Opinion](#) explicitly notes, "it is not always possible for controllers to avoid residual and incidental processing of special categories of data."¹ In practice, this obligation creates a privacy paradox: developers are forced to conduct invasive monitoring just to identify and filter out potential sensitive data.

This rigid approach should be replaced with a practical "risk mitigation" standard across the AI development life cycle, grounded in appropriate technical and organisational measures like Privacy-enhancing technologies (PETs). This solution maintains the GDPR's core balance between protection and innovation, ensuring that any incidentally collected data is processed in a highly secure manner. d.

At the same time, mandatory output filters that undermine the functional utility of AI tools —such as preventing a chatbot from answering factual, public questions about a public figure's political opinions or health history— should be removed. Overly restrictive obligations risk limiting the effectiveness and competitiveness of AI systems developed and deployed within the European Union.

We urge the Member States to implement these changes, as we believe they are essential for achieving ambitious goals to streamline EU digital regulations and enhance competitiveness and prosperity both regionally and globally.

¹ EDPB-EDPS JOINT OPINION 2/2026 On the Proposal for a Regulation as regards the simplification of the digital legislative framework (Digital Omnibus), Para 46.
https://www.edps.europa.eu/system/files/2026-02/edpb_edps_jointopinion_202602_digitalomnibus_en.pdf

About CEE Digital Coalition

CEE Digital Coalition is an informal regional alliance of digital and technology organisations from Central and Eastern Europe, established to strengthen cooperation across the CEE region and to ensure a stronger, coordinated voice of CEE stakeholders in European digital policymaking.

The Coalition brings together 17 organisations from 12 countries, representing a broad spectrum of the digital economy, including ICT, new technologies, innovation, and digital services. CEE Digital Coalition focuses on promoting digital transformation, innovation-friendly regulation, cybersecurity, digital skills, and the competitiveness of the CEE region, while engaging in dialogue with EU institutions, national governments, and key international partners. More: www.ceedigital.org