

CEE Digital Coalition's position on ensuring consistent and operationally viable simplification

Recommendation on ePrivacy within the Digital Omnibus

On behalf of the organizations collaborating within the CEE Digital Coalition – a collective of digital and advanced technology industry bodies from Central and Eastern European Member States – we present our position on the ongoing work related to the Digital Omnibus Proposal, with particular focus on the treatment of the ePrivacy framework.

The CEE Digital Coalition brings together industry stakeholders committed to aligning the region on its digital journey and accelerating the digital transformation of our economies and societies. We support the European Union's objective to simplify digital regulation and enhance Europe's competitiveness. However, simplification must be consistent, legally coherent, and operationally viable in practice.

The Digital Omnibus represents a positive step forward. The intention to streamline existing digital legislation and improve enforceability is welcome. In particular, the effort to better align ePrivacy rules with the GDPR is a promising direction that could enhance legal certainty and reduce regulatory fragmentation. Properly designed, such integration could provide meaningful competitiveness gains for enterprises across Central and Eastern Europe and the entire EU.

Nevertheless, in its current form, the Omnibus proposal falls short of its full simplification potential. To deliver genuine simplification and avoid unintended market distortions, we believe the proposal should adopt a more ambitious and coherent approach.

1. Delete Article 88b – Browser-Level Consent

Article 88b, introducing mandatory browser-level consent signals, should be deleted. Centralized browser signals do not practically resolve user consent fatigue. Instead, they risk creating “consent confusion,” where users lose clarity over what they are agreeing to and under which legal basis. At the same time, such a model would functionally undermine the ad-supported web, including privacy-safe contextual advertising models that do not rely on profiling.

By restricting lawful and proportionate advertising solutions, Article 88b would disproportionately affect European publishers, SMEs, and digital service providers – particularly in CEE markets – without delivering meaningful additional protection for users.

We strongly caution co-legislators against this approach, which risks creating a two-tier internet, arbitrarily picking winners and losers without achieving long-term positive change. We believe the Digital Omnibus should focus on creating a level playing field that enables safe data use for all actors. This means

focusing on the root cause of consent fatigue by exempting low-risk activities – such as contextual advertising – from consent requirements entirely.

2. Expand Article 88a – Make exemptions real and effective

We agree with the Commission's assessment that the current cookie consent system is broken. Under the existing legal framework, both low-impact processing (such as contextual advertising) and high-impact behavioural profiling operations trigger the same user consent requirement. This creates a systemic disincentive for businesses to invest in and develop more privacy-oriented products, while simultaneously overwhelming users with ubiquitous consent banners.

However, the current ambition of the Digital Omnibus is insufficient to address this structural problem. The two additional exemptions currently foreseen – security and audience measurement – are too narrow to meaningfully change the status quo. The Digital Omnibus presents a crucial opportunity to address two systemic issues simultaneously: reducing excessive consent banners and incentivizing privacy-by-design business models. To achieve this, Article 88a must be expanded to exempt low-risk, non-profiling activities that are essential for the functioning of the digital ecosystem.

By allowing businesses to adopt privacy-safe models without triggering consent requirements, the regulation would create a tangible market reward for privacy-by-design activities. This would simultaneously support business viability, —particularly for SMEs and publishers in Central and Eastern Europe—, while delivering the simplified user experience with far fewer banners that citizens increasingly expect. This would also align with the EU privacy regulators that explicitly invited policy-makers to exempt contextual advertising and low-impact activities (fraud, measurement and capping) from user consent “to provide an incentive to use less intrusive forms of advertising online”.

Therefore, expanding Article 88a to exempt contextual advertising—alongside its necessary functions like fraud prevention, measurement, and frequency capping—creates a critical and unique alignment of interests. We encourage co-legislators to adopt this approach, as it supports industry competitiveness, answers regulators' calls for privacy-centric models, and directly benefits users by reducing banner fatigue

3. Ensure Unified GDPR Enforcement – End the split regime

To achieve genuine simplification and prevent enforcement fragmentation, the current “split regime: between personal and non-personal data must be resolved. Rules concerning access to and storage of information in terminal equipment should be fully integrated into the GDPR framework under a single, consistent enforcement mechanism. It is also highly politically relevant: full integration

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 104.
https://www.edps.europa.eu/system/files/2026-02/edpb_edps_jointopinion_202602_digitalomnibus_en.pdf

directly supports the Commission's broader objective to streamline the digital rulebook and dismantle the outdated ePrivacy Directive by the end of this mandate.

Maintaining separate enforcement tracks risks regulatory inconsistency, overlapping competencies, and legal uncertainty for cross-border businesses. — a risk explicitly echoed by the regulators in the recent EDPB/EDPS Joint Opinion. A unified GDPR-based approach would ensure coherence, reduce administrative burdens, and strengthen predictability for both companies and supervisory authorities. Therefore, we believe all rules concerning access to and storage of information in terminal equipment must be fully integrated into the GDPR framework under a single, consistent enforcement mechanism. This consolidation will deliver the Commission's simplification agenda without compromising security, as unauthorized access to devices remains strictly prohibited and penalized under existing national computer misuse laws.

Conclusion

For the Digital Omnibus Proposal to truly deliver simplification, enhanced legal certainty, and meaningful competitiveness advantages for enterprises throughout Central and Eastern Europe and the entire EU, the European Union must adopt a more coherent and operationally realistic approach.

We therefore urge Member States and EU institutions to introduce the above changes during the legislative process. These adjustments are essential to achieving the EU's stated ambition to streamline digital regulation, reduce unnecessary compliance burdens, incentivize privacy-by-design innovation, and strengthen Europe's global competitiveness in a balanced and proportionate manner.

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