

Brussels, 01 December 2025

Interinstitutional files:
2025/0359 (COD)
2025/0360 (COD)

WK 16524/2025 ADD 1

LIMITE

SIMPL
ANTICI
DATAPROTECT
CYBER
TELECOM
CODEC
PROCIV

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)

Subject:	Omnibus VII (Digital Omnibus and Digital Omnibus on AI) - compiled comments (ddl 26/11)
----------	---

Following the meeting of the AGS on 21 November on the Omnibus VII (Digital Omnibus and Digital Omnibus on AI), delegations will find additional comments as received from MT.



MT Comments on the Omnibus VII Package (Digital)

General Comments

Malta takes note of the package presented by the Commission during the Antici Sub-Group Working Party on 21st November 2025 and enters a **scrutiny reservation** at this stage.

Malta supports the overall objective of improving coherence within the EU's data and digital regulatory framework. Malta also supports targeted amendments to help businesses overcome practical obstacles to access to data, while keeping the highest level of protections for the rights and interests of citizens, privacy and trade secrets.

Malta also supports the consolidation of Regulation (EU) 2024/1689 (Free Flow of Data Regulation), Regulation (EU) 2022/868 (Data Governance Act) and Directive (EU) 2019/1024 (the Open Data Directive) into Regulation (EU) 2023/2854 (Data Act), on the understanding that this consolidation enhances clarity, reduces fragmentation and improves practical implementation and helps businesses. Malta notes that this initiative is in accordance with the Data Union Strategy.

At this stage, Malta has no objections to include the Free Flow of Non-personal Data Regulation and the Data Governance Act under the Data Act.

Malta welcomes the proposed changes, to address the long-standing issues identified by ENISA and Member States, within the European Communications Security Network (ECSN) sector. We also acknowledge that the proposal introduces a single, harmonised incident-reporting channel, which is also aligned with the reporting thresholds established under the NIS2 Commission Implementing Regulation (EU) 2024/2690. Malta however would like to underline that the aforementioned Implementing Regulation does not cover the ECSN. Consequently, there are currently no harmonised incident-reporting thresholds applicable to these sectors. Malta notes that the absence of harmonised thresholds in the ECSN sector could, in principle, open the discussion on whether such thresholds should be introduced at EU level. Should this be considered in the future, Malta underlines that a flexible approach would be necessary, as a uniform, "one-size-fits-all" approach may not be suitable for the varying national contexts across Member States.

Extension of the unified mechanism to the EU AI Act

Malta notes the proposed extension of the simplified, unified mechanism for cybersecurity incident reporting. Malta considers it useful to examine whether this mechanism could also be extended to the EU AI Act, to further streamline reporting processes.

Regulation (EU) 2016/679 - GDPR

Malta understands efforts to clarify rules and promote harmonised implementation across Member States. However, Malta emphasizes the importance that any "simplification" must not dilute core existing GDPR safeguards, such as weakening accountability and transparency. Malta recalls the high standard achieved by the GDPR, which is now well-known and expected by data subjects. Malta underlines the importance of fostering a strong data protection culture and to strike the right balance between efficiency and compliance.

Malta does **not support** the proposed amendment to the definition of personal data under Article 4 of the GDPR, as data which is currently considered as personal could fall outside of the GDPR's scope for certain actors. Malta also lodges a **scrutiny reservation** on the two additional exemptions to the processing of special categories of data, particularly those relating to AI, as these may risk undermining protection standards.

Malta can support:



- The clarification of Article 22 of the GDPR, concerning requirements for automated individual decision.
- The harmonisation of the lists of processing activities requiring and not requiring a data protection impact assessment (DPIA) at EU level; and
- The possibility for the Commission to adopt, by implementing act, a common template and common methodology for DPIAs, following appropriate review.

On pseudonymisation, Malta notes the EDPB adopted *Guidelines 01/2025 on Pseudonymisation in which they emphasise that pseudonymisation is a risk-mitigation measure*, which clarify that pseudonymized data remains personal data if it can still be used to re-identify an individual. Malta supports having clear technical criteria and risk-based assessments for pseudonymisation, but stresses the need to be cautious on when data can be considered to no longer be “personal data”, as this depends on the context.

For Malta, it is paramount that the core GDPR principles remain non-negotiable. Expanding AI use must not bypass fairness, transparency or storage limitation. Any deviation or exemption must be justified, proportionate, and accompanied by appropriate safeguards.

Directive (EU) 2002/58/EC - ePrivacy Directive

As regards the privacy of communication, the proposal preserves the highest standard of protection, including consent-based access to terminal equipment. Malta acknowledges that the amendment to the e-Privacy Directive does not alter the substantive protections. The alignment of the rules for processing of personal data on and from terminal equipment with those of Regulation (EU 2016/679 (General Data Protection Regulation) is welcomed. It is further noted that the rules on the integrity of the terminal equipment under the Directive are maintained where non-personal data is processed. Malta at this stage can be flexible and support the proposed amendments in relation to the privacy of communication.

Regulation (EU) 2018/1724 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services

Malta acknowledges that the proposal only seeks to position the procedures ‘Data intermediation services provider’ and ‘data altruism organisation registration’ under the relevant life event in Annex II of the SDG Regulation. These procedures are already regulated under the Digital Governance Act. At this stage, Malta does not identify any issues.