Council of the European Union
General Secretariat

PUBLIC

Brussels, 06 February 2026

WK 2045/2026 INIT

LIMITE

SIMPL **TELECOM**
ANTICI **CODEC**
DATAPROTECT **PROCIV**
CYBER **COMPET**
MI

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) - Presidency discussion note for the AGS on 13 February 2026

Delegations will find enclosed a note by the Presidency with a view to steering the discussion on the proposal of Omnibus VII (Digital Omnibus) on general digital rules (cyber and data), during the meeting of the Antici Group (Simplification) on 13 February 2026.

Presidency discussion note
General Digital Omnibus
Antici Group on Simplification (AGS), 13 February 2026

PUBLIC

At the last AGS meeting addressing the proposal for the general Digital Omnibus, held on 16 January 2026, the Cyprus Presidency organised a detailed Q&A session with the Commission on certain aspects of the proposal, and an exchange of views based on a Presidency discussion note, focusing on the GDPR, Cookies and P2B. At the upcoming meeting of the AGS on the Digital Omnibus, on 13 February 2026, the Cyprus Presidency would like to continue the discussion in a similar format, by focusing on the remaining elements of the proposal, notably the Cyber – Single Entry Point – element, and the amendments to the Data Act. The feedback provided by Member States will be used by the Cyprus Presidency to guide the work on the first compromise text, which will be presented and discussed in due course. The discussion on 13 February will be organised in 3 rounds.

Cybersecurity

The Commission's approach with the Single-Entry Point seeks to simplify compliance, improve operational coordination and reinforce the effectiveness of incident response, while preserving the necessary safeguards for confidentiality, secure processing and the protection of sensitive information. Exchanges have taken place for the Commission, with support of ENISA as regards technical aspects, to further clarify specific questions on the proposal, including its potential practical set-up, governance model, interaction with national systems and the distribution of responsibilities between Union-level structures and Member States' authorities. Following up on these exchanges, including the last technical workshop that took place on 4.2.2026, MS will be asked to reflect on the following two questions.

- ➔ **Question 1:** What additional safeguards are necessary to ensure that Member States are appropriately involved in the process of designing, developing, and maintaining the SEP, taking into account national reporting systems, needs and integration?
- ➔ **Question 2:** What are Member States' views on the proposed transitional period for the set-up of SEP and its piloting phase?

Data

With the Digital Omnibus, the Commission proposes to consolidate the rules of the Data Governance Act ('DGA'), the Open Data Directive ('ODD') and the Free Flow of non-personal Data Regulation ('FFDR') into the Data Act ('DA'). The instruments will then be repealed. This will create a single instrument, turning the ODD into a Regulation. Rules from the

consolidated instruments as well as the DA will be amended to simplify and clarify their application with the aim of reducing burdens and boosting competitiveness in the Union.

- Changes in the DA concern the provisions on trade secrets, B2G data sharing, cloud switching and the European Data Innovation Board (EDIB).
- The rules of the DGA on Data Intermediation Services Providers and Data Altruism Organisations that will be integrated into the DA are simplified both for their requirements and for the registration procedure. Rules on EDIB are merged and streamlined with those of the DA.
- The rules of the ODD on the re-use of public sector information are merged with the rules under Chapter II DGA on the re-use of certain protected data held by public sector bodies with some provisions now applying to both regimes and a new rule to allow public sector bodies to set out special conditions for very large enterprises.
- The FFDR will be repealed with the exception of the principle of prohibiting data localisation requirements within the Union for non-personal data.

In this context, the Presidency would like Member States to have a first exchange of their positions and invites them to reflect on the following general questions:

➔ **Question 3:** Do Member States support the consolidation of the DGA, the ODD and the key principle of the FFDR into the DA?

➔ **Question 4:** Do Member States support the merging of rules on the re-use of public sector information under Chapter II DGA and the ODD and turning the ODD into a Regulation?

➔ **Question 5:** Do Member States agree with the need/approach to clarify certain rules of the DA especially with regard to:

a) Increasing protection of trade secrets by amending the 'trade secret handbrake' mechanism, aiming at preventing data leakages to third countries without equivalent protection of trade secrets?

b) Limiting the scope of the provisions regarding Business-to-Government data sharing (Chapter V DA)?

c) Exempting certain custom-made solutions and actors from the obligation to renegotiate cloud contracts?

➔ **Question 6:** Do Member States support the general direction of having more flexible requirements for data intermediation services providers and making the registration and use of the label voluntary?

➔ **Question 7:** Do Member States agree with the proposed direction to simplify the structure of the EDIB, allowing for more strategic discussions?

PUBLIC

As a result of the proposed amendments, the DA would include different chapters addressing different policy problems. Attention should be paid that, when defining a specific notion that has got a specific meaning in one policy context, there are no repercussions in other areas.

➔ **Question 8:** Regarding definitions, how do delegations see the Digital Omnibus proposal in relation to the objectives of:

- Having a complete set of definitions. Are definitions missing and why?
- Achieving consistency of definitions within and across legal acts?

Delegations will also be invited to submit their written comments, along with possible recommendations, after the AGS meeting of 13 February 2026.