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From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Omnibus VII (Digital Omnibus): Explanatory note accompanying the Presidency compromise text (AGS meeting on 24 April 2026)

Delegations will find enclosed an explanatory note accompanying the Presidency compromise text (doc. ST 8261/26) for the Antici Group (Simplification) meeting on 24 April 2026 on Omnibus VII (Digital Omnibus) in relation to the GDPR, the ePrivacy Directive, as well as the P2B Regulation.

Explanatory Note

The second Presidency compromise text (**ST 8261 2026 REV 1**) builds upon the discussions held within the Antici Group on Simplification, discussions and written comments received from delegations. The text addresses all provisions related to the GDPR, the ePrivacy Directive and the P2B Regulation. The proposed amendments to the EUDPR will be aligned at the later stage based on the compromises reached.

As recommended by several delegations, the Presidency also further considered the EDPB-EDPS joint opinion on the Digital Omnibus to prepare the second compromise text.

In view of the AGS meeting of 24 April, this Explanatory Note highlights and explains the main changes in relation to the GDPR, the ePrivacy Directive, as well as the P2B Regulation. Further details on the changes are included in the annexed Explanatory Table. A second Explanatory Note will be issued in the coming days to explain the main changes proposed in relation to the Data Act and Cyber/Single-entry-point parts.

Pseudonymisation and identification of a natural person
Article 3(1), Article 3(10) – New Article 29a GDPR, Article 3(14), Recital 27a

Reflecting the position of a majority of delegations, the compromise text maintains the deletion of the amendment to the definition of personal data under Article 4(1) GDPR and of the proposed Article 41a GDPR.

To answer demands of further addressing the topic of pseudonymisation in the operative part of the GDPR, the Presidency proposes to introduce a new dedicated Article 29a on pseudonymisation and the identification of a natural person under Section I, Chapter IV GDPR, related to the general obligations of controllers and processors, as pseudonymisation can be considered as means to achieve compliance with their obligations. The proposed new Article 29a consists of two main elements:

- Paragraph 1 anchors part of the text of recitals 26 and 28 GDPR in the operative part of the Regulation, thus strengthening the current legal framework and providing further clarifications on the elements to be considered to determine whether a natural person is identifiable, referring in particular to means reasonably likely to be used.

- Paragraphs 2 and 3 mandate the Board to issue an opinion in accordance with Article 64(2) GDPR addressing the application of pseudonymisation and anonymisation and specifying means and criteria to determine whether the application of pseudonymisation to personal data may effectively prevent persons other than the controller from identifying a data subject. This opinion aims to address the follow up of the CJEU ruling in case C-413/23 (EDPS v SRB) and provide further clarity and opportunities to data controllers regarding the application of pseudonymisation to personal data. As opposed to the initially proposed guidelines, the adoption of an opinion would further anchor the provided guidance within the GDPR consistency mechanism, thus addressing fragmentation concerns. The Presidency clarifies that, in line with the GDPR and related case-law, although the proposed opinion has no direct binding effect on controllers or national supervisory authorities, it ensures more robust and consistent interpretative guidance, which may ultimately lead to a binding decision by the Board in a particular case[1].

[1] The consistency mechanism, like the rules on cooperation between supervisory authorities, provides for a non-binding advisory phase before the adoption, where appropriate and in relation to specific cases, of binding decisions of the EDPB. See paragraph 29 of Ordonnance, 29/04/2025, Meta Platforms Ireland / Comité européen de la protection des données, T-319/24.

The Presidency proposes a new Article 29a, to be read in conjunction with further complemented and clarified amended Recital 27a, and is also cross-referenced under Article 70 GDPR, which outlines the tasks of the Board.

→ **The Presidency considers that the new Article 29a, read together with Recital 27a, constitutes a balanced compromise, which preserves the current definition of personal data as enshrined in the GDPR, while facilitating compliance for controllers and by providing a consistent interpretation of the application of pseudonymisation to personal data, which remains within the sole remit of independent supervisory authorities.**

Scientific research

Article 3(1), Article 3(2), Article 3(6), Recital 29

As requested by several delegations, the Presidency introduces a proposal with a view to agree on a common definition of scientific research. The Presidency suggests amending the initial text proposed by the Commission, laying down a principle-based definition to encompass various fields of scientific research and national practices.

Based on delegations' contributions as well as the EDPB's recently adopted guidelines[2], the proposed definition lays down key principles to define the remits of scientific research activities, namely autonomy and independence, contribution to public interest and well-being, development of scientific knowledge, use of a methodological and systematic approach in line with ethical standards, and alignment with transparency and result verifiability. The corresponding recital 29 has been further developed to align with the proposed principle-based definition.

The Presidency also suggests updated text concerning the amendment to Article 5(1)(b) GDPR, reinstating the reference to Article 6(4) GDPR clarifying that scientific research purpose is to be considered as a compatible purpose for further processing without the need for an additional compatibility test.

→ **The Presidency considers that the proposed compromise may serve as a basis to agree on a principle-based common definition of scientific research, providing legal certainty for organisation processing personal data for scientific research purposes, while ensuring clear and relevant safeguard to determine the limits of such processing activities.**

Artificial intelligence

Article 3(3), Article 3(15), Recitals 30 and 31, Recital 33

Following dedicated discussions held within the AGS and written contributions, the Presidency proposes addressing provisions concerning processing activities related to artificial intelligence through a targeted approach that ensures legal certainty for data controllers involved in such processing activities.

The Presidency suggests clarifying that the proposed new derogation for the processing of sensitive data in the context of the development and operation of an AI system or AI model should be limited to cases of incidental and residual processing of such data. This corresponds to the circumstances to be addressed, where the controller initially does not intend to process sensitive data, but where the main processing operation leads to an incidental and residual processing of sensitive data.

[2] Guidelines 1/2026 on processing of personal data for scientific research purposes.

- The Presidency proposal aligns with the EDPB-EDPS Joint Opinion and includes further clarifications and safeguards requested by delegations, regarding the implementation of related organisational and technical measures.
- The corresponding recital has been adapted and complemented to support the application of the new introduced derogation.

On Article 88c GDPR on the processing in the context of the development and operation of AI, the Presidency took note of the fact that the possibility for the development and operation of AI to rely on the legitimate interest has already been explicitly confirmed by data protection authorities and that, as such, the proposed new provision does not bring any added value or further legal certainty for controllers undertaking such processing. The Presidency has considered various concerns expressed by several delegations, which can be summarised as follows:

- Introduction of a technology specific article would contradict the technology neutral nature of the GDPR, a principle-based fundamental rights legislation applicable to the processing of personal data regardless of the underlying technology.
- Highlighting of a particular lawful ground for processing in the operative part of the GDPR would also risk undermining the principle of accountability and the approach followed by data protection authorities, based on the absence of hierarchy between the different lawful grounds for processing under Article 6 GDPR and the responsibility of controllers to determine the most appropriate ground on a case-by-case basis.
- Implementation of the data subject's unconditional right to object as foreseen under the proposed Article 88c may prove challenging, including in relation to technical considerations underlying the development and operation of AI systems and models.

The Presidency notes that the current GDPR text only indicates in the recitals and not in the operative part that certain purposes are to be considered as legitimate interest of the controller, for instance direct marketing purposes, as well as network and information security.

Given the above, and as requested by several delegations, the Presidency suggests not to maintain the proposed new Article 88c GDPR on the processing in the context of the development and operation of AI.

→ **The Presidency considers that the proposed compromise on the provisions related to artificial intelligence is in line with the simplification and clarification objective of the proposal, focusing on a clear and targeted framework allowing for the incidental and residual processing of sensitive data, while avoiding confusion and unintended implementation challenges concerning the lawful ground for processing in the context of the development and operation of AI. As such, the proposed compromise, also aims at fostering a targeted discussion on provisions which may lead to concrete and immediate simplification gains, thus fitting within the context of the required swift advancement of discussions.**

<u>Automated individual decision-making</u>
Article 3(7), Recital 38

As demanded by several delegations, the Presidency presents a compromise text on Article 22 GDPR which preserves the structure of the prohibition with limited exemptions and the rights-based nature of the current GDPR provision.

The corresponding recital 38 clarifies that when assessing whether a decision based solely on automated processing is necessary for entering into or performance of a contract between the data subject and the controller, it should not be required that the decision could be taken only by solely automated processing.

→ **The Presidency considers that the proposed compromise maintains key principles related to automated decision-making while introducing the necessary clarifications to facilitate the application of this provision in the context of the performance of a contract.**

Provisions related to the ePrivacy Directive and cookies
Article 3(15), Article 5(2) and (2a), Recitals 43 to 46

The Presidency took note of various remarks, questions and concerns expressed by delegations in relation to the proposed new Article 88a and 88b GDPR concerning the rules applicable to cookies and more broadly the storing of or gaining access to information already stored, in the terminal equipment of a natural person. Several delegations raised concerns on the potential establishment of a dual legal framework and the complication of the existing framework based on the nature of the information.

- Questions continue to be raised as to the rights of end-users protected by the ePrivacy Directive, the related processing of information, including personal data, falling within the scope of the Directive and the legal and practical impact of transferring some of the concerned provisions under the GDPR.

The Presidency considers that broad support exists for the objective of simplification in optimising user experience and provider compliance by reducing cookie banners on online interfaces.

1. *Maintaining a single legal framework for the storing of information, or gaining of access to information already stored, in the terminal equipment of a natural person*

The Presidency proposes to maintain the current single legal framework when it comes to the storing of information, or gaining of access to information already stored in the terminal equipment of a natural person by amending Article 5(3) of the ePrivacy Directive to introduce the proposed additional consent exceptions, simplifying cookie rules and improving user experience.

- As suggested by several delegations, amendments to the proposed exceptions to consents have been made to clarify and frame their respective scope of application.
- The Presidency introduces an additional exception for the measuring of contextual advertising, as notably recommended by the EDPB-EDPS Joint Opinion.

The Presidency signals that amending the ePrivacy Directive would imply the adoption of transposition laws in each Member State, therefore a dedicated provision has been proposed to this end. The transposition period would run in parallel to the necessary period for the preparation and application of the standards for the interpretation of machine-readable indications of data subjects' choices introduced under the new Article 88b. The Presidency considers that although maintaining the rules under the ePrivacy Directive would affect harmonized enforcement, it would still allow for application of a simplified framework and deliver concrete simplification gains for users and providers.

The Presidency acknowledges that amendment of a Directive through a Regulation is not common legislative practice[3], however the Presidency notes that the Digital Omnibus proposal is already introducing several amendments to the ePrivacy Directive.

2. *Facilitating users' consent through automated and machine-readable indications*

[3] There are several examples of Regulations amending Directive in a limitative way, such as the Digital Services Act. Other precedents in EU law correspond to more substantives amendments to a Directive through a Regulation, in particular Regulation (EU) 2023/1113 on information accompanying transfers of funds and certain crypto-assets which introduces new definitions and new provisions to Directive 2015/849.

In addition to the proposed amendments to the ePrivacy Directive, the Presidency suggests maintaining under the GDPR the proposed Article 88b on automated and machine-readable indications of data subject's choices and placing it after Article 8 GDPR, as it would relate to a particular modality for the purpose of data subject consent to the storing of personal data, or gaining of access to personal data already stored in the terminal equipment of a natural person.

- Maintaining proposed Article 88b under the GDPR would ensure a fully harmonised framework for the development and application of automated and machine-readable indications of data subject's choices.

The Presidency proposes to maintain the structure and main elements of the Commission proposal, including the exception related to media service providers, while introducing additional clarifications and safeguards as to the scope and modalities of application.

In addition, building upon comments made by some delegations, the Presidency proposes to add a paragraph to ensure that providers of web browsers and providers of operating systems do not process data related to data subject's choices for any other purpose than transmitting signals to providers of online interfaces.

→ **The Presidency considers the compromise proposed on the ePrivacy Directive and cookies maintains legal certainty through a single legal framework when it comes to the storing or gaining of information on the terminal equipment of a user while delivering concrete gains in terms of simplification for both users and providers.**

Additional provisions suggested by delegations
Article 3(7a), Article 3(9a), Article 11(aa), Article 11(ab), Article 14 (hca), Recital 35a

The Presidency notes delegations' written suggestions concerning GDPR provisions not part of the Commission proposal. The Presidency has reviewed these proposals and considers that a consistent approach is necessary to avoid going beyond the Omnibus exercise and to remain within the remits of targeted changes which should serve the overall simplification objective. The Presidency has therefore considered additional amendments proposed by delegations on the basis of three main elements, reflecting the demands already expressed during previous AGS discussions:

1. Simplification: the amendment shall aim at facilitating compliance or alleviating regulatory burden for controllers, especially SMEs.
2. Data protection: the amendment shall not affect the exercise of data subjects' rights and shall not negatively impact on the level of protection of personal data.
3. Legal certainty: the amendment shall not introduce a new provision nor duplicate or contradict existing GDPR provisions.

On this basis, the Presidency proposes to include the following amendments proposed by some delegations as part of its updated compromise text. To facilitate reading, an amended version of the corresponding GDPR article, reflecting to the proposed amendment, is included below each amendment.

- Article 3(7a), Recital 35a: amending Article 25(1) and (2) GDPR to include processor within the scope of data protection by design and by default obligations and to add a cross-reference with the lists of high-risk processing. To facilitate delegations' reading, an amended version of the corresponding GDPR article, reflecting to the proposed amendment, is included below.

Article 25
Data protection by design and by default

1. Taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, ***with particular regard to***

the lists referred to in Article 35(4) and (5), the controller ***and processor*** shall, both at the time of the determination of the means for processing and at the time of the processing itself ***as applicable***, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data-protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of this Regulation and protect the rights of data subjects.

2. The controller ***and processor*** shall implement appropriate technical and organisational measures for ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed. That obligation applies to the amount of personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.

3. An approved certification mechanism pursuant to Article 42 may be used as an element to demonstrate compliance with the requirements set out in paragraphs 1 and 2 of this Article.

- Compliance obligations for data controllers and the establishment of processing agreement would be facilitated by also subjecting the processor to the provisions related to data protection by design and by default, as applicable. The Presidency considers that the proposed amendment does not affect the current level of responsibility and relationship between the controller and processor, nor the principle of accountability. The controller would remain solely responsible of determining the purpose and means of processing and apply related obligations, while the processor would also be subject to Article 25 GDPR when it comes to its processing offer and services, as well as related obligations. A corresponding recital will be drafted at a later stage to accompany the amendment in Article 25.

- Article 3(9a): amending Article 37(7) GDPR to delete the obligation for controllers and processors to communicate the contact details of the data protection officer to the supervisory authority. To facilitate delegations' reading, an amended version of the corresponding GDPR article, reflecting to the proposed amendment, is included below.

Article 37
Designation of the data protection officer

(…)

7. The controller or the processor shall publish the contact details of the data protection officer ***~~and communicate them to the supervisory authority~~***.

- Article 11(aa): amending Article 57(1) GDPR for national supervisory authorities to refrain from adopting guidelines on matters already addressed by the Board, thus avoid fragmentation and ensuring further consistency in the guidance provided to controllers.

- Article 11(ab), Recital 35a: amending Article 57(4) GDPR to align and apply the clarification on excessive requests (abusive intention) in Article 12(5) GDPR to the requests made to a supervisory authority.

- Article 14 (hca): amending Article 70(1) GDPR adding to the tasks of the Board the adoption of guidelines on technical and organisational measures to ensure the security of processing as per Article 32 GDPR.

→ **The Presidency considers that proposed additional amendments to the GDPR constitute targeted and beneficial changes which would serve the simplification objective of the Digital Omnibus and provide a relevant addition to the Commission's initial proposal in this regard.**

Amendments to the P2B Regulation
Article 10(1), Recital 59

In response to the call by a number of Member States, the Presidency proposes the following amendments to Article 10 on Regulation 2019/1150 (P2B Regulation): instead of the repeal of the P2B Regulation, the Presidency suggests to amend the P2B Regulation, repealing a number of articles in two separate timelines, while some of the articles will continue to be in force indefinitely.

- The Presidency suggests the following Articles be kept in force indefinitely (or until replaced and repealed by another act): the provisions on terms and conditions in Article 3, on ranking in Article 5, and on differentiated treatment in Article 7, as well as provisions in Article 15 ensuring enforcement are maintained, without any sunset clause.

- The provisions on restrictions and suspensions in Article 4 and the internal complaint-handling system in Article 11 will remain in force until the sunset clause of the 31st of December 2032.

- The remaining of the articles of the P2B Regulation will be repealed as of the entry into force of the Digital Omnibus, namely Articles 2(11), 2(12), 6, 8 to 10, 12 to 14, and 16 to 18.

For the legal clarity, the wording of Article 10(1) and (2) is redrafted, as the proposal no longer repeals the P2B Regulation, but proposes amendments to it.

The table shows a direct comparison between the two versions:

COM Proposal	**Presidency Compromise text**
1. Regulation 2019/1150/EU is repealed with effect from [date = entry into application of this Regulation] 2. By way of derogation from paragraph 1, the following provisions shall continue to apply until 31 December 2032: a. Article 2, point (1); b. Article 2, point (2); c. Article 2, point (5); d. Article 4; e. Article 11; f. Article 15.	1. Regulation 2019/1150/EU amended as follows: a. Articles 2(11), 2(12), 6, 8 to 10, 12 to 14, and 16 to 18, are deleted as of [date of entry into force]. b. Articles 4 and 11 are deleted as of 1 January 2033.

Annex - Explanatory Table

Recitals	
GDPR and ePrivacy	
Recital 27	The first sentence of the recital as proposed by the Commission is maintained.
Recital 27a	The recital has been updated to align with the new proposed Article 29a, regarding the *ex-ante* and *in concreto* assessment of natural person identification, and the importance of the Board to carry out a public consultation prior to issuing the opinion.
Recital 29	The recital has been updated to align with the new proposed definition of scientific research and key principles.
Recital 30	The recital is deleted to align with the deletion of the proposed Article 88c GDPR.
Recital 31	The recital is deleted to align with the deletion of the proposed Article 88c GDPR.
Recital 32	The recital has been amended to provide a further clarified wording.
Recital 33	The recital has been amended to align with the proposal under Article 9(2)(k), to add reference to "incidental and residual" processing.
Recital 34	The recital has been amended to align with the revised proposal under Article 9(2)(l) and to further exemplify the application of the derogation for biometric data processing for verification purposes.
Recital 35	The recital has been amended to align with the revised proposal under Article 12(5) GDPR and to further exemplify the application of the provision, following the recent CJEU ruling in case C-536/24.
Recital 35a	A new recital is added to align with the proposed amendment to Article 57(4) GDPR applying the clarification on excessive requests to the controller (abusive intention) to the requests made to a supervisory authority.
Recital 36	The recital has been amended to provide a further clarified wording and additional example and counterexamples (employment, public authorities).
Recital 37	No changes compared to the Presidency first compromise text
Recital 38	The recital has been reinstated to align with the proposed amendment to Article 22 GDPR and provide for the clarification that when assessing whether a decision based solely on automated processing is necessary for entering into, or performance of, a contract between the data subject and a data controller, it should not be required that the decision could be taken only by solely automated processing.
Recital 39	The recital has been updated to add the possibility for the Commission to adopt by means of an implementing act the template and possible updates as established by the Board.
Recital 40	The recital has been updated to add the possibility for the Commission to adopt by means of an implementing act the template and possible updates as established by the Board.
Recital 41	The recital has been amended to delete references to Directive (EU) 2016/680.
Recital 43	The recital has been amended to delete references to Directive (EU) 2016/680.
Recital 43a	The recital has been added to include and highlight the two first sentences of previous recital 47, as an introductory recital to the changes made to the ePrivacy Directive.
Recital 44	The recital has been amended to reflect the structural changes and amendment proposed to the ePrivacy Directive. The recital also introduces

	corresponding clarification to the exception to consent, under Article 5(3) ePrivacy, including the new exception on contextual advertising.
Article 45	The recital has been amended to reflect the structural changes and amendment proposed to the ePrivacy Directive.
Article 46	The recital as proposed by the Commission is maintained.
Article 47	The recital has been deleted (see comment on recital 43a).
Article 48	The recital as proposed by the Commission is maintained.
P2B	
Recital 59	Recital 59 has been changed to reflect the P2B change of perspective, highlighting the articles that will be remaining into force.
Articles	
GDPR and ePrivacy	
Article 3(1)(a)	Deletion of the proposed amendment to the definition of personal data.
Article 3(1)(b)	The definitions of notions used in the new Article 8b GDPR (previously new Article 88b GDPR) have been maintained. The definition of 'scientific research', previously deleted, has been reinstated and amended.
Article 3(2)	The wording of the amendment to Article 5(1)(b) GDPR has been updated to reinstate the proposed wording "independent of the conditions of Article 6(4) of this Regulation".
Article 3(3)(a)	Amendment to the proposed new derogation under Article 9(2)(k) GDPR, addition of "incidental and residual" and further reference to the AI Act in relation to AI model. Amendment to the proposed new derogation under Article 9(2)(l) GDPR, replacing the reference to "authorisation" by "subject to appropriate safeguard laid down in Union or Member State law".
Article 3(3)(b)	Amendment to align with the wording proposed for the new derogation under 9(2)(k) and to include further clarifications and safeguards, in particular concerning the implementation of the related organisational and technical measures.
Article 3(4)	Updated amendment to include further clarification on Article 12(5) (a) and (b) in relation to the proportionality of possible fees and the information to the data subject of the reason in case of refusal. The paragraph related to the burden of proof for controller has been amended to add "in the light of all the relevant circumstances of the case", in line with the recent CJEU ruling in case C-536/24.
Article 3(5)	Updated amendment, removing the reference to a 'limited' relationship between the data subject and the data controller, and clarifying that the derogation from transparency obligation should not apply in case of processing of personal data relating to criminal conviction and offences. It is also clarified that the new paragraph is added after the existing Article 12(5) GDPR (and not replacing it).
Article 3(6)	No changes compared to the Presidency first compromise text.
Article 3(7)	The proposed amendment to Article 22 GDPR has been reinstated, while preserving the principle of a prohibition with limited exceptions and the reference to the right not to be subject to a decision based solely on automated processing. The exception under (a), (b) and (c), remain as under the GDPR but the corresponding recital 38 introduce the clarification in relation to the performance of a contract under (a).
Article 3(7a)	Introduction of an amendment to Article 25 GDPR, to include processor within the scope of data protection by design and by default obligations and to add a cross-reference with the lists of high-risk processing.

Article 3(8)	Updated amendment to align with the Presidency proposal concerning the establishment of a national entry point for incident reporting (instead of a single-entry point), and to introduce the possibility for the Commission to adopt by means of an implementing act the template and possible updates as established by the Board.
Article 3(9)	Updated amendment to introduce to introduce the possibility for the Commission to adopt by means of an implementing act the template and possible updates as established by the Board.
Article 3(9a)	Introduction of amendment to Article 37(7) to delete the obligation for controllers and processors to communicate the contact details of the data protection officer to the supervisory authority.
Article 3(10)	Amendment to introduce the new Article 29a on pseudonymisation and identification of a natural person.
Article 3(11) (aa)	Introduction of an amendment to Article 57(1) GDPR for national supervisory authorities to refrain from adopting guidelines on matters already addressed by the Board.
Article 3(11)(ab)	Introduction of an amendment to Article 57(4) GDPR to align and apply the clarification on excessive requests (abusive intention) in Article 12(5) GDPR to the requests made to a supervisory authority.
Article 3(12)	No changes compared to the Presidency first compromise text.
Article 3(13)	No changes compared to the Presidency first compromise text.
Article 3(14)	Updated amendment to Article 70(1) GDPR to cross reference the opinion by the Board under Article 29a and to introduce guidelines on technical and organisational measures to ensure the security of processing as per Article 32 GDPR.
Article 3(15)	Deletion of the proposed new Article 88a and 88c. Introduction of a new Article 8b GDPR, based on the proposed new Article 88b, related to consent through automated and machine-readable indications of data subject's choices with respect to processing of personal data in the terminal equipment of natural persons.
Article 5(1)	No changes compared to the Presidency first compromise text
Article 5(2)	Amendment to Article 5(3) of the ePrivacy Directive, maintaining the current single legal framework for the storing of or gaining access to information in the terminal equipment of users and introducing the proposed additional exceptions to consent.
Article 5(2a)	Introduction of a provision for the transposition of the proposed amendments to the ePrivacy Directive.
P2B	
Article 10(1), (2)	In response to the call by a number of Member States, the Presidency proposes the following amendments to Article 10 on Regulation 2019/1150 (P2B Regulation): instead of the repeal of the P2B Regulation, the Presidency suggests to amend the P2B Regulation, repealing a number of articles in two separate timelines, while some of the articles will continue to be in force indefinitely. – The Presidency suggests the following Articles be kept in force indefinitely (or until replaced and repealed by another act): the provisions on terms and conditions in Article 3, on ranking in Article 5, and on differentiated treatment in Article 7, as well as provisions in Article 15 ensuring enforcement are maintained, without any sunset clause. – The provisions on restrictions and suspensions in Article 4 and the internal complaint-handling system in Article 11 will remain in force until the sunset clause of the 31st of December 2032.

	– The remaining of the articles of the P2B Regulation will be repealed as of the entry into force of the Digital Omnibus, namely Articles 2(11), 2(12), 6, 8 to 10, 12 to 14, and 16 to 18. For the legal clarity, the wording of Article 10(1) and (2) is redrafted, as the proposal no longer repeals the P2B Regulation, but proposes amendments to it.