Council of the European Union
General Secretariat

PUBLIC

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Omnibus VII (Digital Omnibus and Digital Omnibus on AI): Follow-up to the AGS of 24 April 2026 - Presentation of the European Central Bank

Following the meeting of the Antici Group (Simplification) of 24 April 2026, delegations will find attached the presentation given by the European Central Bank on their opinions on Omnibus VII (Digital Omnibus and Digital Omnibus on AI).

EUROPEAN CENTRAL BANK

BANKING SUPERVISION

ECB Opinion (CON/2026/10) on a proposal for a regulation as regards the simplification of the implementation of harmonised rules on artificial intelligence



Presentation to the Council's Antici Group on Simplification

24 April 2026

[redacted]

DG-L/Supervisory Law Division

Application of the AI Act

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In Article 2 AIA (scope) the ECB proposes to clarify that the **ECB does not apply the AI Act**



The ECB welcomes the mechanism established in the AI Act whereby credit institutions that comply with Union financial services law are also deemed in compliance with the AI Act. However, this mechanism might mislead market parties into thinking that the ECB applies the AI Act within the exercise of its prudential supervisory functions.

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Exchange of information with MSAs

AI Act

- Current Article 74 → unilateral duty on MSAs to inform the ECB



ECB Opinion

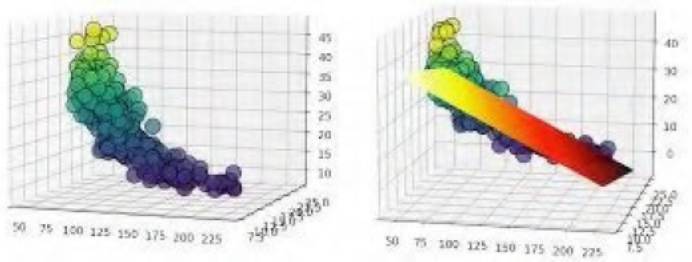
- The ECB and the national prudential supervisors (NCAs) would like a legal basis for providing relevant information to national market surveillance authorities.
- Provided (1) there is a need-to-know to share, and (2) proper professional secrecy obligations apply.
- The ECB proposes to amend Article 74(7) of the AI Act to that effect.

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Generalised linear models

Exclude generalised linear credit scoring models from the definition of "high-risk" AI system, given their explainability and transparency. They do not exhibit the 'black-box' characteristics like other high-risk models.

The ECB proposes a targeted carve-out in Annex III for credit scoring based solely on linear or logistic regressions under human supervision



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Enhanced coordination with EBA and other ESAs regarding Commission Guidelines

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For a coherent supervisory framework, the ECB would like to see a legal basis for **role of European System of Financial Supervision** in **Commission Guidelines** and similar guidance.



Thank you for your attention!



EUROPEAN CENTRAL BANK

BANKING SUPERVISION

ECB Opinion (CON/2026/9) on a proposed regulation as regards the simplification of the digital legislative framework (Digital Omnibus)

Presentation to Council's Antici Group on Simplification



24 April 2026

[redacted]
(DG-L – Financial Law Division))

General observations

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Digital economy

Increase in importance may have implications for conduct of **monetary policy**

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Arts 127(2) & 282(1) TFEU



Data sharing

ECB supports simplifying rules on availability and use of data, due to involvement in **data sharing**

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Art 5 of Statute of ESCB and ECB



Incident reporting

ECB supports simplifying rules, but queries whether burden is reduced, due to importance to **oversight and supervision**

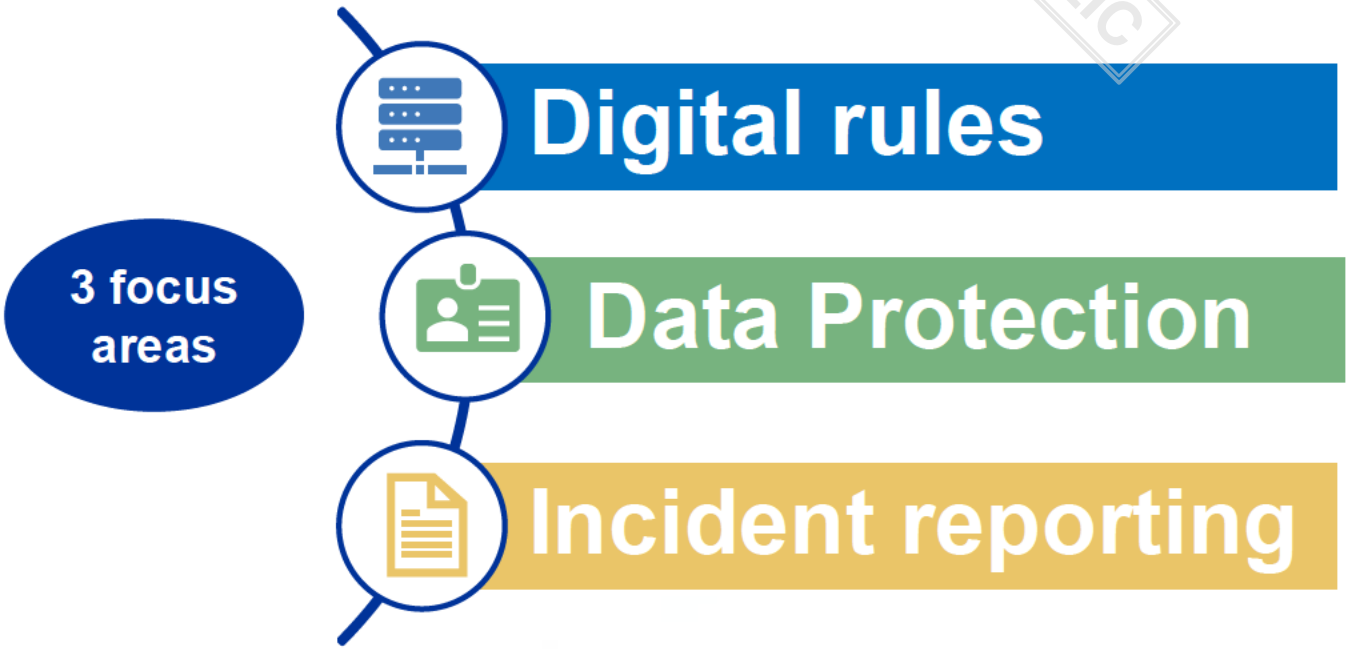
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Arts 127(2) & 282(1) TFEU + Art 127(6) TFEU

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Specific observations

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Digital rules

The basis for the ECB's competence to opine, according to the Council's consultation letter

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Obligation to make data available in a public emergency

- **Current framework**: obligation to make data available on the basis of an exceptional need – reflects benefit of allowing authorities to access and use data from private data holders in the public interest
- **Proposed regulation**: narrows the application to cases of public emergency
- The ECB supports the objective of simplification, but **recommends to amend the definition of a 'public emergency'** so it is clearer that this fully aligns with, and is not more restrictive than, the situations in which emergency arrangements are invoked under EU and national law

- The ECB proposes **three drafting amendments** to (i) the definition of public emergency; (ii) the conditions for the data request; and (iii) the provision on compensation.
- See amendments 1 – 3 in the technical working document

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Digital rules

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Consolidation of digital rules into the Data Act

- The ECB **supports** the consolidation of digital rules from four different legal acts into one
- **Helpful for NCBs**, which as public sector bodies may be subject to rules on re-use of data and documents in the context of government-to-business sharing
- **Helpful for ECB** as a user of high value data sets under the Open Data Directive (e.g. business registry data)
- The ECB **welcomes** that the regimes are without prejudice to statistical confidentiality and professional secrecy rules

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Data protection

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Use of single-entry point for reporting personal data breaches

- **Proposed regulation**: NCBs and NCAs report personal data breaches under GDPR via the single-entry point; ECB continues to report directly to EDPS under EUDPR
- **Implications:** This means that in joint controllership arrangements, a single personal data breach might be reported up to 22 times to each central bank's supervisory authority
- **Recommendation**: to require the ECB to use the single-entry point to report personal data breaches under EUDPR



Strengthening coordination among joint controllers

- **Recommendation:** joint controllers to determine whether they submit one personal data breach notification on behalf of all joint controllers via the single-entry point
- **Beneficial** for ESCB-level projects (e.g. Target or Digital Euro)
- The ECB proposes **new provisions** for (ii) GDPR and (ii) EUDPR and **amendment of one provision** of EUDPR to implement these recommendations
- See amendments 4-6 in the technical working document

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Cybersecurity incident reporting

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Proposed Regulation

- **Proposal for a single-entry point** for major ICT-related incident reporting
- To be established and maintained by **ENISA**
- Affects **financial entities** including:
- *Supervised credit institutions*
- *Payment institutions*
- *Electronic money institutions*
- Requires financial entities to report major ICT-related incidents under **DORA** via the new single-entry point



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Cybersecurity incident reporting

Issue 1: effectiveness

- Single-entry point is not sufficiently effective **to reduce the administrative burden** for financial entities
- A more significant reduction in the burden would be achieved by **aligning and merging taxonomies, templates and reporting procedures**

Issue 2: risks

- Introducing a new system for the reception of incident reports **entails additional risks**
- Processes that arise following reception of an incident report are **time critical** (e.g. activation of crisis procedures)

Issue 3: investment

- **Significant resources** have been committed to comply with DORA
- DORA has only applied since **17 January 2025**

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Cybersecurity incident reporting

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ECB Recommendation

- **Exclude the requirement for financial entities to report major ICT incidents to the relevant competent authority via the single-entry point**
- A delay would allow more time to identify potential improvements and simplify the administrative burden for reporting under DORA, without prejudicing its introduction in other incident reporting regimes
- Simple implementation via **deletion of Article 8** of the proposed regulation

Thank you for your attention!

Any questions?



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