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

Subject:	Omnibus VII (Digital rules) - MS comments: follow-up of the AGS of 15 June 2026
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Delegations will find enclosed comments as received from NL on Omnibus VII (Digital rules).

Omnibus VII – Digital rules
Regulation on Simplification of the digital legislative framework
-MS comment-
AGS 15 June 2026

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NETHERLANDS

NEDERLAND

Digital Omnibus – comments from NL

29a - Application of pseudonymisation and identification of a natural person

(1) Controllers and processors may apply pseudonymisation in order to reduce the risks to the data subjects concerned and to comply with their obligations under this Regulation, in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information. To determine whether a natural person is identifiable, including through personal data having undergone, account shall be taken of all the means reasonably likely to be used, such as singling out or online identifiers, either by the controller or by another person to identify the natural person directly or indirectly. **The fact that the additional information enabling the data subject to be identified comes from a person or source other than that of the controller of the data in question in no way rules out the identifiable nature of a person.**

Possible alternative in other words:

Account should also be taken of the means reasonably likely to be used where the additional information enabling the data subject to be identified comes from a person or source other than that of the controller of the data in question.

(2) The application of pseudonymisation to personal data may, depending on the circumstances of the case and provided that appropriate technical and organisational measures are put in place and are such as to prevent the data in question from being attributed to the data subject, effectively prevent persons other than the controller from identifying the data subject in such a way that, for them, the data subject is not or is no longer identifiable. **Such technical and organisational measures require, among other things, that the recipient may not be in a position to lift those measures during any processing which is carried out under its control, nor be able to attribute those data to data subjects by recourse to other means of identification such as cross-checking.**

(2a) **Where a person other than the controller referred to paragraph 2 transmits such data to a third party and it cannot be ruled out that this third party possesses or can obtain means reasonably likely to enable the data subject to be identified, both the transmission of the data to this third party and the subsequent processing of the data by the third party is to be considered as processing of data relating to an identifiable natural person.**

[optional addition for recital 27a: *Data which are in themselves impersonal may become 'personal' in nature where they are put at the disposal of other persons who have means reasonably likely to enable the data subject to be identified. This applies to both the party that transmits this data and the third party that subsequently processes this data.*

(3) Paragraphs 1 and 2 are without prejudice to other provisions and obligations applicable to the controller, including under Chapter IV and V of this Regulation. Paragraph 2 shall not apply if the person other than the controller is the processor.

(4) The Board shall issue an opinion, in accordance with Article 64(2) of this Regulation, addressing the application of pseudonymisation and anonymisation, including the related circumstances and technical and organisational measures referred to paragraph 2.

(5) The Chair of the Board shall request the opinion referred to in paragraph 4 no later than 6 months after the entry into force of this Regulation. The opinion shall be reviewed and updated where necessary.
