IAPP UK Intensive 2026

Privacy | AI governance | Cybersecurity law

Training 23-24 February
Workshops 24 February
Conference 25-26 February
LONDON

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UNPACKING THE EU DIGITAL SIMPLIFICATION OMNIBUS

WELCOME AND INTRODUCTIONS

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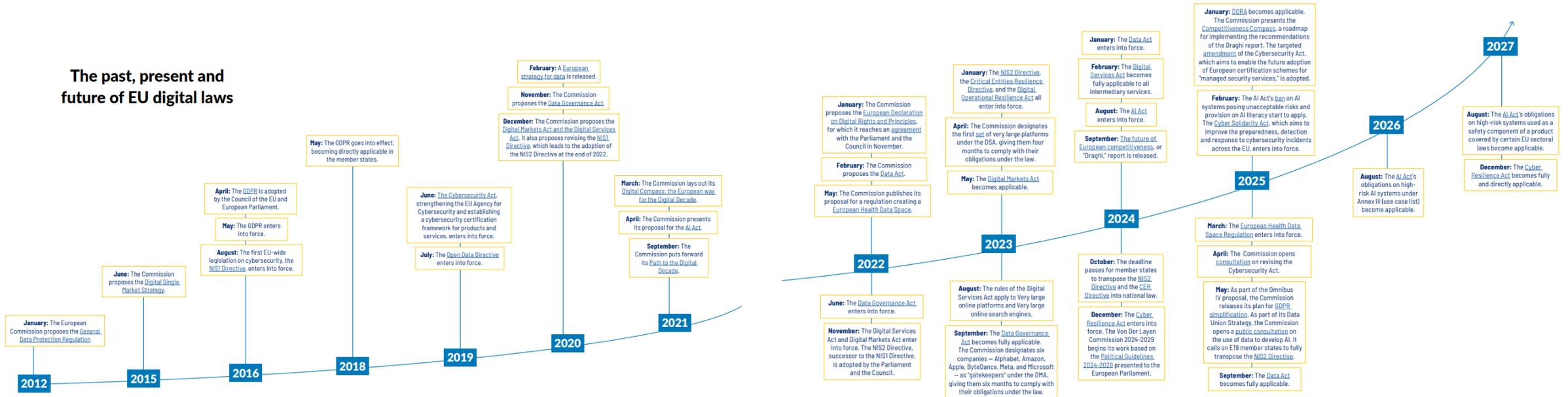Country Leader, UK, IAPP; Managing Director, Solicitor

Digiphile Services

Isabelle Roccia, CIPP/E

Managing Director, Europe

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The Lay of the Land

The past, present and future of EU digital laws

2012

January: The European Commission proposes the General Data Protection Regulation

2015

June: The Commission proposes the Digital Single Market Strategy.

2016

April: The GDPR is adopted by the Council of the EU and European Parliament.

May: The GDPR enters into force.

August: The first EU-wide legislation on cybersecurity, the NIS1 Directive, enters into force.

2018

May: The GDPR goes into effect, becoming directly applicable in the member states.

2019

June: The Cybersecurity Act, strengthening the EU Agency for Cybersecurity and establishing a cybersecurity certification framework for products and services, enters into force.

July: The Open Data Directive enters into force.

2020

February: A European strategy for data is released.

November: The Commission proposes the Data Governance Act.

December: The Commission proposes the Digital Markets Act and the Digital Services Act. It also proposes revising the NIS1 Directive, which leads to the adoption of the NIS2 Directive at the end of 2022.

2021

March: The Commission lays out its Digital Compass: the European way for the Digital Decade.

April: The Commission presents its proposal for the AI Act.

September: The Commission puts forward its Path to the Digital Decade.

2022

June: The Data Governance Act enters into force.

November: The Digital Services Act and Digital Markets Act enter into force. The NIS2 Directive, successor to the NIS1 Directive, is adopted by the Parliament and the Council.

January: The Commission proposes the European Declaration on Digital Rights and Principles, for which it reaches an agreement with the Parliament and the Council in November.

February: The Commission proposes the Data Act.

May: The Commission publishes its proposal for a regulation creating a European Health Data Space.

2023

January: The NIS2 Directive, the Critical Entities Resilience Directive, and the Digital Operational Resilience Act all enter into force.

April: The Commission designates the first set of very large platforms under the DSA, giving them four months to comply with their obligations under the law.

May: The Digital Markets Act becomes applicable.

August: The rules of the Digital Services Act apply to Very large online platforms and Very large online search engines.

September: The Data Governance Act becomes fully applicable. The Commission designates six companies — Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft — as "gatekeepers" under the DMA, giving them six months to comply with their obligations under the law.

2024

January: The Data Act enters into force.

February: The Digital Services Act becomes fully applicable to all intermediary services.

August: The AI Act enters into force.

September: The future of European competitiveness, or "Draghi," report is released.

October: The deadline passes for member states to transpose the NIS2 Directive and the CER Directive into national law.

December: The Cyber Resilience Act enters into force. The Von Der Layen Commission 2024-2029 begins its work based on the Political Guidelines 2024-2029 presented to the European Parliament.

2025

January: DORA becomes applicable. The Commission presents the Competitiveness Compass, a roadmap for implementing the recommendations of the Draghi report. The targeted amendment of the Cybersecurity Act, which aims to enable the future adoption of European certification schemes for "managed security services," is adopted.

February: The AI Act's ban on AI systems posing unacceptable risks and provision on AI literacy start to apply. The Cyber Solidarity Act, which aims to improve the preparedness, detection and response to cybersecurity incidents across the EU, enters into force.

March: The European Health Data Space Regulation enters into force.

April: The Commission opens consultation on revising the Cybersecurity Act.

May: As part of the Omnibus IV proposal, the Commission releases its plan for GDPR simplification. As part of its Data Union Strategy, the Commission opens a public consultation on the use of data to develop AI. It calls on E19 member states to fully transpose the NIS2 Directive.

September: The Data Act becomes fully applicable.

2026

August: The AI Act's obligations on high-risk AI systems under Annex III (use case list) become applicable.

2027

August: The AI Act's obligations on high-risk systems used as a safety component of a product covered by certain EU sectoral laws become applicable.

December: The Cyber Resilience Act becomes fully and directly applicable.

"An agile Digital Rulebook for the EU"

Objectives:

- Increase Europe's competitiveness and innovation capacity (Draghi report)
- Streamline rules on AI, cybersecurity and data; reduce legal uncertainty; reduce "regulatory clutter"
- Save up to €5 billion in administrative costs by 2029 for businesses
    - Est. €66 million savings for EU companies from ROPA exceptions (Omnibus IV)

Digital Omnibus covering data, cybersecurity and privacy rules (Regulation)	Digital Omnibus on AI (Regulation)	Data Union Strategy (Communication)	European Business Wallets (Regulation)
> set of *'technical' amendments* to a large corpus of digital legislation Accompanying Staff Working Document	> targeted simplification measures to ensure timely, smooth, and proportionate implementation of certain of the AI Act's provisions Accompanying Staff Working Document	> to improve access to first-rate data	> to simplify paperwork and make it easier to do business across EU Member States

Brussels' context
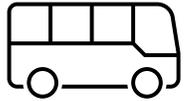
Not just digital

One year on – mounting pressure
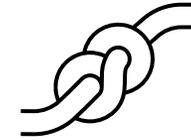
Simplification, not deregulation
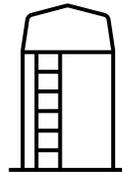
Political & technical alignment ?
Silos

"Targeted and technical changes"...only?

The Digital Omnibus Impacts to... Data Regulation

```
Free-Flow of Non-Personal
Data Regulation
```

```
Data Governance
Act
```

```
Open Data
Directive
```

Consolidate and streamline →

```
Data
Act
```

```
Platform 2 Business
Regulation
```
→
```
Platform 2 Business
Regulation
```
→ **Gone! (2032)**

Restriction, suspension, termination
Complaints handling
Enforcement
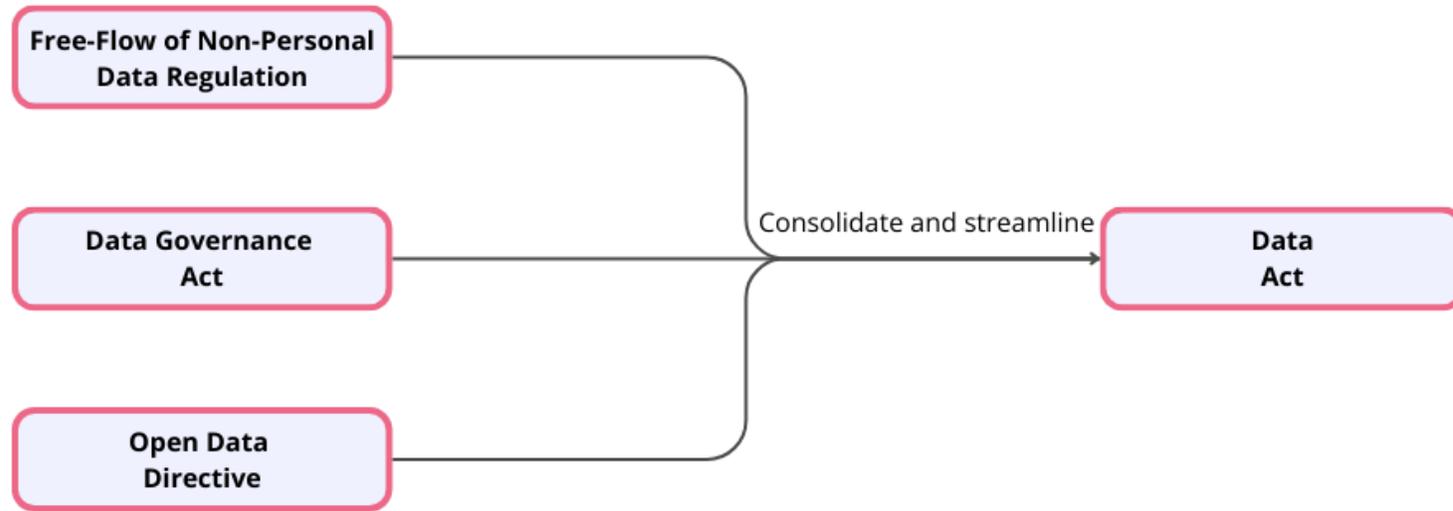
The Digital Omnibus Impacts to... GDPR

Personal Data

- Subjective test
- SCD exemptions:
  - AI development/use
  - Biometric verification

Transparency

- Exemption if:
  - Clear and circumscribed relationship
  - Not data-intensive activity, and
  - Reasonable grounds to assume data subject has the info
- But not if transfers, ADM, or high risk

Automated Decisions

- Contractual necessity even if non-automated means for decision

Artificial Intelligence
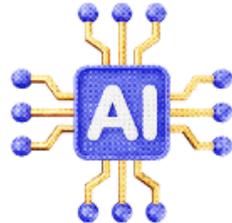
- Legitimate interest to process PD in development/use of AI
- Minimisation, non-disclosure and opt-out requirements

DSARs

- Limitations for abusive DSARs
  - Reasonable fee, or
  - Refuse to act

Breach reporting

- 96 hour reporting timeline
- Report only 'high risk' breaches
- Common reporting template
- Reports though Single Entry Point

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The Digital Omnibus Impacts to... ePrivacy

Cookies and other trackers
(if PD = GDPR, if not PD = ePrivacy)

Network transmission

Services explicitly requested

Consent
- Single-click to refuse
- 6 months to ask again
- Browser-based machine-readable consents?

NEW

Analytics
(but must be carried out by controller for its own use?)

NEW

Maintaining / restoring security
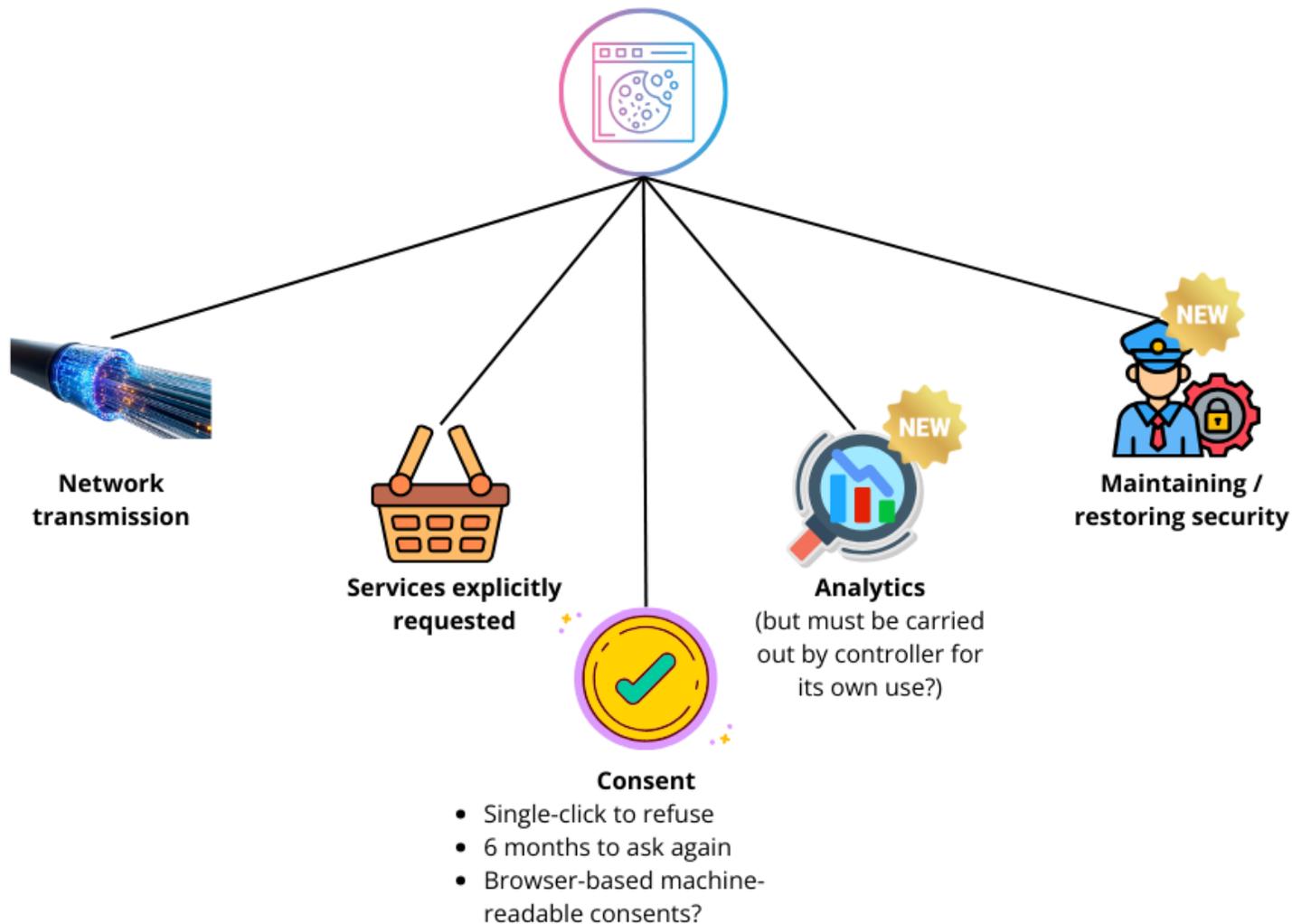
The Digital Omnibus Impacts to... Incident Reporting

Single Reporting Form

Single-entry point for incident reporting

GDPR

96 hours

DORA

eIDAS

NIS2

CER DIrective

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Before:

Providers and deployers of AI systems shall take measures to ensure*, to their best extent,* a sufficient level of AI literacy of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, education and training and the context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used.

The AI Omnibus Impacts to... AI literacy

Before:

Providers and deployers of AI systems shall take measures to ensure*, to their best extent,* a sufficient level of AI literacy of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, education and training and the context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used.

After:

The Commission and Member States shall encourage providers and deployers of AI systems to take measures to ensure a sufficient level of AI literacy of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, level of education and training and the context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used.

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The AI Omnibus Impacts to... implementation

High Risk AI Systems

2 August 2026
HRAI implementation deadline
DELAYED

Technical standards
published
(on date x)

Technical standards
NOT published

Annex III HRAI
implementation deadline
x + 6 months

Annex III
backstop deadline
2 December 2027

Annex I HRAI
implementation deadline
x +12 months

Annex I
backstop deadline
2 August 2028

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The AI Omnibus Impacts to... implementation

High Risk AI Systems

2 August 2026
HRAI implementation deadline
DELAYED

Technical standards
published
(on date x)

Technical standards
NOT published

Annex III HRAI
implementation deadline
x + 6 months

Annex III
backstop deadline
2 December 2027

Annex I HRAI
implementation deadline
x +12 months

Annex I
backstop deadline
2 August 2028

AI with Transparency Requirements
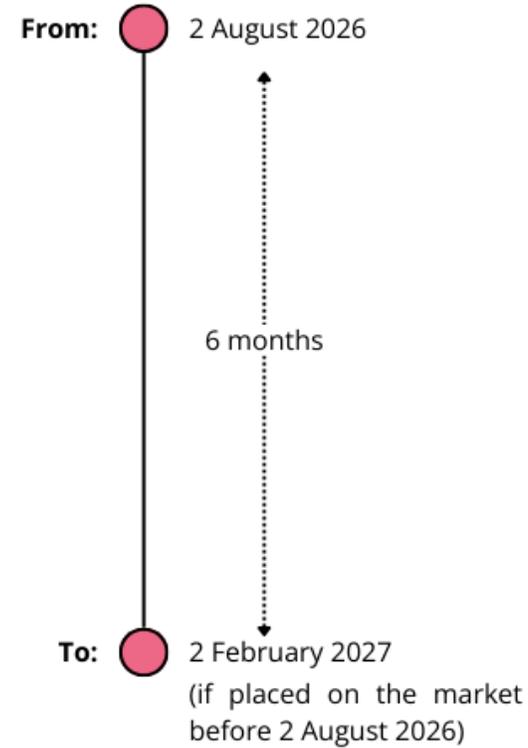
From: 2 August 2026

6 months

To: 2 February 2027
(if placed on the market
before 2 August 2026)

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The AI Omnibus Impacts to... SCD processing

Before:

- SCD for bias detection and correction

- High-risk AI systems only

- Providers only

- Only where "strictly" necessary

- Conditions / safeguards apply

The AI Omnibus Impacts to... SCD processing

Before:

- SCD for bias detection and correction

- High-risk AI systems only

- Providers only

- Only where "strictly" necessary

- Conditions / safeguards apply

After:

- SCD for bias detection and correction

- All types of AI systems and models

- Providers and deployers

- Only where necessary

- Conditions / safeguards apply

The AI Omnibus Impacts to... high-risk AI exemption assessment

Before:

!

Annex III
High-Risk AI System determination

PHEW

Art 6(3)
Non High-Risk AI System exemption

Art 6(4)
Document assessment

Art 6(4)
Register with EC database

The AI Omnibus Impacts to... high-risk AI exemption assessment

After:

Annex III
High-Risk AI System determination

PHEW

Art 6(3)
Non High-Risk AI System exemption

Art 6(4)
Document assessment

Art 6(4)
Register with EC database
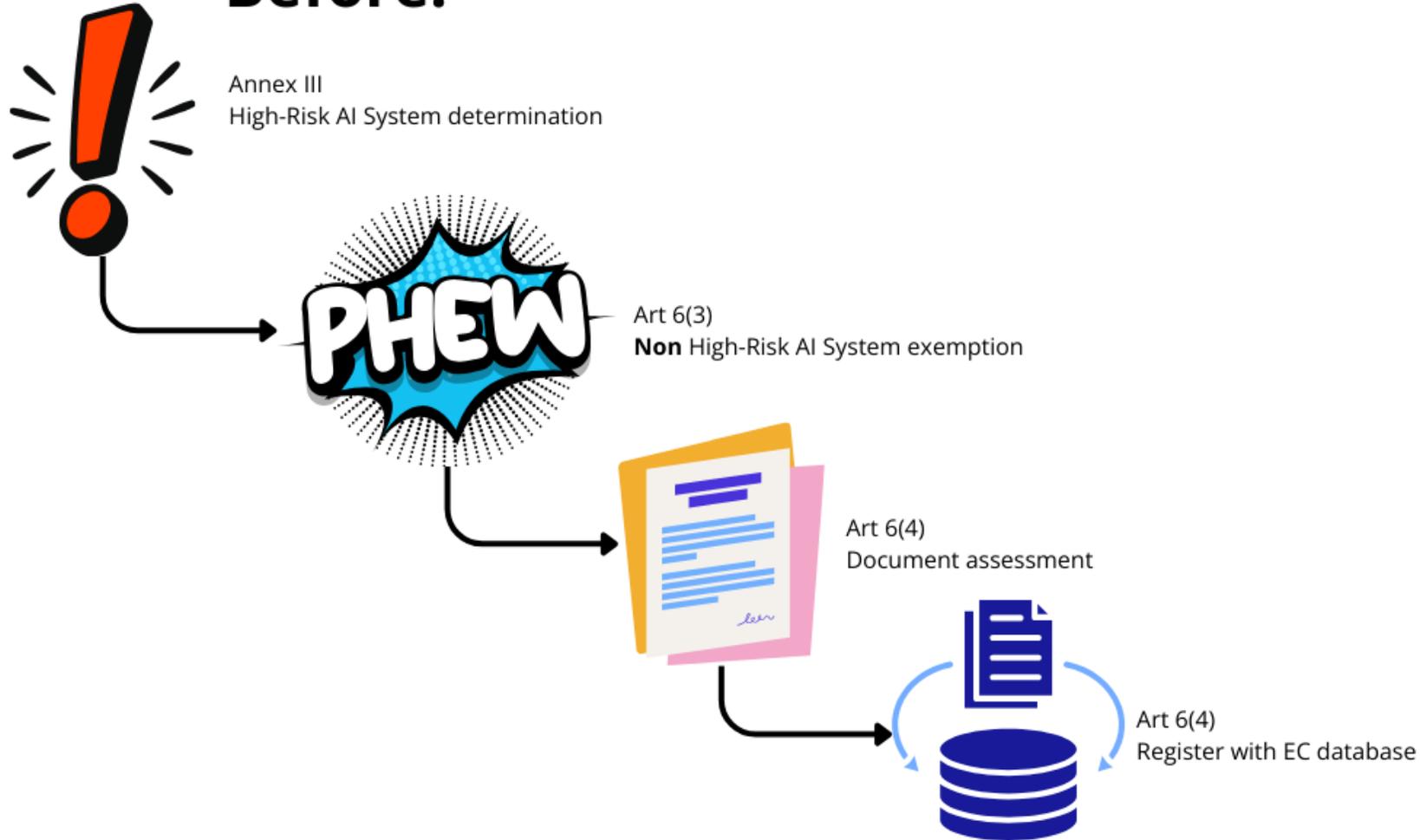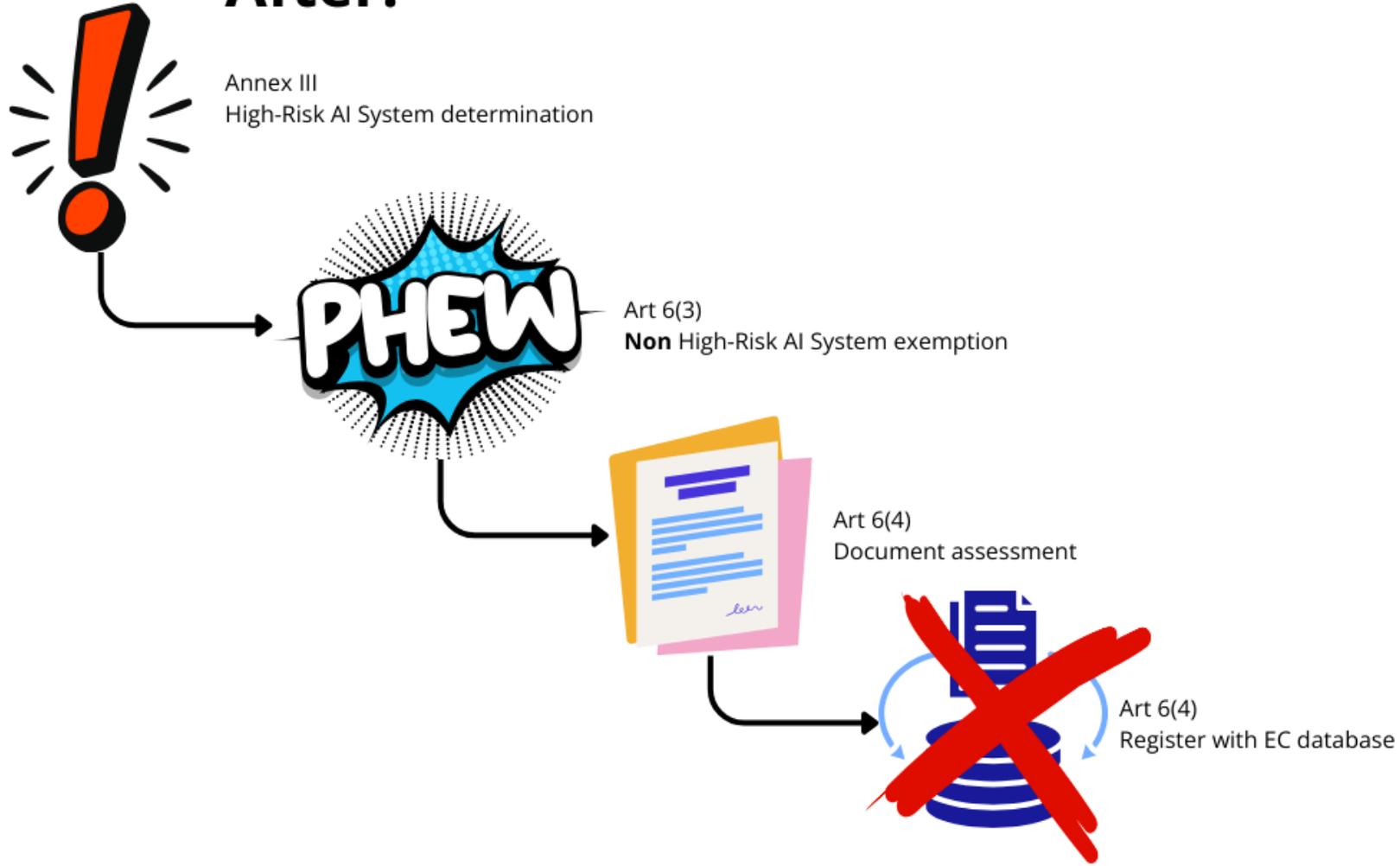
Other Noteworthy AI Omnibus Impacts

SMC simplifications

- SME simplifications extended to SMCs, e.g. technical doc requirements, lower penalties

Post-market monitoring

- Less prescriptive requirements
- EU Commission to issue guidance (not template)

Sandboxes

- EU-wide sandbox for GPAI models under AI Office supervision

Legislative relationships

- Commission to prepare guidelines on interplay with other laws (e.g. GDPR, CRA, Machinery Regulation)

Centralised oversight VLOPs / VLOSEs

- AI Office **exclusively** competent to regulate AI systems that are (or are integrated into) VLOPs and VLOSEs

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What happens next

Omnibus legislative process
completion TBD

Negotiations open in a process involving the European Parliament, member states, regulators, with contributions from interest groups.
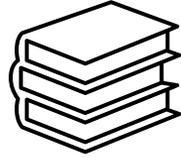
"Business as usual"
simplification ≠ deregulation

Legislative proposals: Omnibus IV; revised Cybersecurity Act; Cloud and AI Development Act; Digital Fairness Act

Scheduled reviews of existing laws: including Digital Markets Act in 2026; NIS2 Directive and Digital Services Act in 2027; Data Act in 2028; AI Act in 2029.
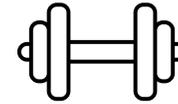
Digital Fitness Check
by Q1 2027

The Commission will map how the digital rulebook covers EU strategic industry sectors, and how its "cumulative effect" impacts competitiveness.

Further changes expected, possibly ranging from streamlining between definitions and legal concepts across laws, to improving the effectiveness and interplay of governance systems.

Brussels effect?

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Negotiating positions: Digital Omnibus (non-exhaustive)

EDPB / EDPS Joint Opinion (adopted 10 Feb. 2026)

(GDPR) Oppose changes to the definition of personal data.

No need to add legitimate interest as a basis to train AI models but if kept, requires clarity on the LIA, right to object, and enhanced transparency.

Supports proposals on data breach notification (threshold and deadline extension), DPIAs (common templates and lists), scientific research (harmonizing definition; legitimate interest), and biometric data use for identity verification.

Need clarity on scope of the derogation allowing incidental or residual processing of sensitive data in developing or operating AI systems.

Call for strict limits when allowing the use of special categories of personal data for bias detection and correction

(e-privacy) Support limited new derogations to ban on accessing or storing data on terminal equipment

Incentives for contextual over behavioral advertising.

Draft compromise text Council (expected Q1 2026)

(draft discussion document circulated to member state son 9 January)

Draft report LIBE/ITRE European Parliament (expected Q1 2026)

Negotiating positions: Omnibus on AI (non-exhaustive)

EDPB / EDPS Joint Opinion (adopted 21 Jan. 2026)

Calls for strict limits when allowing the use of special categories of personal data for bias detection and correction.

Supports the creation of EU-level AI regulatory sandboxes and calls for the involvement of data protection authorities in these sandboxes

Opposes deleting registration requirements

Opposes changes to AI literacy requirements

Draft compromise text Council (23 January 2026)

Setting fixed deadlines for the application of high-risk rules - 2 December 2027 for Annex III systems and 2 August 2028 for Annex I systems.

Reinstating the obligation to register AI systems in the EU database.

Introducing the 'strict necessity' standard for processing special categories of personal data.

Draft report LIBE/IMCO European Parliament (5 February 2026)

Setting fixed deadlines for high-risk AI systems replacing the Commission's discretionary mechanism: 2 December 2027 for Annex III systems and 2 August 2028 for Annex I systems.

AI literacy obligations remain with providers and deployers.

The standard for processing sensitive data shifts to strict necessity.

Regulatory sandboxes must involve data protection authorities.

RESOURCE LIST

European Commission resources
I.   An agile Digital Rulebook for the EU: https://digital-strategy.ec.europa.eu/en/policies/digital-rulebook
II.   Digital Omnibus Regulation Proposal: https://digital-strategy.ec.europa.eu/en/library/digital-omnibus-regulation-proposal
III.   Digital Omnibus on AI Regulation Proposal: https://digital-strategy.ec.europa.eu/en/library/digital-omnibus-ai-regulation-proposal
IV.   The Draghi report on EU competitiveness: https://commission.europa.eu/topics/competitiveness/draghi-report_en

Others
I.   EDPB-EDPS Joint opinion 1/2026 Digital Omnibus on AI
II.   EDPB-EDPS Joint Opinion on Digital Omnibus
III.   European Parliament LIBE/IMCO draft report (Digital Omnibus on AI)
IV.

IAPP resources
I.   IAPP article: European Commission proposes significant reforms to GDPR, AI Act
II.   IAPP article: EU Digital Omnibus: Analysis of key changes
III.   IAPP article: EDPB, EDPS detail concerns over personal data definition in joint opinion on Digital Omnibus
IV.   IAPP article: European Parliament LIBE hearing tackles Digital Omnibus skepticism
V.   Opinion: EU Digital Omnibus amendments to GDPR to facilitate AI training miss the mark
VI.   IAPP Digital Laws Report 2025

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How Did Things Go?
(We Really Want To Know)

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Thank you!

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