Digital Omnibus relating to the ePrivacy Directive

A technology-neutral, risk-based approach to cookie rules

SN supports integrating relevant parts of ePrivacy Directive Article 5(3) into the GDPR - provided that the framework is genuinely technology-neutral and risk-based, focusing on processing purposes and real risks rather than specific tools such as cookies.

Consent should be reserved for high-risk and highly sensitive processing; broad, undifferentiated consent requirements dilute meaningful choice and exacerbate "cookie fatigue".

We welcome Article 88a(3) as a pragmatic step that enables consent-free audience measurement for a provider's own services and improves legal certainty.

However, the rigid consent-management constraints in Article 88a(4)—including limitations on re-requesting consent—risk imposing unnecessary technical and operational burdens and should be reconsidered.

We oppose Article 88b, which would mandate centralised, automated, machine-readable consent signals, as it risks market concentration and reduced competition by redistributing influence over consent architecture to upstream actors.

The real-world impact of Article 88a on consent volumes and user experience should be evaluated before introducing further structural mechanisms like Article 88b.

Finally, this first Digital Omnibus should proceed swiftly with the targeted adjustments outlined above, delivering immediate simplification and legal clarity without reopening the process through additional Omnibus packages. For the remaining elements of the ePrivacy Directive not addressed by this Omnibus, we recommend a holistic review and evidence-based assessment under the Digital Fitness Check, to ensure a coherent, future-proof framework and avoid fragmented regulatory changes.

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