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Brussels, 12 November 2025

Ms. Ursula von der Leyen
President of the European Commission
European Commission
Rue de la Loi/Wetstraat 200
1049 Brussels

Subject: Digital Package: Renew Europe expects the Commission to withdraw the points that are contrary to fundamental rights and privacy protection

Dear President von der Leyen,

In a few days, the European Commission will adopt its announced “Digital Package” aiming at streamlining and simplifying the corpus of European digital legislation.

Renew Europe fully supports the Better Regulation agenda and the Commission’s key objectives to boost Europe’s competitiveness and foster further innovation within the European Union through simplification. We stand ready to work with the Commission to streamline our acquis and reduce burdensome legislation, particularly for smaller actors and for our innovative technology and AI sectors.

However, this must never come at the expense of our European values. We will stand firmly against those measures that purport to simplify the acquis but will undermine our privacy standards or weaken the protection of fundamental rights.

Accordingly, and without precluding our future position on the concerned forthcoming Regulations, we express our strong opposition to certain changes proposed in the planned Digital Omnibus package.

First and foremost, we are deeply alarmed by the proposed attempts to weaken and erode some of the core provisions and principles of the GDPR, which is not only the cornerstone of the EU's data protection framework and landmark legislation to protect everyone’s privacy but is also the first building block of the overall EU digital rulebook.

The amendments to Article 9 of the GDPR - which provides essential protection for sensitive data - are extremely worrying. Limiting the protected data only to those “directly revealing” a person’s characteristics, thereby removing protection of inferred and derived data, would legalise the very profiling models that are used to deduce a person’s health status, political opinion, or sexual orientation. Moreover, allowing the processing of such sensitive data for the purpose of AI development and training, under the “legitimate interest” ground, as per new Article 88c, would fundamentally undermine the rationale for having special rules governing such data. We firmly believe that these changes contradict both the spirit and the purpose of Article 9 and would ultimately lead to mass mining, repurposing of personal data, unlawful profiling and discriminatory processing.

In addition, we are deeply concerned by the considered amendment to the definition of personal data, misconstruing CJEU case law and which, by making it dependent on the situation of each data controller, would lead to an uneven and fragmented application of the GDPR throughout the data life cycle and would significantly reduce the Regulation’s scope of application. This would result in seriously undermining the current level of protection for individuals.

Renew Europe strongly supports the Commission’s attempts to address so called “consent fatigue” and to tackle the massive issue of cookies banners. However, we believe the way proposed by the Commission now is not rightfully addressing the issue. Instead, the proposal creates broad new exemptions which would enable further non-consensual tracking of individuals and undermine our fundamental right to privacy and the confidentiality of our communications.

Lastly, we urge the Commission to ensure that none of its proposals for changes to the AI Act will undermine fundamental rights protection the AI Act was designed to ensure. In that regard, we are concerned about the proposal to remove the obligation to register systems that avail of the high-risk exemption in Article 6(3) would allow providers to unilaterally exempt their systems from high-risk obligations without any public trace or scrutiny.

We call on the Commission to ensure that such substantial changes to the EU digital rulebook are evidence-based and rely on proper consultation and impact assessment, in particular when it comes to fundamental rights. In addition to undermining individuals’ protection and contradicting EU primary law, the above-mentioned changes to our digital rulebook also undermine the EU position as a global standards-setter and our capacity to act in the digital sphere and to control our online informational space.

As RENEW Europe, we would strongly ask you to remove and reconsider those proposed changes before presenting the official proposals. We shouldn't undermine individuals' fundamental rights. We must champion a path that achieves both—a Europe that is an economic leader and, at the same time, the global standard-bearer for fundamental rights. We are looking forward to a constructive dialogue.

Yours sincerely,

Valérie Hayer, President of Renew Europe

Irena Joveva, Vice-President of Renew Europe, shadow rapporteur on the e-privacy Regulation

Svenja Hahn, Renew Europe IMCO Coordinator, shadow rapporteur on the AI Act Regulation

Michael Mc Namara, Renew Europe co-chair of the AI act implementation working group

Moritz Körner, Renew Europe LIBE Member

Copy:

Teresa Ribera, Executive Vice-President for Clean, Just and Competitive Transition

Henna Virkkunen, Executive Vice-President for Tech Sovereignty, Security and Democracy

Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy

Kaja Kallas, High Representative for Foreign Affairs and Security Policy and Vice-President

Roxana Mînzatu, Executive Vice-President for Social Rights and Skills, Quality Jobs and Preparedness

Raffaele Fitto, Executive Vice-President for Cohesion and Reforms

Michael McGrath, Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection