

Statement on the European Commission's Proposal on Simplification of the Digital Legislative Framework

EU Commission Proposal on the Digital Omnibus Package of 19 November 2025

As a scientific policy advisory body to the German federal government and the *Länder*, the German Council for Scientific Information Infrastructures (RfII) deals with issues relating to the current and future development of scientific information infrastructures. RfII has also repeatedly contributed a scientific perspective to the discourse on EU digital legislation through its statements, focusing on the prerequisites for the quality-assured collection, use, and exploitation of research data.¹

Below, RfII comments on the European Commission's proposal of 19 November 2025 on the simplification of digital legislation (also known as the Digital Omnibus) and its proposed amendments to the provisions of the Data Act (DA), the Data Governance Act (DGA) and the General Data Protection Regulation (GDPR). The parallel proposal for a Digital Omnibus Regulation on artificial intelligence is not addressed here.

From RfII's point of view, the EU's strategic shift towards consolidating previously dispersed regulations within two "major" digital laws is, in principle, a suitable approach for achieving coherent, contradiction-free regulation. With regard to the further legislative process, care must be taken to ensure that the interests of science and research are given specific – and sufficient – consideration in the revision and consolidation of the regulations.

The following recommendations focus specifically on the suggestions listed in Article 1 of the Omnibus proposal regarding public sector access to privately held data (previously regulated in the DA, Chapter V) and the enabling conditions for data intermediaries (previously regulated in the DGA), as well as the changes intended under Article 3 considering the definition of pseudonymised data in the GDPR, which would have a lasting impact on science and research.

¹ RfII – German Council for Scientific Information Infrastructures (2021): Statement on the Proposal for a Data Governance Act (DGA) by the EU Commission, urn:nbn:de:101:1-2020052666; RfII – German Council for Scientific Information Infrastructures (2022): Statement on the Proposal for a Data Act by the European Commission, Göttingen, urn:nbn:de:101:1-2021090869.

Access by Science to Privately Held Data

Rfll considers the EU Commission's intention to achieve greater legal certainty with regard to the application of Chapter V of the DA to be reasonable. According to Chapter V, public authorities may be granted access to privately held data in exceptional circumstances. This would be the case if public authorities need to respond to a "public emergency" (Art. 15 (1a)) or to perform a public task (Art. 15 (1b)). In the new Data Act, the exemption is more clearly defined and limited to the existence of a "public emergency". This is achieved by deleting Articles 14 and 15 DA and adding Article 15a to the new Data Act. Public authorities can still pass on data to research institutions (Art. 21). The content of this provision remains unchanged.

With regard to the overarching context of access to privately held data for research purposes, Rfll advocates considering the introduction of a research clause (analogous to Article 40 of the Digital Services Act) in the further course of the Omnibus procedure. In its statement on the Data Act in May 2022, Rfll highlighted that properly regulated access to privately held data would have the potential to massively boost innovations in research and the economy.²

Conditions Enabling Data Intermediaries

Rfll still regards the basic idea of a legal impetus for the creation of new types of intermediaries – a specific approach to European data markets – as future-orientated and innovative. In the opinion of Rfll, the low number of registered "data intermediation services" and "data altruism organisations" to date cannot be considered a failure of the basic idea behind the DGA. In fact, organisational delays in its implementation continue to hinder registration. In Germany, as in other EU Member States, implementing law specifying the authority or authorities responsible for registration is still missing.³ In addition, potential providers are operating within a complex and previously unknown legal framework.

Nevertheless, the main challenge remains the general lack of incentives for setting up data intermediaries. In particular, "data intermediation services" need to be given more scope for their business activities. In this respect, the European Commission's proposal to significantly reduce the requirements for data intermediaries is to be welcomed in principle. This applies in particular to the obligation to register (Art. 11 DGA), which is to be converted into a voluntary registration option.

2 Rfll – German Council for Scientific Information Infrastructures (2022): Statement on the Proposal for a Data Act by the European Commission, [urn:nbn:de:101:1-2021090869](https://nbn-resolving.org/urn:nbn:de:101:1-2021090869). See also the recommendations of the High Level Expert Group, European Commission (2020): Towards a European Strategy on Business-to-Government Data Sharing for the Public Interest, <https://digital-strategy.ec.europa.eu/en/library/meetings-expert-group-business-government-data-sharing>.

3 The legislative process relating to the implementing law for the Data Governance Act (Daten Governance Gesetz, DGG for short), has not yet been completed. It was passed by German Federal Cabinet in December 2025; no objections were raised by the Federal Council at its meeting on 30 January 2026.

With regard to the definition of the term "data intermediation services" (Art. 2 (38a) DA-new), it is not exactly clear why it is assumed that direct relationships between data providers and data users must exist in order to enable data sharing. The definition would probably not cover a chain-like structure of relationships between data providers and "data intermediation services" on the one hand and "data intermediation services" and data users on the other. This triangular structure (data owner – "data intermediation service" – data user) also appears impractical for services "for the purposes of exercising the rights of data subjects in relation to personal data". If this structure is retained, the definitions of "data sharing" and "data user" relevant to the definition of the term should be taken from the DGA and incorporated into the revised Data Act.

Rfll welcomes the EU Commission's approach of making the provisions on data intermediaries more practicable – and thus less bureaucratic. However, the associated reduction in requirements for intermediaries could also make it more difficult to establish the necessary trust between providers and potential users. The specific role of new intermediaries, and in particular their difference from platforms or data traders, should be maintained. Rfll argues for examining in detail which requirements could actually unnecessarily hinder the emergence of intermediaries due to excessive bureaucratic burdens and which are essential for quality assurance and for building a relationship of trust between data providers and users. This should be done in the context of both "data intermediation services" and "data altruism organisations". In addition to the question of the proportionality of the requirements, this assessment should also be guided by the overarching objective of the European regulatory project. In the opinion of Rfll, a multi-stage approach would be advisable, enabling the emergence of data intermediaries with certain minimum requirements across the board, but also promoting the establishment of services that (want to) meet higher quality requirements and are accredited and, where appropriate, certified by regulatory oversight.

Specifically, Rfll argues that – with regard to "data intermediation services" – the provisions of the DGA on the prohibition of conversion (Art. 12 d, DGA), the prevention of lock-in effects, ensuring fair, transparent and non-discriminatory access conditions (Art. 12 f, DGA), ensuring interoperability (Art. 12 i, DGA), data security (Art. 12 k and l, DGA) and logging (Art. 12 o, DGA) should be included in the new Data Act. However, the deletion of the obligation to grant insolvency protection under Art. 12 h, DGA, is to be welcomed, as it is difficult to reconcile with recognised principles of insolvency law.

With regard to "data altruism organisations", some of the proposed requirements for the registration of recognised organisations (Art. 19, DGA) should, according to the Commission's proposal, be set and determined to a greater extent by the EU Member States. This may be appropriate, provided that unnecessary duplication in regulatory oversight is avoided. However, it is not entirely clear whether this will make the registration process and overall activities easier for applicant organisations. It is also questionable whether uniform EU requirements for "data altruism organisations" will be maintained to the extent that is reasonable in view of the EU-wide registration in the public EU register and in order to build up trust in these organisations.

RfII considers the obligation currently applicable to "data altruism organisations" in the DGA to prepare activity reports (Art. 20 (2)) to be appropriate in principle and conducive to quality assurance. Such reports make it possible to verify whether data altruism activities are being carried out, whether objectives of general interest are being promoted, whether no commercial purposes are being pursued, and whether the requirements for independence and the handling of personal data are being met. Against the backdrop of the still relatively new institutionalisation of "data altruism organisations", this helps to ensure the necessary trust.

In addition, consideration should be given to creating incentives specifically for research institutions and universities to establish data intermediaries or to participate in these. This could be achieved, for example, through reduced fees for registration not only for SMEs but also for universities and research institutions (Art. 32e (5)). Similarly, the framework conditions for public-private partnership (PPP) models at the interface of science and the economy should be eased in favour of new data intermediaries.

Research-Related Adjustments to the GDPR

With regard to the intended amendments to the GDPR set out in Article 3 of the Omnibus proposal, RfII highlights two aspects relating to research:

RfII supports a solidly justified adjustment of the definition of personal data following the recent European Court of Justice (ECJ) ruling⁴ as part of the Omnibus proposal, as this would facilitate the use of data for science and research. However, the increased risks associated with easier handling of pseudonymised data would have to be mitigated by appropriate protective measures, such as organisational or technical safeguards, stricter due diligence obligations or legally binding prohibitions on re-identification.

RfII sees the objective of EU Commission's proposal to include a very broad legal definition of the term "scientific research"⁵ in Article 4 of the GDPR, which is formulated independently of the institutional affiliation of the research, in line with academic freedom. Research can for sure be commercially oriented. One example is pharmaceutical research conducted by private companies for the development of vaccines. With regard to the proposed amendment to the GDPR, RfII recognises the need for greater legal certainty through the suggestion of a Europe-wide definition of scientific research. However, the following points should be considered:

In view of the constant change in research and its heterogeneous internal scientific regulations, as well as its different privileges, legal framework and institutional structure in the

4 Judgment of the ECJ of 4 September 2025 (Case C-413/23 P).

5 According to this, scientific research is "any research which can also support innovation, such as technological development and demonstration. These actions shall contribute to existing scientific knowledge or apply existing knowledge in novel ways, be carried out with the aim of contributing to the growth of society's general knowledge and wellbeing and adhere to ethical standards in the relevant research area. This does not exclude that the research may also aim to further a commercial interest." (Art. 3 (1b) Omnibus proposal; Art. 4 (38) GDPR as amended).

EU Member States, RfII argues that it is necessary to consider whether and to what extent the term "scientific research" should be legally defined in a comprehensive, Europe-wide binding form within the GDPR at all. If this step is taken, at least additions or clarifications to the definition should be made: For example, not only "ethical standards in the relevant research area" should be followed, but also overarching scientific ethical standards, in order to meet the normative self-imposed standards of scientific research in general. In this context, RfII also refers to already existing standards of good scientific practice, such as those set out in the ALLEA European Code of Conduct for Research Integrity.⁶ Another example are the corresponding guidelines of the German Research Foundation (DFG).⁷

The aspects outlined above make it clear that the EU Commission's Omnibus proposal affects not only the economy and society but also science. At the very least, it influences whether and how data will be available for scientific purposes in Europe in the future, whether it can be shared in a trustworthy manner and whether it can be used in a legally secure manner. It is therefore particularly important that the Digital Omnibus is carefully designed, taking into account the interests of science and research performing institutions at all times.

German Council for Scientific Information Infrastructures (RfII)

The RfII was established by the German Joint Science Conference (GWK) to advise the Federal and *Länder* Governments, as well as scientific institutions, on the development of scientific information infrastructures and related topics concerning the digital transformation in science and academia. Its 24 honorary members represent the infrastructure and data user side inside the scientific community, the infrastructure providers, public life, and the research ministries of the Federal and *Länder* Governments in Germany.

Imprint

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The German National Library lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available online: [urn:nbn:de:101:1-2024091641](https://nbn-resolving.org/urn:nbn:de:101:1-2024091641).

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