

Position Paper

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From Patchwork to Blueprint: Toward a Coherent EU Tech Framework

The last mandate has transformed the legal landscape of Europe's digital economy, marked by a broad set of new regulations and directives from the European Commission. From cybersecurity and artificial intelligence to data governance, few areas of the digital economy have remained unaffected. As these new laws enter the critical phase of implementation, inconsistencies and overlaps, particularly in definitions and obligations, are becoming increasingly apparent. Instead of delivering the promised legal clarity to support innovation made in Europe, businesses are grappling with a jungle of regulatory complexity. As part of its competitiveness agenda, the Commission plans to bring forward an omnibus package to simplify and harmonize Europe's digital regulation. Bitkom highly welcomes the Commission's plan for a digital omnibus package which is offering a vital opportunity to streamline the current digital framework. The Commission must deliver on the targets it set and the promises it made, and it cannot afford to fall short of its own stated ambitions.

Focus Areas for Action

To be effective, the simplification package must take a holistic view across all digital legislation at the EU level: aligning legal definitions, harmonizing reporting requirements, and resolving overlaps through targeted and coherent adjustments.

- **Streamline Cybersecurity Reporting Obligations:** Overlapping requirements across recent cyber laws have fragmented the regulatory landscape. Companies face parallel reporting duties, inconsistent national implementations, and regulatory duplication. In this context, the Cybersecurity Act must evolve beyond certification to serve as a central coordinating tool for coherence and simplification. Streamlining incident reporting, currently duplicated across NIS2 and CRA, must be a priority - guided by the principle of "one incident, one report, one mechanism" supported by clearer roles, consistent definitions, and a stronger mandate for ENISA.
- **Ensure High Privacy Standards that Enable Innovation:** Data is essential for driving innovation and maintaining global competitiveness, especially in areas like AI model training. However, unresolved conflicts between the GDPR and other digital regulations—such as the AI Act and the Data Act—create legal uncertainty,

particularly around the processing of personal data. This regulatory friction is already having real-world consequences: according to a recent Bitkom study, 70% of companies have halted innovation projects due to privacy-related concerns. The digital omnibus must address these uncertainties to ensure that high level privacy standards support responsible innovation rather than hindering it, by clarifying liability risks and harmonising overlapping rules.

- **Provide Targeted Adjustments to the AI Act:** To support a competitive AI economy in Europe while effectively addressing AI-related risks, targeted adjustments in the AI Act are needed. In particular, the application of high-risk requirements should be postponed by at least 24 months, as key standards are unlikely to be finalised before December 2026 due to the complexity of the consensus-building process. Furthermore, all high-risk requirements listed in Annex I A should be integrated into relevant sectoral legislation (following the existing logic of Annex I B). The AI Act should serve as a maximum harmonisation instrument, ensuring that efforts to align sector-specific regulations do not exceed their requirements.
- **Create A Functioning Framework for the Data Economy:** While the recent acquis of rules on access, localisation, intermediation, and transfer of (non-)personal data has avoided the fragmentation of the single market for data during its very onset, it has not been possible to create a fully coherent framework yet. In particular, there is a need to address different material scopes, timely applicability, as well as certain interactions between laws. In addition, their implementation merits more attention to be as consistent and fast as needed.
- **Ensure Coherent Enforcement Among Member States:** Enforcement structures across Member States differ significantly in terms of focus, capacity, expertise, and resources, resulting in inconsistent implementation. The effects of this imbalance were evident with the GDPR and now pose similar risks for the NIS2 Directive. Stronger coordination at the European level, supported by efficient structures and regular dialogue, is essential to promote collaboration among national authorities and achieve consistent enforcement across member states. In addition, greater attention should be given to addressing gold-plating practices.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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