

Policy Briefing from the Affiliate & Partner Marketing Association

Q4: December 2025

European Commission Digital Omnibus Package

Introduction:

- The European Commission (EC) published its long-anticipated [Digital Omnibus](#) and [Digital Omnibus on AI Regulation Proposal](#) on 19 November 2025.
- This package represents the **most significant change to EU data protection and privacy law since the creation of the [General Data Protection Regulation \(GDPR\)](#)** in 2016, aiming to simplify existing rules, reduce regulatory burden, and facilitate innovation.
- However, the proposals have drawn significant **[criticism](#) from privacy campaigners** who view them as the ‘biggest rollback of digital fundamental rights in EU history’ and an attempt to favour ‘Big Tech’.
- **There is no firm date for the new rules to become law.** The EU legislative process has just begun, and final proposals are not expected until 2029 due to a likely Brussels lobbying frenzy throughout the legislative process involving national governments and European parliamentarians.

- Due to Brexit, **the proposals do not directly affect the UK framework**, although the UK may need to align with them to ensure the continued free flow of data.
- **Businesses operating across the EU (and beyond) should try to follow and influence the legislative process**, as regulation and compliance requirements are set to change significantly.

Key highlights are as follows:

- **A Consolidated Data Law:** Some data protection and privacy rules, including the ePrivacy Directive (e.g., ‘cookie rules’), will be incorporated into a single piece of legislation, the GDPR.
- **GDPR Updates:** The GDPR itself is to be updated to make it more workable, for instance introducing more scope for ‘data controllers’ to reject subject access requests from individuals in cases of them abusing their data protection rights.
- **Cookie Rules Revision:** The ongoing revision of the ePrivacy Directive aims to reduce the proliferation of consent banners and combat ‘cookie fatigue’ by making the consent process more efficient. This streamlining is planned through two main strategies: (a) introducing low-risk exemptions, such as security requirements and basic and aggregated web analytics; and (b) mandating universal consent signals via a ‘single click’ approach using universal, machine-readable privacy signals embedded in user browsers or operating systems.
- **AI Act Adjustments:** Changes are being made to the EU AI Act to smooth implementation and provide a clear legal basis (‘legitimate interest’) for using personal data in AI development, removing some of the challenges relating to AI training and use in connection with personal data.

- [N.B., consent would still be required using personal data to target individuals with personalised advertising].
- **The implementation of new rules under the EU's AI Act has been postponed from August 2026 to August 2027.** The postponement would delay the application of violations of the new rules in order to provide time for providers and users of AI to comply. This will be seen to benefit 'Big Tech' who have repeatedly been critical of the EU's over-regulation.

Key Points for the Affiliate & Partner Marketing Sector:

- The EC says the reforms aim to streamline rather than 'reopen' the existing EU framework. **However - in doing so - there will be opportunities for APMA and its member companies to advocate for a more pragmatic regulatory landscape (as they are currently doing in the UK) throughout the EU legislative process.**
- **The definition of 'Personal Data' doesn't really change:** At first glance, it looks as though the proposals narrow the scope of what constitutes personal data and therefore the types of data that are regulated. However, the revision aligns it with recent [case law](#). As a result, it is unlikely to make too much practical difference. However, this is the beginning of the EU legislative process, so APMA and its member companies should advocate for a more pragmatic and risk-based approach, similar to what it is doing in the UK with the revisions to [PECR](#).
- **The integration of the ePrivacy Directive into the GDPR provides businesses with greater clarity on data protection and privacy rules.** However, APMA member companies operating across the EU will still have to assess and navigate the regulatory differences between the UK, EU, and rest of the world. But - as with the GDPR - the final proposals may set a global precedent.

- **The proposed ePrivacy Directive reform will introduce a new ‘White List’ of new exemptions to the consent requirements for technology (e.g., cookies) used to store or access information on an individual’s device.** This includes security requirements, basic and aggregated web analytics as well as services that are requested by an individual. It remains to be seen whether these would apply to any attribution models in affiliate marketing, although - as in the UK - cash-back and voucher code models continue to have a good case.
- Regardless, the EC aims to shift the focus on high-risk data uses and APMA should continue to argue that attribution in affiliate marketing is ‘data-lite’ and presents a low privacy risk to individuals.
- **The EC’s proposed changes to the ePrivacy Directive’s consent rules may rekindle the [‘Do Not Track’](#) debate, even though the marketing environment it sought to address has evolved.** The proposals mandate a ‘single click’ universal consent signal, a machine-readable privacy setting embedded in a user’s browser or operating system. This change shifts the main consent mechanism away from a Consent Management Platform (CMP) at publisher level and places the responsibility on browsers and operating systems (and other similar mechanisms). While the [California Consumer Privacy Act \(CCPA\)](#) already requires a [Global Privacy Control \(GPC\)](#) signal to allow consumers in the state to opt out, the EC’s plans would require a similar mechanism to be on by default to meet the EU’s consent requirements.
- **A six month break between re-requesting consent after its refusal:** The new proposed consent settings seek to impose a rule requiring the ‘data controller’ to respect a user’s refusal of consent for a period of six months.

APMA Comment & Analysis:

While the APMA's primary focus has been the evolving UK data protection and privacy framework, the EC's Digital Omnibus proposals are significant for its member companies operating across the EU and beyond. APMA and its member companies should follow and seek to influence the legislative process as regulation and compliance requirements across the EU will change.

Despite the EC's reluctance to portray the proposals as 'deregulatory,' there is an opportunity for the affiliate and partner marketing sector to advocate for a more proportionate approach.

The current proposals do not reflect this and could stifle EU innovation in the sector. For example, proposing to shift the main consent mechanism away from the Consent Management Platform (CMP) at publisher level towards browsers and operating systems (and other similar mechanisms).

For further information please contact the APMA at hello@theapma.co.uk.