



# NEWS MEDIA EUROPE

## Joint Statement

### Media concerns on the Digital Omnibus: consent-related provisions increase complexity and hinder viability

Brussels, 6 May 2026

The undersigned associations representing the media sector wish to reiterate our strong concerns about the Digital Omnibus, in particular on Art. 88a GDPR and Art. 88b GDPR.

At a time when the EU seeks to boost competitiveness and strengthen its digital economy, the chosen approach risks achieving the opposite and making it more difficult to process data in Europe. The provisions proposed by the Commission would significantly undermine the business models of the press and media. **The current framework relies heavily on consent for most data access and purposes necessary to provide and finance media offerings in an attractive and financially-sustainable manner, and to innovate and develop new products to engage new audiences in a highly competitive environment. Without a meaningful reassessment of this reliance on consent, the media's ability to ask users directly for their consent and determine the frequency and content of such requests remains a legal and operational necessity.**

The Commission's proposed Article 88a(4) introduces severe restrictions on the ability to request consent from users. These limitations appear disproportionate and unworkable, as they would prevent media organisations from effectively requesting consent from users, therefore hindering their digital revenues and capacity to innovate.

Furthermore, the audience measurement derogation from the consent requirement in Art. 88a(3) is too restrictive in scope and fails to accommodate existing audience measurement systems, industry practices and methodologies. The current wording excludes measurement by independent third parties acting on behalf of the media industry, such as Joint Industry Committees, that play a critical role in ensuring transparency, comparability and credibility of audience data across the market and is not aligned with the definitions of the European Media Freedom Act and the provisions of the Digital Markets Act.

The concerns about Art. 88b are also fundamental, as this provision would effectively prevent digital services from requesting consent directly from their users by prioritising centralised consent mechanisms. This would severely reduce user control, as the granularity of the consent decision would be impaired, in contradiction with Article 4(11) GDPR requiring consent to be "specific".<sup>1</sup> The

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<sup>1</sup> See EDPB [Guidelines](#) 05/2020 on consent.

exemption for media is not sufficient to preserve the viability of our sector, as it is too limited in scope. Centralised consent would deprive media services of the ability to differentiate their data processing practices (scope, purposes) from those of other online services, while shifting control to browsers and other intermediaries, thereby strengthening existing and creating new gatekeepers.

A similar measure (Article 10) received the same industry criticism and was among the causes of the withdrawal of the ePrivacy Regulation proposal. Against this background, it is difficult to understand why the Commission would reintroduce a recently rejected proposal without a proper impact assessment and despite its significant negative consequences for the business models of the media.

In light of the above, the undersigned associations call on the co-legislators to **delete Art. 88a(4) and Art. 88b and amend the audience measurement derogation in line with the principles of the EMFA**, by adding “third parties authorised by advertisers and publishers” among the beneficiaries of the exception to ensure equitable and independent audience measurement. Furthermore, the co-legislators should urge the Commission to carry out a holistic assessment and evaluation of the data protection acquis, with a view to identifying workable, balanced solutions for all stakeholders. **Rather than maintaining strict consent requirements while simultaneously preventing companies from effectively requesting consent, the EU should assess ways to address issues such as consent fatigue in a way that preserves both user choice and the viability of European digital business models.**

List of Signatories:

ACT – Association of Commercial Television and Video on Demand Services in Europe

EBU – European Broadcasting Union

EGTA – International Trade Body of Multiplatform TV and Audio Businesses

EMMA – European Magazine Media Association

ENPA – European Newspaper Publishers’ Association

EPC – European Publishers Council

NME – News Media Europe