



Preparing a roll-back of digital rights: Commission's secretive meetings with industry

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TECH

The European Commission is planning an unprecedented roll-back of digital rights through its so-called 'digital omnibuses'. In secretive meetings, the Commission has given privileged access to tech lobbyists to shape its proposals, in violation of the Commission's own rules.

"Europe is open for AI and for business!" Ursula von der Leyen hyperbolically tweeted during the AI Action Summit in Paris in February 2025. Her post featured a picture of a grinning von der Leyen shaking hands with Christophe Fouquet, the Chief Executive Officer of the Dutch technology company ASML.

The AI Action Summit marked a distinctive shift in the Commission's discourse. Where previously the Commission had at least paid lip service to safeguarding fundamental

rights in the rollout of AI, it has largely abandoned that discourse, instead talking about winning “the global race for AI”.



"Europe is open for AI and for business!" Ursula von der Leyen

To the Commission, ‘winning the race’ is about changing the rules, making regulation ‘simpler’ for businesses – in short, it’s about deregulation. And to do that, the Commission has teamed up with tech companies. In a series of amendments in its so-called digital omnibus the Commission intends to fatally weaken data protection in order to boost artificial intelligence. Protections against risky AI systems are also pushed under the bus.

To make matters worse, the Commission is sidestepping even its own decisions on lobbying transparency, claiming the preparatory meetings with mainly business participation, were of a mere technical nature. In fact, in 5 secretive workshops, so-called ‘Reality Checks’, the Commission sat with tech companies to prepare two deregulation packages, and the talks were highly political.

Massive attack coordinated with tech companies

In its second term, the von der Leyen Commission has embarked on an unprecedented assault on existing EU rules, from environmental protections and climate policies to social rights. While the Commission has been careful to cloak its deregulation agenda in a mist of technocratic and nebulous language, in a moment of candour von der Leyen recently said the quiet part out loud: “we all agree we need simplification, we need deregulation”. In fact since Commission advisor Mario Draghi – in his report on the EU’s competitiveness – singled out data protection and the AI Act as a targets for deregulation, digital legislation has been high on von der Leyen’s so-called ‘simplification’ agenda.

Corporate lobby groups have spotted their golden opportunity and are ramping up their efforts, with Big Tech companies averaging a lobby meeting with the Commission every working day in the first half of 2025.

The Commission has already put environmental rules and human rights protections on the chopping block through so-called omnibuses. Omnibuses are proposals that set out to change several EU laws in one go, and are functioning as tools of deregulation. The Commission’s use of this tool is highly controversial. Under the guise of only making ‘technical changes’, it sidesteps normal decision-making procedures and consultation mechanisms. The European Parliament is voting on many of these ‘omnibusses’ under ‘urgent procedures’, thereby undermining democratic oversight. The next omnibus in line will target the EU’s digital rules.

The ‘digital omnibus’ published on 19 November is targeting a slew of rules from ePrivacy and the GDPR to cybersecurity and the AI Act. The omnibus is also initiating a ‘Digital

Fitness Check' that could further re-open tech laws including the Digital Markets Act and the Digital Services Act.

The 'digital omnibus' has been closely coordinated with corporate lobbyists. The Commission has set up obscure workshops called 'Implementation Dialogues' and 'Reality Checks', aimed at gathering input from industry that will "feed the stress testing of EU regulation" in order to make EU legislation more 'business-friendly'. In other words, the two types of dialogue provide an opportunity for corporate lobby groups to convince the Commission to set a change of the EU laws they would like to see amended, in motion.

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You ask, we deliver: how the Big Tech's wish-list is turning into reality

On 19 November, the Commission published two omnibuses, one on the AI Act and another on data use. The proposed changes have far-ranging effects on people's digital rights, and can be traced back to lobby positions of Big Tech companies.

Pausing AI Act implementation: By far the most lobbied-over demand is a pause to the implementation of the AI Act for one or even two years. The Commission now proposes to pause the implementation of the AI Act with potentially 16 months. This would enable companies to continue to release risky AI systems onto the market without any safeguards. These risks are far from hypothetical: from algorithmic-powered employee firings to biased algorithms that disadvantage students based on their socio-economic background, highly problematic AI systems are already in circulation. Moreover, delaying is a tried and tested industry lobbying tactic designed to derail legislation over the longer term.

Slashing oversight on risky AI systems: During the initial negotiations on the AI Act, a controversial win for Big Tech firms was that companies can self-assess if they believe an AI system is high-risk. To compensate for that loophole, industry had to register those AI systems in a public database. Now this transparency failsafe will also be removed, basically giving tech companies a free hand in deciding if an AI system is risky without any public oversight. Lobby group DOT Europe, which counts Big Tech firms as its members, and TikTok both pushed for this. In a reaction on LinkedIn Daniel Leufer from the NGO Access Now called this "the biggest, most ridiculous loophole in the AI Act that will let

unscrupulous providers unilaterally exempt themselves from the AI Act's obligations with oversight”.

Personal data collection free-for-all: Big Tech has also set its eyes on weakening the GDPR to make it easier to train AI models. The GDPR permits the collection of personal data without consent if there is a ‘legitimate interest’. This is already a highly contested issue, as companies such as Facebook have misused this legal ground to collect personal data for targeted advertising without asking for consent. Now Big Tech firms want to collect unlimited personal data to feed their data-hungry AI models. Not only is this highly unpopular, it could also put people’s privacy up for grabs.

The Commission is now changing Article 9(2) to make the processing of personal data without people's consent a legitimate interest for the purpose for the training of AI.

In early November 2025 the Commission’s proposal for the digital omnibuses were already leaked to the media which closely resembles the proposed changes.

The reactions were damning towards the Commission. The digital rights organisation NYOB called it “death by a thousand cuts” to the EU’s data protection law, while Paul Nemitz, a key figure in drafting the GDPR, wrote on LinkedIn that “nothing will remain of data protection”. Over 120 civil society organisations wrote to the Commission, warned against “the biggest rollback of digital fundamental rights in EU history”, and criticising how this was carried out in a “rushed and opaque process designed to avoid democratic oversight”.

In particular the rash re-opening and weakening of the GDPR is raising eyebrows. The GDPR is the backbone of the EU’s digital legislation and is often considered to be the global gold standard for data protection regulation. In an Implementation Dialogue in July 2025 aimed at simplifying the GDPR, the main message from stakeholders was that “the GDPR is a balanced legal framework which has met its objectives” and cautioned against a general re-opening.

“Policy should not be driven by a dogmatic faith that deregulation will always and inevitably liberate innovation,” Johnny Ryan from the Irish Council for Civil Liberties and Georg Riekeles from European Policy Centre wrote in an op-ed in *The Guardian* following the leaked omnibus proposal.

But it seems exactly that misguided idea – that deregulation will unleash AI innovation – that has become front and centre of the EU’s agenda and has opened the door to a Big Tech lobby campaign. Worse, deregulation in a highly monopolized market, only risks to further entrench dominant players.

The corporate lobby campaign to axe the EU’s digital rules

In September 2024 Mario Draghi published his report on the EU’s competitiveness. The

report, which was heavily influenced by corporate interests, singled out the AI Act and the GDPR as barriers to 'competitiveness' tapping into a false choice between regulation and innovation.

He wrote that "the EU now faces an unavoidable trade-off." The choice was between stronger regulation "for fundamental rights and product safety" and "more regulatory light-handed rules to promote EU investment".

Big Tech lobbyists quickly caught on to the new political wind in Brussels. Less than two weeks after the Draghi report, Meta coordinated a deceptive campaign called 'EU needs AI'. In an open letter, it argued that "Europe can't afford to miss out on the widespread benefits from responsibly built open AI technologies" and demanded "European data to be used in AI training". While the letter claimed to represent European businesses, in reality at least one-third of the supporters were either employed or financed by Meta or had a close partnership with the company.

OFFENER BRIEF ANZEIGE

Europa braucht regulatorische Klarheit bei KI

Durch fragmentierte Regulierung riskiert die EU, den Anschluss an das KI-Zeitalter zu verpassen.

Wir sind eine Gruppe von Unternehmen, Forscher*innen und Institutionen, die eine wesentliche Rolle in Europa spielen und deren Dienste von Hunderten Millionen Europäer*innen genutzt werden. Wir möchten, dass Europa floriert – auch im Bereich innovativer KI-Forschung und -Technologie. Doch in der Realität ist Europa inzwischen weniger wettbewerbsfähig

Die Fähigkeit der EU, sich bei KI mit dem Rest der Welt zu messen und von Open-Source-Modellen zu profitieren, beruht auf ihrem Binnenmarkt und dem gemeinsamen Regelwerk. Wenn Unternehmen und Institutionen Dutzende Milliarden Euro für die Entwicklung generativer KI für die europäischen Bürger*innen investieren, brauchen sie klare und konsistent angewandte

The Meta lobby letter was published in newspapers across Europe. Source: [LobbyControl](#).

How Big Tech weaponised the Trump administration

But while at the start of 2025, the scope of the Commission's deregulation of digital rules was very much up in the air with initially only the Cybersecurity Act being mentioned as part of a digital omnibus, a Big Tech lobby campaign and external pressure from the Trump administration quickly changed this.

At the AI Action Summit, the US Vice-President JD Vance opened an all-out attack on the EU's digital rule-book. Vance railed against "excessive regulation of the AI sector" and warned that "America cannot and will not accept that... foreign governments tighten the screws on US tech companies".

The speech kick-started a full-blown lobby offensive both in the United States as well as in Europe.

Two days later, at the Munich Security Council in February 2025, Meta's main lobbyist Joel Kaplan said that the company would enlist Trump's help whenever it feels discriminated

against by EU rules. A week later Meta's Chief Executive Officer Mark Zuckerberg was already lobbying US Senators to push back against the EU's rules. Meta also wrote in a paper on the US AI Action Plan sent to the Trump administration in March that "if the EU continues to target American tech companies — through uncertain and hostile regulatory regimes... the global AI standard will be Chinese".



Meta CEO Mark Zuckerberg and other CEOs having dinner with Trump at the White House Source: The White House

While AI was at the top of tech companies' agenda, the GDPR was also increasingly targeted. A blog post from the Center for Data Innovation – a Big Tech funded think tank – railed against the "EU's disproportionate obsession with American tech companies" for fining Big Tech firms under the GDPR and called on the Trump administration to "fight back against EU laws". In a separate letter to the US government a coalition of Big Tech associated lobby groups called on the Trump administration to act against the "EU's discriminatory digital regulation policy" including the GDPR and the AI Act.

This lobbying campaign proved to be successful. In February 2025, the Trump administration passed an executive order threatening to impose tariffs on foreign governments in response to taxes or fines of Big Tech companies. And at the end of April, the US Mission to the EU sent a detailed letter to the Commission in which it demanded that the Commission should water down the Code of Practice on General Purpose AI and, crucially, pause the implementation of the AI Act.

From the US to the Commission

In the following weeks the Commission showed how far it was willing to go to please Big Tech. The Commissioner for Technological Sovereignty Henna Virkkunen travelled to San Francisco to meet with a host of Big Tech chief executives including Meta’s Mark Zuckerberg, Google’s Sundar Pichai, and Apple’s Tim Cook. Internal documents paint a stark picture. At every meeting, Virkkunen repeated again and again that “it’s a priority for us to simplify AI Act implementation”.



Commissioner Virkkunen meeting with Meta CEO Mark Zuckerberg during her tour in San Francisco Source: [LinkedIn](#)

According to a *Financial Times* article the Commission also closely “engaged” with the Trump administration on the deregulation of the AI Act.

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At the beginning of June, the Polish Presidency really got the ball rolling by picking up the Trump administration’s demand to ‘stop-the-clock’ on the AI Act. The Polish Government also singled out the GDPR as a barrier to “the ambition for the AI Act to stimulate AI development and training in the EU”. The Polish Presidency document was drawn up with

input from “a wide range of stakeholders”. In reality the only stakeholders consulted were corporate lobby groups including business associations closely aligned with Big Tech including the American Chamber of Commerce, the Information Technology Industry Council, and DOT Europe.

According to *Politico*, at the Polish Presidency digital summit in Gdańsk in mid-June, corporate lobbyists couldn't hide their glee with the lobby group European AI Forum organising an axe-throwing competition under the banner of “cut the red tape — deregulation contest”.

Others quickly piled up on the momentum. In July European companies from the EU AI Champions Initiative published an open letter calling for a “two-year clock-stop” on the AI Act. Ironically, despite its name, the platform is spearheaded by the Silicon Valley venture capital fund General Catalyst which has major investments in European and US AI companies including Anthropic, AirBnB, Mistral AI, Helsing, and the controversial military AI company Anduril. Others have gone even further. The Big Tech funded think tank European Centre for International Political Economy (ECIPE) proposed to cancel the AI Act altogether.

The Consumer Choice Center Europe, a big business front group which receives its complete budget from Google and Meta, joined the choir and pushed for the re-opening of the GDPR in a Euronews op-ed.

Piling on to the tech industry's lobby offensive, in September 2025 in a much-touted speech, Draghi once again lambasted the Commission for not going fast enough, and called for the deregulation of the GDPR and the AI Act. An influential position paper from the German government also pushed for far-reaching proposals to water down data protection. According to an analysis by LobbyControl, the lobby positions of Google, Microsoft, and the lobby groups Bitkom and DigitalEurope were clearly reflected in the position paper.

The industry agenda, far from technical

While the door was already wide open to industry lobbyists, in September the Commission rolled a series of behind closed doors meetings, so-called ‘Reality Checks’ to feed into the digital omnibus.

The von der Leyen Commission has rolled out two new kinds of consultation mechanisms: the Implementation Dialogues and the Reality Checks.

In both cases, they were consultation procedures set up to help the Commission scan existing EU laws to simplify them. The difference between the two, is that the Reality Checks are supposed to be more of a technical exercise, as opposed to “the more political discussion in the implementation dialogue,” as an internal Commission document puts it.

The apparently technical approach of the Reality Checks is used by the Commission to restrict transparency. An [operational guidance document](#) obtained by Corporate Europe Observatory makes clear that Reality Checks “are exempted from the transparency measures applicable to meetings with interest representatives”.

The numbers from 2025 tell a tale: of the 23 Reality Checks scheduled to happen in the first three quarters of 2025 – according to an internal Commission document – 17 do not appear at all on the Commission’s website. In only 2 cases have a list of participants been made public, and only in 3 cases has the report been made available to the public.



Without transparency and with mostly business interests at the table, lobbyists will have ample opportunity to push through deregulation to boost profits at the expense of environmental protection, public health and social rights.

That begs the question whether the Reality Checks used to prepare the digital omnibus were in fact merely technical. Looking at the far-reaching rollback of fundamental rights in the Commission’s leaked omnibus proposal and how closely those are tailored to the tech industry’s agenda that would be surprising.

In a comment to Corporate Europe Observatory, Itxaso Domínguez from the NGO EDRI, who was able to attend one of the Reality Checks said, “While the Commission presented these [Reality Checks] as technical discussions, they clearly had policy implications, as the framing steered participants towards loosening consent requirements and reinterpreting ePrivacy in light of industry demands. In practice, the discussion was dominated by industry representatives.”

In [Commission documents released](#) to Corporate Europe Observatory following a Freedom of Information request, the extent of corporate dominance becomes clear. In the five Reality Checks, the Commission invited 114 companies out of a total of 138 invitees. Only 9 civil society organisations were invited.

In the Reality Check on data use over 40 companies were invited, but only two civil society organisations. Similarly, at the Reality Check on AI, only two civil society organisations were invited, compared with ten companies and business associations. Several of the companies present such as [Airbus](#), [Aleph Alpha](#), and [DigitalEurope](#) have been lobbying the EU to weaken the AI Act.

Civil society organisations that did ask to be granted access to the Reality Checks were in some cases refused access. In an email to a prominent civil society organisation seen by Corporate Europe Observatory, the Commission was candid about why civil society was not welcome: “we intend to ask (mostly) companies about their day to day operations and expenditures in complying with the regulations”. The agenda sent to invitees also made

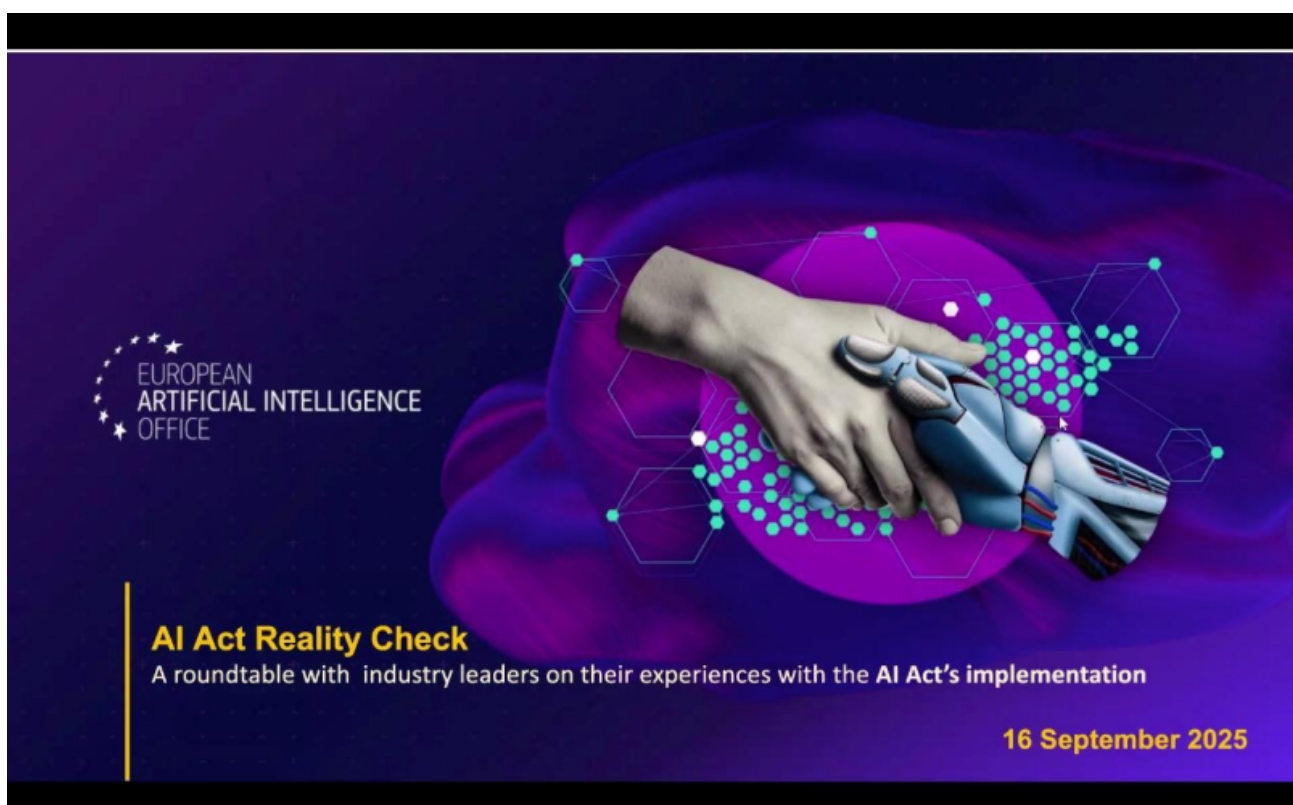
clear who the Commission's target audience is with the following header: "a roundtable with industry leaders on their experiences with the AI Act's implementation".

Secretive clubs to prepare changes to EU law

The Commission has spent many months preparing the proposals now made public. And all along, they have carried out 5 Reality Checks, 5 thorough dialogues, mainly with industry. The content of these talks, and the participants has been kept out of the public eye.

Now, with the tabling of the proposal, the Commission has made it clear that the content of the Reality Checks are not technical, ie. uncontroversial and unpolitical. That is clear from the descriptions of the meetings in the staff working document accompanying the proposal. The derogations on transparency measures granted to those organizing the Reality Checks, then, are not even justified under the Commission's internal rules.

Corporate Europe Observatory has now filed a complaint with the European Ombudsman regarding the lack of transparency surrounding the Reality Checks and the dominance of corporate interests.



The Commission agenda for the AI Reality Check: "a roundtable with industry leaders". Source: EU AI Office.

The origins of Reality Checks

'Reality Checks' are a new kind of 'targeted consultation', ie consultations reserved for selected participants. The idea came not from the European Commission, but

from the French and German governments. In a letter from May 2024, when the EU was preparing for a new term – with a new Commission, and European elections – French President Macron and German Chancellor Scholz published a common statement in which they called for “the launch of so called 'reality checks' at European level to identify unnecessary bureaucratic burden in a more targeted way”.

In September 2024, the Draghi report highlighted “reality checks” as a best practice to “reduce bureaucracy”, invented in Germany. Reality Checks gather “experts from the businesses and administrations concerned to identify obstacles and potential solutions for individual scenarios and investment projects,” the report said. With the start of the new Commission, von der Leyen picked up the idea and rolled it out across all Commission departments.

Together with Implementation Dialogues, Reality Checks risk to structurally embed industry’s privileged access to the EU’s decision-making process, largely excluding other stakeholders. They provide opportunities for corporate lobby groups to push for deregulation in a secluded space with little or no intervention from other interests on society.

The lack of transparency of Reality Checks only worsens matters. After all, the rationale behind seeking consultation not dominated by companies is to avoid lawmaking becoming captured by vested interests and to protect the quality of lawmaking. Without transparency and with mostly business interests at the table, lobbyists will have ample opportunity to push through deregulation to boost profits at the expense of environmental protection, public health and social rights.

A parrot on a stick

In November 2025, a group of over 70 AI scientists wrote to the Commission asking Ursula von der Leyen to retract an earlier statement in which she said that “We thought AI would only approach human reasoning around 2050. Now we expect this to happen already next year.” Subsequent questions about the scientific evidence, showed that von der Leyen’s speech relied on statements made by the chief executives of AI companies Anthropic, NVIDIA, and OpenAI. These are all companies that have profited immensely from selling hyperbolic predictions about AI that are not borne out by the facts, and have used that hyperbole to get away with all sorts of detrimental societal impacts, from the climate cost of their AI systems, to putting on the market AI systems that perpetuate unfairness and bias.

In a scathing op-ed in the German outlet *Netzpolitik*, the computer scientist Constanze Kurz called von der Leyen a “parrot of the tech CEOs” and urged the Commission to stop appeasing tech companies with an “anti-GDPR agenda”.



Rather than tackling Big Tech's monopoly power, the Commission is seeking to undermine people's digital rights in the expectation of catching up in the 'global AI race'.

While the Commission has been touting its mission to build Europe's 'digital sovereignty' and break away from the power of Big Tech, the past year has told a different story. It is increasingly courting the tech industry by sacrificing years of progress in regulating the internet and reigning in Big Tech's toxic business model, buying into the industry's lobby frame that regulation stands in the way of innovation. Rather than tackling Big Tech's monopoly power, the Commission is seeking to undermine people's digital rights in the expectation of catching up in the 'global AI race'.

However, Big Tech's successful lobbying of the Commission will not go unchallenged. The Commission's proposals are already facing major backlash with S&D, Renew, the Greens, and the Left highly critical of the plans.

And in just a matter of days, over 120 civil society organisations called on the Commission to "halt any attempts to reopen the GDPR, ePrivacy framework, AI Act or other core digital rights protections". It is time for the Commission to listen to those voices, instead of courting tech CEOs.

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