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Digitization

Excessive Digital Regulation: ***Less Is Often More***

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At a glance

- The EU sought to streamline its complex digital regulations with the “Digital Omnibus”—but has so far been thwarted by political resistance.
- This case illustrates how difficult it is to roll back regulations once they have been established.
- For Switzerland, this serves as a reminder to exercise greater regulatory restraint.

A decade ago, the EU set the rules for the digital world, and numerous countries around the globe followed suit. The General Data Protection Regulation (GDPR) was adopted from California to Thailand. The so-called “Brussels effect” was seen as proof that while Europe may not produce major tech companies, it does shape the rules of the digital space.

The enthusiasm soon cooled off again. The Digital Services Act, the Data Act, and the AI Act were met with international reluctance, and even within the EU, there is growing unease that digital regulation has gone too far. The [The Draghi Report](#) put it succinctly: The continent is losing ground in the innovation race, partly because of its own regulatory framework.

This is precisely where the “Digital Omnibus” was intended to simplify data protection, cybersecurity, data use, and AI regulations. The path, however, has been rocky. Resistance from politicians and civil society quickly weakened the package. Simplifications were withdrawn or watered down. The remaining relief measures remain controversial. What remained, above all, was the postponement of certain AI obligations to 2027 and 2028. For the business community, the compromise reached so far thus provides hardly any noticeable relief.

This sets the core message for Switzerland

Regulation in the digital space can be established quickly. Dismantling it later is far more difficult. Every regulation creates its own interest groups, its own regulatory bodies, and its own political defenders. Anyone who wants to repeal a rule is not fighting against a law, but against an entire ecosystem. The spirits you’ve summoned won’t be so easy to get rid of.

Switzerland is in a good position. Our country has a comparatively lean, technology-neutral, and risk-based legal framework. Nevertheless, calls for new specialized digital laws—such as those concerning AI, government access powers, or digital sovereignty—are regularly heard here as well. In such cases, it should always be clarified first which specific problem is being solved and whether the benefits justify the effort.

For Switzerland, this means two things. First, European digital regulations should not be adopted reflexively, especially since the EU itself is currently

in the process of correcting parts of them. Digital regulation is not part of the existing bilateral agreement packages nor of the Bilateral Agreements III. Accordingly, there is no reason to adopt such regulations out of a sense of preemptive compliance. Second, every new national regulation in the digital sector should be examined with the same care that would be required to repeal it in the future. Anyone who takes the debate over the Digital Omnibus seriously will keep the regulatory pen in the drawer a little longer next time.

The wisest digital policy, therefore, is one that does not build up a regulatory burden in the first place—one that would later necessitate an Omnibus of its own.

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