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From: To:	General Secretariat of the Council Delegations
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Subject:	Topical debate: GDPR and the EU digital rulebook - Discussion paper

Ahead of the meeting of the Working Party on Data Protection of 25 June 2025, delegations will find in the annex a discussion paper on the above mention topic.

Annex

GDPR and the EU digital rulebook: for a forward-looking discussion

On 21.05, as part of its objective of simplifying EU rules and reducing administrative burden, the Commission has proposed the so-called "Omnibus IV" package, which includes targeted changes to the GDPR, mostly limited to record-keeping obligations. The preparatory work in Council concerning these changes takes places in the dedicated Antici sub-group on simplification.

At the same time, nine years since its adoption, GDPR remains at the center of many broader discussions, including those concerning the evolution of AI technologies and its role in society, the questions of trust and autonomy when relying on digital services, as well as the interplay between the GDPR and the EU digital rule book. The Commission also indicated that GDPR might be part of a further assessment and reflection on the "digital acquis" which might lead to a publication of the "digital package" later this year.[1] Personal data is also referred to in the Commission's consultation on the upcoming Data Union Strategy.[2]

In its 2023 position and findings on the application of the GDPR,[3] the Council has underlined that "the GDPR remains an appropriate legal framework for the protection of personal data of individuals in the Union and stresses the importance of continuing to ensure its effective and consistent implementation". In light of the above developments, the Presidency considers that it is necessary to initiate a forward-looking discussion among the Member States – supporting the upcoming consultation and exploring possible ways forward, including by revisiting some of the issues to be addressed or asking new questions where necessary. The questions proposed by the Presidency aim at identifying the areas that should be the focus of reflection and upcoming consultations on the future of the GDPR.

This discussion is linked to other workstreams and achievements of the Polish Presidency. Lessening of the regulatory burden and coherence of the digital framework have been high on the agenda of the Presidency, and lead to many cross-sectoral exchanges. To inform the discussion, the Presidency wishes to draw the attention of the Member States to discussions that already took place and the reports that have already been published, and that are also relevant for Working Party on Data Protection:

- The report on Outcomes of the discussions on simplification activities in the digital field, presented at the TTE Council on 6 June 2025.[4]
- The report Main takeaways from the debate on the AI Act and the GDPR (WK 5269/2025 INIT).
- The report on single entry points for reporting obligations under the NIS2 Directive and GDPR (10035/25).

[1] https://commission.europa.eu/document/download/8556fc33-48a3-4a96-94e8-8ecacef1ea18_en?filename=250201_Simplification_Communication_en.pdf, page 6 and footnote 29

[2] Call for evidence – ARES(2025)4163996, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14541-European-Data-Union-Strategy_en, see page 1: "Despite efforts to harmonise rules on processing of personal data, Member States can deviate based on opening clauses or rights to specific opt-outs."

[3] ST 15507/23

[4] https://data.consilium.europa.eu/doc/document/ST-9383-2025-INIT/en/pdf

The Presidency proposes a debate based on the following guiding questions:

1) The Commission has announced its intention to further consult on the future of the GDPR, beyond the simplification "Omnibus IV" proposal. Which stakeholders and sectors should be targeted in such consultations? Is there any specific type of evidence that should be provided in an impact assessment (e.g. when assessing the impact on competitiveness, SMEs, protection of fundamental rights…)? In case of further simplification efforts, what should be the personal scope of entities concerned (e.g. should criteria other than size of a company be considered)?
2) Should the ongoing reflection and assessment be focusing more specifically on particular provision or chapter of the GDPR?
3) In its 2023 position and findings, the Council indicated several areas that might benefit from further clarifications in terms of interpretation and guidance, notably concerning processing of minor's personal data, processing for research and archiving purposes, anonymization and pseudonymization, profiling and scoring or information exchange with law enforcement authorities. Has sufficient progress been achieved on these issues since November 2023? Should any of these areas be included in the ongoing reflection?
4) What should be done to ensure that future laws in the digital field are consistent with the GDPR?