

CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have.

⚠️ You should finalise this document at the earliest stages of the preparatory process, so that best use can be made of feedback from stakeholders.

TITLE OF THE INITIATIVE	Report on the General Data Protection Regulation
LEAD DG – RESPONSIBLE UNIT	DG JUST, Units C3 and 01
LIKELY TYPE OF INITIATIVE	Commission Communication
INDICATIVE TIMING	Q2/Q3-2024
ADDITIONAL INFORMATION	https://commission.europa.eu/law/law-topic/data-protection_en

This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.

A. Political context, problem definition and subsidiarity check

Political context

- The General Data Protection Regulation ('GDPR') entered into application on 25 May 2018, repealing and replacing Directive 95/46/EC. The GDPR aims to create a strong and more coherent data protection framework in the EU, backed by strong enforcement. The GDPR has two key objectives: (i) to protect people's fundamental rights and freedoms, in particular their right to have their personal data protected; and (ii) to allow the free flow of personal data and the development of the digital economy across the internal market.
- According to Article 97 of the GDPR, the Commission is to submit a first report on the evaluation and review of the Regulation to the European Parliament and the Council by 25 May 2020, followed by reports every 4 years. The Commission's first report was adopted on 24 June 2020¹ (the '2020 report'). The next report is due by mid-2024.
- Article 97 of the GDPR stipulates that the report should in particular cover the international transfer of personal data to third countries (Chapter V, GDPR) and the cooperation and consistency mechanism between national data protection authorities (Chapter VII, GDPR). Aspects of the functioning of Chapter VII are addressed in the Commission's proposal for a Regulation on GDPR procedural rules, adopted on 4 July 2023². Issues concerning the cooperation and consistency mechanism are covered in that proposal.

Problem the initiative aims to tackle

The problem this initiative aims to tackle is the way the GDPR is applied across Member States. It will update the

¹ Communication from the Commission to the European Parliament and the Council, Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - 2 years of application of the General Data Protection Regulation (COM(2020) 264 final).

² Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679 (COM(2023) 348 final), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0348>.

assessment presented in the 2020 report, taking account of any developments since then. Consistent with the approach taken for the 2020 exercise, the report will provide a general assessment of the application of the GDPR going beyond the two elements listed in Article 97 of the GDPR.
Basis for EU action (legal basis and subsidiarity check)
This report is a legal obligation stemming from Article 97 of the GDPR.
Legal basis
Practical need for EU action
B. What does the initiative aim to achieve and how
Likely impacts
The report may identify issues with the application of the GDPR and possible follow-up actions.
Future monitoring
As set out in Article 97 of the GDPR, the Commission will continue to assess and report on the application of the GDPR every 4 years.
C. Better regulation
Impact assessment
N/A
Consultation strategy
Stakeholders are invited through this call for evidence to submit their views on all aspects of the application of the GDPR. When providing input, stakeholders may fill in the same questionnaire as that sent to the members of the GDPR Multi-Stakeholder Group in September 2023. The contributions collected through this call for evidence will complement the input gathered from the GDPR Multi-Stakeholder Group set up by the Commission. The report will also take into account the position and findings of the Council ³ , the possible contribution of the European Parliament ⁴ , as well as input from data protection authorities (through the European Data Protection Board and interviews conducted by the Fundamental Rights Agency with individual data protection authorities). As noted above, the report will not cover the issues addressed by the Commission's proposal for a Regulation on the enforcement of the GDPR in cross-border cases (functioning of Chapter VII of the GDPR).
Why we are consulting?
The Commission is looking for the widest possible input from stakeholders.
Target audience
All stakeholders (civil society, businesses, GDPR practitioners, etc.), especially those that are not already included in the consultation channels mentioned above.

³ See Council position and findings on the application of the General Data Protection Regulation, as approved on 4 December 2023, <https://data.consilium.europa.eu/doc/document/ST-15507-2023-INIT/en/pdf>

⁴ As it was the case in the previous Commission report, see letter of the LIBE Committee of the European Parliament of 21 February 2020 to Commissioner Reynders, Ref.: IPOL-COM-LIBE D (2020)6525.

