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European Commission  
Executive Vice-President Virkkunen  
Commissioner Mr. Michael McGrath  
Rue de la Loi 200  
1000 Brussels  
Belgium

## Subject: Call for caution about a possible reopening of the GDPR

Dear Executive Vice-President Virkkunen,  
Dear Commissioner McGrath,

Ecommerce Europe, the European Digital Commerce association, welcomes the European Commission's recent initiative to explore potential adjustments to the General Data Protection Regulation (GDPR) in the context of the IV Omnibus legislative package. While we fully support efforts to reduce administrative burdens, particularly for smaller businesses, **we urge a cautious approach as regard to any reopening of the core text of the GDPR**, which would pose significant legal and practical risks outweighing the potential benefits.

Since it entered into force, the GDPR has established a robust, well-balanced, and globally recognised framework that ensures a high level of protection and consumer trust in digital services. As underlined in the European Commission's Second Report on the application of the GDPR<sup>1</sup>, stakeholders, Data Protection Authorities (DPAs), and Member States, all agree that the GDPR has delivered significant benefits for both individuals and businesses despite some challenges. Through its risk-based and technology-neutral approach, the GDPR continues to ensure effective protection for data subjects while imposing proportionate obligations on data controllers and processors.

Over the years, the GDPR has also become a cornerstone of the EU's digital regulatory framework, with its principles serving as a foundation for an expanding body of legislation. For e-commerce players, the GDPR has been a driver of change and businesses across Europe have made significant investments to ensure compliance with the Regulation. Incorporating its principles into their day-to-day operations, while navigating the various interpretations of the rules across Member States, remains a resource-intensive process.

At this stage, we believe that the level of compliance and regulatory maturity achieved under the GDPR should not be jeopardised. We are concerned that a reopening of the GDPR could trigger widespread reinterpretations of well-established principles, add considerable legal uncertainty, complexity and

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0357>

inconsistencies to the regulatory landscape. All of which would undermine the European Commission's objectives of simplification. For these reasons, we believe that **simplification of the rules does not warrant a full reopening of the Regulation.**

Instead, we urge the Commission to prioritise supporting stakeholders' compliance by addressing the persistent challenges arising from divergent interpretations of the GDPR across Member States. In this regard, the guidelines and opinions developed at EU level by the European Data Protection Board's (EDPB) play a crucial role. However, we would benefit from having more practical and solution-oriented guidelines while maintaining a fair balance between data protection and other fundamental rights. This can only be achieved through consistent public consultations and enhanced transparency of the drafting process. Such improvements are essential to ensure that guidelines reflect market realities and take various business models into account, making them easier to implement in practice.

Ecommerce Europe remains committed to constructive dialogue regarding the future of the data protection framework in the EU. However, we strongly believe that the GDPR should not be reopened, and that any reform should be carefully calibrated to strengthen the harmonisation of the GDPR's implementation while maintaining the integrity of the GDPR's core provisions.

We remain available for any questions you may have.

Thank you very much in advance for your consideration.

Yours faithfully,

A handwritten signature in black ink that reads "Luca Cassetti".

Luca Cassetti  
Secretary General