



12 June 2023

## **Re: Improvements to the enforcement of the General Data Protection Regulation (GDPR)**

Dear Vice-President Jourová,  
Dear Commissioner Reynders,

We, the undersigned consumer and civil society organisations, welcome the intention of the European Commission to improve the enforcement of the General Data Protection Regulation. To that end and ahead of the finalisation of the upcoming legislative proposal, we call on the Commission to ensure that the draft Regulation improves the efficiency of enforcement and ensures data subjects can exercise their rights in a fair, effective, and affordable manner.

Our organisations work alongside EU institutions and national supervisory authorities to promote and advance data protection, privacy, and other consumer and fundamental rights in the digital age. The GDPR is an essential framework for these rights, but the GDPR can only succeed if the law is effectively implemented and enforced. The success of the upcoming proposal in achieving these goals will determine the impact of other EU legislative acts which rely on the GDPR, including the Digital Markets Act, the Digital Services Act, the Data Governance Act, and the draft Artificial Intelligence Act and Data Act.

Our organisations have liaised with you and your teams in the past about the hurdles we face in upholding people's rights in national and cross-border GDPR complaints. Our cases have usually faced big delays, inconsistent and fragmented decisions, lack of communication from the authority responsible, and we have often had limited avenues to present evidence or be heard.<sup>1</sup>

To remedy these essential flaws, the proposal must at the very least:

- provide mutual recognition of admissibility of complaints and data subject representation;
- achieve more efficient and closer cooperation between supervisory authorities including clear deadlines for complaint resolution procedures and cross-country enforceability of decisions;
- grant complainants and organisations representing them comprehensive rights to be heard and access to the file in the same way defendants have; and
- ensure that appeals against authorities' decisions follow effective procedures that will not extend litigation for years.

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<sup>1</sup> See, for example, [Access Now's recommendations](#) on harmonising and clarifying procedural rules relating to the enforcement of the GDPR; [BEUC's recommendations](#) on harmonising cross-border procedural matters in the GDPR; [EDRI's list of procedural aspects](#) that could be clarified or harmonised; and [noyb's assessment](#) of the functioning of the GDPR and recommendations on enforcement.

The new proposal should reduce bureaucracy and delays when supervisory authorities work together. It should alleviate the process to remedy data protection violations in a timely and effective manner. The proposal should build on existing best practices across Member States and not adopt the lowest common denominator, particularly regarding complainants' rights to be heard and access to documents. It must not prevent the application of existing and more favourable national rules for data subjects. It should also include provisions to allow supervisory authorities to cooperate with other enforcement authorities from different sectors (such as competition, financial services, energy and telecom regulators and consumer protection authorities) where relevant, for example with regards to sharing information.

Providing clear, predictable, and harmonised rules as well as equal representation in the GDPR complaint resolution process is essential to ensure the timeliness, quality, and accuracy of decisions. We count on the European Commission to deliver on these objectives and with it, guarantee access to justice and the fundamental right to personal data protection.

We thank you in advance for your time and consideration.

We remain at your disposal to discuss the upcoming proposal at your earliest convenience.

Sincerely,

Access Now  
BEUC – The European Consumer Organisation  
Bits of Freedom  
European Digital Rights (EDRi)  
Homo Digitalis  
Irish Council for Civil Liberties  
IT-Pol Denmark  
La Quadrature du Net  
noyb – European Center for Digital Rights  
Panoptykon Foundation  
Privacy International