

Brussels, 14 November 2025
(OR. en)

15421/25

LIMITE

DATAPROTECT 299
JAI 1685
SIMPL 182

NOTE

From: Presidency

To: Permanent Representatives Committee/Council

Subject: Way forward for a simplified application of the General Data Protection Regulation (GDPR)
- State of play

In view of the meeting of the Justice and Home Affairs Council (Justice), delegations will find in the annex a Presidency report on a way forward for a simplified application of the General Data Protection Regulation (GDPR).

PRESIDENCY REPORT**WAY FORWARD FOR A SIMPLIFIED APPLICATION OF THE GDPR****I. INTRODUCTION AND BACKGROUND**

The General Data Protection Regulation (GDPR) has, since its adoption in 2016, become one of the landmark pieces of legislation of the Union, translating into organisations and individuals' daily activities the objective of strengthening the protection of personal data and fostering trust in cross-border data flows across the Union.

In its latest position on the application of the GDPR, adopted in December 2023¹, the Council considered that the Regulation continues to be a success. It has led to positive outcomes for the harmonisation of EU data protection law and the strengthening of a data protection culture at EU level. Its application has enhanced trust and legal certainty, facilitated cross-border data flows within the EU, thus benefiting the internal market and the development of the digital economy.

The Council however pointed out that practical implementation challenges remain for both private and public organisations, and that the application of specific provisions of the GDPR would still benefit from further clarity and guidance in order to ensure consistency and legal certainty. The Council therefore expressed the need to explore measures for facilitating GDPR-compliance, particularly for smaller entities.

During the course of this exploration this assessment has then evolved, notably in light of the further development of the EU digital rulebook, but also in addressing the growing need for a simpler regulation and reducing regulatory burdens, as an instrumental steps towards a more competitive, simpler and faster Europe.

¹ ST 15507 2023 - Council position and findings on the application of the General Data Protection Regulation

It is in this context, and with a view to **trigger a broader debate toward a simplified application of the GDPR**, that the Danish Presidency has actively provided a platform for **political and technical discussions within the Council, in order to facilitate ways forward for the future of EU data protection law** and to ensure Member States input are taken into account in the Commissions ongoing reflections regarding the GDPR².

This debate is also to be considered in light of the Danish Presidency priority in supporting the advancement of the Commission's simplification agenda. In line with the European Heads of State and Governments call to utilize all instruments and policies to boost the Unions competitiveness³, the Presidency deems it important to also assess how EU legislative acts related to the area of freedom, security and justice can be simplified to strengthen the European Union's global competitiveness.

One relevant initiative in this regard is the Omnibus IV proposal, which includes targeted modifications of the GDPR reducing the burden of recordkeeping obligations for Small and Medium Enterprises (SMEs) and Small Midcap Companies (SMCs). A Council general approach has already been reached in September 2025 on this proposal.

Going beyond this proposal, the Presidency triggered a broader policy debate, building upon two key milestones discussions:

- On 23 July 2025, during their informal meeting in Copenhagen, **Ministers of Justice held a working session on “Simplification and the GDPR - balancing competitiveness and the right to the protection of personal data in a strong European legal framework”**.

² https://commission.europa.eu/document/download/835dfd02-a38c-4cc3-ba53-5b0499e2b8b9_en?filename=Summary%20Conclusions%20Implementation%20Dialogue%20on%20the%20GDPR.pdf

³ <https://www.consilium.europa.eu/en/press/press-releases/2024/11/08/the-budapest-declaration/>

- On 10 October 2025, following up on the Ministerial discussion, **the Working Party on Data Protection held a dedicated discussion on easing the administrative burden related to the GDPR.**

This Presidency report aims at summarising and analysing the main outcome and take-aways from these discussions, together with possible ways forward with a view to feed into future reflexions on the GDPR, as a follow up to the Commission implementation dialogue held in July 2025, and in anticipation of the upcoming Digital Omnibus proposal.

II. ADDRESSING THE NEED TO BALANCE FUNDAMENTAL RIGHTS, COMPETITIVENESS, AND INNOVATION UNDER THE GDPR

The Presidency strived to provide a platform to support a comprehensive discussion on simplification and the GDPR, with a particular attention to the question of areas or types of situations where GDPR may result in an unnecessary burden and may therefore be simplified.

The policy reflection initiated has underscored a constant dialectic between two overarching policy goals: **the upholding of the fundamental rights to the protection of personal data and the support for competitiveness and innovation within the European digital market.** Throughout the exchanges held under the Danish Presidency, it has been recalled that the GDPR remains an important instrument for safeguarding individuals' personal data while simultaneously enabling the flow of data across the Union and beyond.

- Overall, the Presidency considers that the different views expressed reaffirmed the political commitment to the foundational role of fundamental rights in the Union and the horizontal importance of simplification. Thus, the views have reflected a balanced approach: preserving the GDPR's robust protective principles while seeking pragmatic, targeted improvements and clarifications that enhance practical implementation, reduce unnecessary burdens, and ensure harmonious articulation with the EU digital rulebook.

- The Presidency notes that substantial parts of the received input reflect an openness to consider targeted amendments to the GDPR based on practical evidence. At the same time some delegations cite concerns related to the impact on the level of protection and on legal certainty for business as decisive arguments against even targeted amendments.
- The Presidency highlights that among Member States no need is seen for a full-scale reopening of the GDPR and that the prevailing view is that the core principles, logic and structure of the regulation have proven themselves as a successful and resilient framework. However, the need for further guidance and support in their application remains pressing.

The Presidency considers that the discussion held at political level has provided a valuable impetus to pursue technical- level discussions within the Council in order to **feed further into ongoing policy discussions related to simplification and the EU digital rulebook.**

The European Commission also contributed to the exchanges held over the past months, in particular by sharing feedback received as part of the GDPR implementation dialogue held in July 2025, but also by providing information on its reflexions and possible follow up initiatives.

III. IN-DEPTH REFLECTIONS ON THE WAY FORWARD FOR A SIMPLIFIED APPLICATION OF THE GDPR

The dedicated discussion held within the Working Party on Data Protection on 10 October 2025 has proven particularly beneficial for in-depth considerations on concrete measures to ease GDPR-compliance – both through guidance and through possible targeted simplifications. This discussion was preceded by an exchange of views with Ms Anu Talus, Chair of the European Data Protection Board (EDPB) focusing in particular on the Board's Helsinki Statement on enhanced clarity, support and engagement⁴. This exchange has allowed to gain further insights on the EDPB's new initiatives to make GDPR compliance easier, in particular for micro, small and medium organisations, to strengthen consistency and to boost cross-regulatory cooperation.

During this in-depth discussion within the Working Party, delegations were asked to reflect upon all measures, legislative or otherwise, that might contribute to easing administrative burdens related to the GDPR⁵, with a view to provide further inputs for the Commissions ongoing considerations as well as for the implementation of the EDPB's Helsinki Statement. As a follow-up to this discussion, the Presidency received written contributions⁶ from 9 delegations, further addressing the key elements to be addressed for easing GDPR-compliance.

- Technical level discussions seem to confirm a continuous policy direction: **preserve the GDPR's core principles while removing procedural obstacles that disproportionately affect smaller controllers**. Proportionality and the risk-based approach emerged as an important analytical lens for this purpose.

⁴ The Helsinki Statement on enhanced clarity, support and engagement - A fundamental rights approach to innovation and competitiveness, Adopted on 2 July 2025: [edpb-statement-20250702-enhanced-clarity-support-engagement_en_0.pdf](#)

⁵ WK 12926 2025 - Easing administrative burdens related to the General Data Protection Regulation (GDPR) - Discussion paper

⁶ WK 14186 2025 - Easing administrative burdens related to the General Data Protection Regulation (GDPR) - Comments from Member States

The discussion and contributions received confirmed that there is a **broad consensus that a full-scale reopening of the GDPR as a legal framework would be counterproductive.**

Some delegations also put emphasis on the need to ensure broad consultation and evidence-based proposals for any further adjustment or improvement of the legislative framework.

There is a broad consensus that **improved enforcement, guidance and implementation can contribute to a simplified application of the GDPR.** A number of delegations also put forward **concrete proposals for targeted amendments to the current legislative framework.**

a) Simplification opportunities within the current legal framework

All delegations considered that specific non-legislative initiatives are to be considered and prioritised, within the current legal framework established by the GDPR, with a **key role to be played by supervisory authorities and the EDPB in simplifying the interpretation and application of the GDPR.** To this end Member States welcomed the EDPB's Helsinki Statement and encouraged the continued implementation thereof as a matter of priority.

The need for clearer, more practical and risk-based guidance: there seems to be broad consensus for sector specific guidance, illustrative templates, checklists and concise guidelines that translate the abstract obligations of the GDPR into concrete steps for controllers and processors. Specific issues such as anonymisation and pseudonymisation, scientific research or the protection of minors have notably been mentioned in this regard. Several delegations also call for the risk-based approach enshrined in the GDPR to be further integrated and reflected in the interpretation and guidance provided by supervisory authorities and the EDPB in their respective guidelines.

- Strengthened procedures for consultation of stakeholders and practitioners: Delegations have highlighted the value of regular and transparent procedures for consultation between supervisory authorities and stakeholders & practitioners at both national and EU-level. Such consultations increase trust between stakeholders and supervisory authorities, help supervisory authorities understand which issues cause uncertainty in practice and increase transparency.
- Simplification through harmonised interpretation: some delegations pointed out the central role of the EDPB in ensuring a consistent and harmonised interpretation of the GDPR. The Board’s guidelines and the full and effective application of the consistency mechanism foreseen under the GDPR should diminish divergent national interpretations and curb over-cautious compliance approaches. Notably some delegations have also requested EU-wide lists of processing activities for which a data protection impact assessment (DPIA) is not necessary (a so called “white list”).
- Tailor-made compliance tools and ready-to-use reference frameworks: a large number of delegations called for the development a uniform set of practical compliance tools, which can be particularly beneficial for small organisations. This could include for example templates for data breach notification and records of processing activities, DPIA Tools foreseen under the GDPR, in particular codes of conduct and certification, have been repeatedly mentioned as beneficial to facilitate compliance; they should be further promoted, supported and tailor-made in order to adapt in particular to the needs of smaller organisations. In addition, the development of regulatory sandboxes has been highlighted as particularly relevant to support innovation.

- *Targeted support for SMEs and other small organisations*: the discussion also allowed the identification of a range of non-legislative measures that could alleviate the administrative burden on smaller operators: self-assessment portals or online guided questionnaires. Awareness raising activities by supervisory authorities, funding for training programmes and the establishment of dedicated help desks have also been mentioned.
- *Digitalisation and resources*: innovative solutions and the further digitalisation of tools available for supervisory authorities to cooperate among themselves, and to interact with data subjects and other stakeholders, was mentioned by several delegations as a valuable development to improve enforcement and the smooth application of the GDPR. The need for appropriate resources for supervisory authorities was also linked to this recommendation.
- *Clarifying the interplay between the GDPR and other EU legislations*: cooperation between competent regulators and the need for joint guidelines by the EDPB and the European Commission has been identified as key elements in order to further clarify the interaction between the GDPR and other pieces of the EU digital rulebook, in particular the AI Act, the Digital Services Act, the Digital Markets Act and the NIS 2 Directive. Some delegations have also referenced sectoral legislation containing individual provisions regarding the processing of personal data in this regard.

b) Tentative options for targeted amendments of the GDPR

The Presidency notes that delegations take different positions regarding the desirability of further amendments to the GDPR at this stage. One group of delegations **cite concerns** about the impact on the level of protection and on legal certainty for business as decisive arguments against even targeted amendments. Another group of delegations have indicated **willingness to consider** future proposals depending on the accompanying justifications. A third group of delegations have **suggested concrete proposals for limited and targeted amendments** to the current legal framework in order to simplify the application of the GDPR. Such proposals include:

- *A stronger risk-based approach*: Several delegations proposed that obligations such as the duty to implement transparency obligations (Art. 13 and 14); data-protection-by-design (Art. 25), the requirement to keep records of processing activities (Art. 30) and the duty to notify personal-data breaches to data subjects (Art. 33) be calibrated to the actual risk posed to data subjects. In practice some delegations considered that this would mean that low-risk processing, especially by smaller entity, could be exempt from the most burdensome documentation and compliance requirements.
- *Alleviating regulatory burden and facilitating compliance*: some delegations suggested targeted measures in order to reduce the burden entailed by certain GDPR obligations, especially for smaller entities. This includes the possibility of satisfying the information obligations (Art. 13 and 14) by providing a permanent URL or QR code that links to a detailed privacy notice, specific amendments to counter the impact of abusive requests (Art 15 and 57) and the possibility of simplifying the documentation requirements under Article 24.
- *Simplifying data breach notifications*: echoing previous discussions initiated under the Polish Presidency in this regard, several delegations suggested a single point of contact or “one stop shop” for cross-border incident reporting under the EU data protection and cyber security frameworks, in order to avoid duplicate submissions to several supervisory authorities. The “once only” principle, whereby information supplied to one regulator can be reused by another, has been mentioned as a means of reducing repetitive reporting. A number of delegations have suggested simplifying the threshold for notifying supervisory authorities of data breaches. A delegation also suggested to include a three working day deadline for data breach notifications (instead of the current 72 hours).

- *Clarifying definition and concepts to simplify application:* a delegation mentioned the need to clarify the concept of automated decision making (Article 22), joint controllership (Article 26) or processing agreements (Article 28) in order to ease compliance. The need to adapt the articulation between anonymisation and pseudonymisation, in line with CJEU case law, has also been mentioned. One delegation has also mentioned difficulties regarding the application of Article 9 to disaster relief work.
- *Tailoring enforcement:* a few delegations also consider the need to look at GDPR provisions related to its enforcement and the imposition of corrective measures and administrative fines, proposing “remedy-before-sanction” approach for minor infringements and the further integration of the risk-based approach in defining the level of sanctions imposed. Similarly, one delegation has considered making the right to lodge a complaint dependent upon certain conditions.
- *Ensuring the horizontal consistency of the digital rulebook:* Many delegations highlighted the need to ensure consistency with the GDPR across the EU digital rulebook. Some delegations consider joint guidelines and cross-regulatory cooperation sufficient to this end, while others have indicated that a greater degree of consistency could be achieved through legislative amendments.

IV. CONCLUSION AND WAY FORWARD

On the basis of this discussion stream held under the Danish Presidency, it can be highlighted that the GDPR remains an important instrument for safeguarding fundamental rights in the digital age as a full-scale reopening is deemed counterproductive. Nonetheless, the Presidency considers that it remains possible to alleviate the administrative and regulatory burden it imposes on many controllers, especially SMEs and volunteer-based organisations, through a combination of **clear, practical guidance, digital facilitation and resources, the further integration of a risk-based approach** and possibly through **limited, targeted legislative refinements**.

To this end Presidency recalls that Member States have welcomed the EDPB's Helsinki Statement and encouraged the continued implementation thereof as a matter of priority. The Presidency also notes that the Commission's upcoming Digital Omnibus might provide the opportunity to further explore some of the questions outlined in this report.

The Presidency highlights that **legal certainty, the competitiveness of European businesses and a high level of protection of personal data** have been a recurring and shared objective throughout this strategic discussion, which should feed into future policy and legislative developments.

The Presidency finally notes that, according to the prevalent opinion in the Council ensuring consistency across legal acts is essential for securing a simplified application of the GDPR. In this context the Presidency wishes to highlight that it might be beneficial to not just reflect upon how inconsistencies or unclarity in the current legal framework can be addressed – but also on how to avoid the creation of inconsistencies or unclarity in the context of future legislative proposals intersecting with the GDPR.