BDI The Voice of German Industry | Mouvement des Entreprises de France | CONFINDUSTRIA | CEOE Empresas Españolas | SVENSKT NÄRINGSLIV SWEDISH ENTERPRISE

Joint Business Statement on the Revision of the General Data Protection Regulation

Members of the European Parliament and the Council,

As the **Business Federations of Germany, France, Italy, Spain, and Sweden** we believe that the proposed Digital Omnibus changes related to the General Data Protection Regulation (GDPR) represent a meaningful step in the right direction and we welcome the Commission's proposal.

Clarity, proportionality, and a cooperative regulatory approach can make the GDPR a source of empowerment rather than a constraint. Grounded in real-world practicality, it can evolve into a framework that truly balances protection and innovation. While Europe has successfully raised the bar on data protection, the combination of differing interpretations, complex compliance requirements, and the threat of heavy sanctions inadvertently discourage innovation and limit Europe's digital competitiveness. In this context, it is crucial to simplify and facilitate the use of data by businesses in order to support the EU digital economy, not least because the integration of digital technologies across industrial value chains depends on the ability to process large volumes of data for research purposes. **We therefore call on the Council to uphold the commitment made at the informal EU leaders' retreat in Alden Biesen to advance an ambitious simplification agenda. We also call on Members of the European Parliament to match this level of ambition.**

Below, we share views broadly aligned with the approaches recently proposed by the Commission[1] :

- **Definition of personal data and risk-based approach (Articles 4.1; 5, 24, 33, and recitals, 24, 26)**: The broad scope creates disproportionate burdens, and hinders innovation since the definition, legal bases, and purpose limitation taken together significantly restrict collection, sharing and use of data. A clarification should also address the legal status of pseudonymised and anonymised data, reflecting the Court of Justice of the EU (CJEU) reasoning in Case C-413/23 P that whether a person is identifiable depends on the processing context, the means reasonably likely to be used by the data recipient rather than only by the controller, and the actual risk of re-identification.
- **Definition of scientific research (Article 4.1)**: An activity should not cease to qualify as scientific research solely because it also pursues a commercial interest. What matters in this regard is the methodological and systematic approach followed, rather than the setting in which research or technological development is carried out, whether in academic, industrial or other environments, including SMEs. Such clarification would provide greater legal certainty as regards the scope of data processing for research purposes and better reflect the role of companies in supporting research and innovation.

---

[1] *Our position is aligned with that of BusinessEurope, and we support the recommendations outlined in the joint paper: Making the General Data Protection Regulation more effective - a BusinessEurope position paper - BusinessEurope*

- **Clarify on lawful basis for processing (articles 6 and 9)**: Lawfulness of data processing activities has been a point of tension over the years. Subsequent legal acts in the digital sphere have treated different legal bases to clarify which one is more suitable for particular activity, thus creating confusion as to whether the legal bases are ranked or not. Certainty is necessary, especially for further processing, for example for scientific research purposes, AI training, or other emerging technology developments.
- **Practical challenges and misuse in data subject rights (Articles 12 to 15)**: Data subject rights are often perceived as absolute, and not as relative to other persons' rights, freedoms and legal obligations. This creates unrealistic expectations, especially regarding access and erasure, or rejection of request. The scope of uncertainty about what must be disclosed is high. Identification challenges to verify data subjects' requests persist. Yet any non-compliance by business is portrayed as intentional, which fuels negative perceptions, and discourages engagement, particularly among SMEs. Data subject requests are a large administrative burden, time-consuming and costly. A growing risk of misuse of these rights can thus be observed, where they are used: (i) as leverage in litigation to obtain evidence, for instance in employment disputes; (ii) as a means of exerting pressure on companies through repeated or coordinated requests from activists; or (iii) as a reputational or image-related tool without any direct connection to the genuine protection of personal data.
- **Comprehensive and evidence-based review of the ePrivacy framework (articles 88a, 88b, article 5 (3) ePrivacy-Directive:**

  The ePrivacy rules urgently need to be updated to better support innovation in the digital economy. The consent-only model of the ePrivacy framework with very few exemptions to access device data, originally designed for cookies, is outdated and blocks access to data that is necessary to develop technology in the public interest. The unnecessary regulatory overlap between the ePrivacy Directive and the GDPR urgently requires an update that allows usage from user devices without consent where reasonably necessary.

We stand ready to engage constructively with the co-legislators to ensure that the Digital Omnibus changes related to the GDPR bring tangible benefits to European competitiveness.

Signatories:

Federation of German Industries – BDI

French Business Confederation – MEDEF

Confederation of Italian Industry – Confindustria

Spanish Confederation of Business Organisations – CEOE

Swedish Enterprise - SN