

Michael McGrath  
Commissioner for Democracy, the Rule of Law and Consumer Protection  
European Commission  
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Dear Commissioner,

Today, Ireland assumes the rotating presidency of the EU Council for a six-month period. Given that significant components of the European digital regulatory framework will be negotiated during this time, it is critical that the presiding member state demonstrates a consistent commitment to the robust enforcement of EU digital laws.

Concerns regarding Ireland's historical enforcement of the General Data Protection Regulation (GDPR) and its economic alignment with large non-EU technology firms raise serious questions about its capacity to neutrally oversee these negotiations.

The integrity of the Digital Single Market and the protection of European citizens require objective, unwavering enforcement of EU law. We therefore urge the Commission to monitor and be more vocal regarding Ireland's systemic failure to fully apply the GDPR, and to ensure this failure does not compromise upcoming EU legislative negotiations.

#### *Evidence of national enforcement shortcomings*

European citizens and businesses have a legitimate expectation that the Commission will rigorously monitor the application of EU law. Currently, there are clear indications that the monitoring of Ireland's application of the GDPR requires urgent strengthening:

- **Lack of concluded inquiries:** The chairperson of Ireland's Data Protection Commission (DPC) recently acknowledged that Ireland has not completed a single EU inquiry into Google or its subsidiaries in the decade since the GDPR was enacted.
- **Delayed enforcement:** When significant enforcement actions have occurred, they have frequently been driven by the European Data Protection Board (EDPB) rather than initiated independently by the DPC. For instance, the €1.2 billion fine issued to Meta in 2023 was mandated by a majority vote of the EDPB in a case where the DPC initially proposed no financial penalty.
- **Uncollected penalties:** Furthermore, a significant portion of the large fines levied by the DPC has yet to be successfully collected.

### *Governance concerns within the Irish Data Protection Commission*

Several procedural issues cast serious doubt on the regulatory independence and governance of the Irish DPC:

- **Recruitment process (2025):** Official documentation indicates structural shortcomings in appointing the new Data Protection Commissioner. The selection panel included only one data protection expert (a former legal representative for major technology firms), minimal interview time was allocated to assessing technical expertise, and the criteria prioritized generic management over enforcement competence. Furthermore, no adequate vetting was conducted regarding potential conflicts of interest (such as active stock options or non-disparagement agreements), resulting in the appointment of a former Meta lobbyist.
- **Litigation against the EDPB (2024):** Ireland's previous Data Protection Commissioner initiated legal action at the Court of Justice of the European Union (CJEU) seeking to annul a majority vote by the EDPB that mandated an investigation into Meta's processing of sensitive user data. While the CJEU dismissed the case the following year, this action effectively delayed the investigation by a year. The commissioner responsible has since transitioned to private practice at a law firm representing Meta.

### *Impact on European citizens and market competitiveness*

The combination of the "country of origin" principle and gaps in regulatory oversight has delayed decisive, EU-wide action on matters of essential importance to European citizens and businesses:

- **Impact on minor safety:** Systemic risks associated with recommender algorithms pushing harmful content to minors highlight the urgent need for strict GDPR enforcement. Under Articles 8 and 9, recommender algorithms should not process a child's sensitive "special category" data without explicit, informed parental consent.
- **Impact on market competitiveness:** Several large non-EU technology firms maintain market dominance through practices that conflict with the "purpose limitation" principle outlined in Article 5(1)(b) of the GDPR. Insufficient enforcement allows certain firms to aggregate data across various services (search, maps, email), creating an unassailable advantage in training AI models. Ensuring fair enforcement is essential to establishing a level playing field for European innovators.

### *Fiscal considerations*

The broader economic context remains a critical factor. According to the Irish Government's Fiscal Advisory Council, just three U.S. firms accounted for over half of Ireland's corporate tax revenue in 2024.



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Additionally, in 2022, Ireland collected nearly five times more corporate tax per capita than France or Germany. This heavy fiscal reliance on a small number of technology conglomerates introduces potential conflicts of interest regarding robust regulatory enforcement.

The integrity of the Digital Single Market and the protection of European citizens require objective, unwavering enforcement of EU law.

We look forward to your urgent attention and action on this matter.

Yours sincerely,

Andreas Schwab MEP

Pablo Arias Echeverria MEP