



EUROPEAN COMMISSION

*Brussels, 18.12.2015
C(2015) 9314 final*

*Mr Gottfried KNEIFEL
President of the Bundesrat
Dr Karl Renner-Ring 3
A – 1017 WIEN*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the General Data Protection Regulation.¹

The proposed Regulation is an essential part of one of the 10 key priority projects of this Commission, namely creating a European Digital Single Market.

Once adopted, the General Data Protection Regulation will put an end to the fragmented implementation of personal data protection rules across Member States and will provide a simplified, streamlined and directly applicable regulatory framework.

The Commission welcomes the broad support of the Bundesrat for the harmonisation of the EU data protection law, but notes its concerns about maintaining the high level of data protection, restoring trust of European citizens and keeping citizens in control of their personal data, as well as its doubts relating to data protection for legal persons, preserving the legal base for lawful applications, imposing proportionate sanctions and employing a data protection officer. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and trusts that these will allay the concerns and doubts of the Bundesrat.

The Commission fully shares the Bundesrat's goal of ensuring a high level of data protection for individuals. The protection of personal data is a fundamental right recognised in Article 8 of the EU Charter of Fundamental Rights. We want people to regain control over their personal data. Individuals need to be equipped with a set of rights fit for the digital age, including the right to erasure and the right to be forgotten. Strong data protection rights that are effectively enforced are the only way to ensure people's trust in the internet, data flows,

¹ Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), COM (2012) 11 final.

and new technologies in general. People who trust that their personal data is protected will buy goods and services online. Clear and enforceable data protection rights will boost the Digital Single Market. Individuals' rights must continue to be ensured when personal data is transferred from the EU to third countries.

Discussions between the Commission and the co-legislators concerning the General Data Protection Regulation are now underway and the Commission remains optimistic that an agreement can be reached by the end of 2015. Earlier, in June, the European Council stressed once again that the “EU Data Protection package must be adopted by the end of this year”.²

The Opinion of the Bundesrat has been made available to the Commission's representatives in the ongoing legislative process in the European Parliament and the Council and will inform these discussions.

The Commission looks forward to continuing the political dialogue with the Bundesrat in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*

² European Council meeting (25 and 26 June 2015) – conclusions, EUCO 22/15.