



Europe



GSMA Europe and ETNO briefing papers on the proposed General Data Protection Regulation

- **Inconsistencies between the GDPR and the e-Privacy Directive**
Inconsistencies between the 2002 Directive and the proposed Regulation are likely to lead to inconsistent consumer privacy experiences and rights for equivalent services and data. We discuss possible ways to avoid this.
Articles concerned 2, 3, 4, 31, 89 - [Link](#)
- **Applicable law**
We welcome the proposals in this field, but suggest some key improvements to ensure legal certainty for business and consumers and to ensure European consumers are protected irrespective of from where a service or product is being provided.
Articles concerned 3, 4, 51 - [Link](#)
- **Consent in the online environment**
We highlight key issues of over-relying on consent and suggest a context-based approach, while highlighting the link with transparency requirements and compatibility issues with the ePrivacy Directive. We propose measures to create consistent and effective privacy experiences for consumers.
Articles concerned 4, 6, 7, 9, 14, 79 - [Link](#)
- **International data transfers**
We welcome measures to simplify transfers and the codification of Binding Corporate Rules (BCRs). However, we are concerned that related procedural requirements are too strict and call for a review of these.
Articles concerned 4, 6, 42, 43 - [Link](#)
- **Sanctions**
We highlight the importance that sanctions are not only proportionate but fair, necessary and assist in ensuring effective protection for privacy.
Articles concerned 15, 28, 32, 79 - [Link](#)
- **Documentation obligations**
We point to the risk that new documentation obligations will lead to costly, time-consuming burdens without improving the protection of personal data.
Articles concerned 22, 28 - [Link](#)
- **Futureproofing the GDPR**
We express our views on how consistency mechanisms, delegated powers, comitology and self-regulation can play a key role to ensure the future-proofness of this regulation.
Articles concerned 38, 57, 60, 62, 86, 87 - [Link](#)
- **Data Protection Impacts Assessments**
While supporting PIAs, we suggest improving the text in order to avoid unreasonable burdens to businesses and innovation.
Articles concerned 33, 34 - [Link](#)
- **Data breach**
We welcome harmonization in this field and point to a few improvements aimed at ensuring that the principle is applied in a fair and proportionate way.
Articles concerned 31, 32 - [Link](#)