



European Commission  
Secretary-General  
B-1049 Brussels  
Belgium

27 April 2020

**Complaint regarding infringement of EU law by 27 Member States.**

Dear colleagues,

Two years after the GDPR was first applied, the principles of data protection remain almost entirely unenforced online. Brave has investigated the number of people working in data protection agencies (DPAs) on tech investigations who have training or roles that are principally technical, and the budgets of the DPAs over an extended period.

Our investigation reveals that Member State Governments are not providing adequate tech investigation staff capable of investigating tech matters, nor the budgets necessary for DPAs to defend their decisions against large tech firms. I enclose our report, *Europe's governments are failing the GDPR*.

Article 8(3) of the Charter, and Article 16(2) of the TFEU, provide that the rules of data protection shall be subject to the control of independent authorities. Article 52(4) of the GDPR (Regulation 2016/679/EU) and Article 41(1) of the LED (Directive 2016/680/EU) require that national governments give DPAs the human and financial resources necessary to perform their tasks. The governments of the following Member States have not done so:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland

- France
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

The GDPR is now at risk of losing credibility. The cost will be high if this happens: citizens and society will suffer, and the EU's regulatory influence will diminish.

The EU Treaties give the European Commission the power to launch an infringement procedure against EU Member States that fail to implement EU law. We urge the Commission to take action against these Member States.

Sincerely,



Dr Johnny Ryan FRHistS  
Brave

encl.

1. Complaint form.
2. Report: *Europe's governments are failing the GDPR*, Brave, April 2020.