

Guidelines 3/2025 on the interplay between the DSA and the GDPR

Feedback from the European Tech Alliance

OCTOBER 2025

The European Tech Alliance (EUTA) welcomes the opportunity to provide feedback to the public consultation launched by the European Data Protection Board (EDPB) on the Guidelines 3/2025 on the interplay between the DSA and the GDPR.

EUTA and its members are keen to comment on these guidelines, as both the GDPR and DSA are two landmark legislation that have required substantial investment in compliance. In Europe's evolving digital regulatory landscape, where multiple laws increasingly overlap, understanding the interplay between the DSA and the GDPR is crucial.

However, European tech companies are, at times, confronted with some challenges to provide feedback to the EDPB in such public consultation. The length and technicality of the guidelines makes it complex for European tech companies to provide comprehensive feedback.

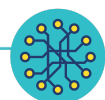
While we appreciate the EDPB's initiative to clarify the relationship between these two pieces of legislation, we note that the current draft of the guidelines is lengthy, highly legalistic, and introduces obligations that go beyond the text of either the GDPR or the DSA. Overall, the draft guidelines lack a practical approach to provide solutions to the organisations having to comply with both texts.

This approach is unfortunately not aligned with the commitments made by the EDPB in the Helsinki statement, to "develop common practices, methods, tools and common actions review guidelines to ensure their real-world effectiveness". Given the complexity of compliance with both frameworks, we urge the EDPB to prioritise a clear, pragmatic, and operational approach that assists organisations and regulators alike.

Moreover, we see a risk of the lines being blurred between enforcement under the DSA and the GDPR. Recent actions by some national data protection authorities seem to hint at an emerging tendency to use DSA mechanisms as a means to advance GDPR enforcement. The EDPB should explicitly clarify that the DSA must not be used as a substitute or shortcut for data protection enforcement, and that the distinct objectives, competences, and procedures of each regulation must be fully respected. In addition, as these draft guidelines cover two important legislations, we believe it is essential that the EBDS and the EDPB work together in the drafting process, to ensure alignment and a greater collaboration between authorities in charge of these different legislations.

To ensure effectiveness, the Guidelines should embrace a balanced, risk-based approach that reflects real-world operations, promotes proportionate compliance obligations, and

offers practical guidance for aligning the DSA and GDPR. It is essential to maintain clear boundaries between the enforcement responsibilities of DSA and GDPR authorities, and to ensure that any legal basis for processing personal data under the DSA is demonstrably necessary and proportionate to the objectives set out in the relevant DSA provisions. Incorporating these principles would strengthen legal clarity, support innovation, and foster the safe and efficient operation of online services across Europe.



About the European Tech Alliance

EUTA represents leading European tech companies that provide innovative products and services to over a billion users globally¹. Our 36 EUTA member companies from 15 European countries are popular and have earned the trust of consumers. As companies born and bred in Europe, for whom the EU is a crucial market, we have a deep commitment to European citizens and values.

With the right conditions, our companies can strengthen Europe's resilience and technological autonomy, protect and empower users online, and promote Europe's values of transparency, rule of law and innovation to the rest of the world. The EUTA calls for boosting Europe's tech competitiveness by having an ambitious EU tech strategy to overcome growth obstacles, making a political commitment to clear, targeted and risk-based rules, and enforcing rules consistently to match the globalised market we are in.

Our members



Contact

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¹ It reflects users, consumers and business customers from EUTA member companies, per year. It includes overlaps but illustrates the reach and impact of our services.

