

Subject: Formal Comment on Guidelines 02/2025 – Request for Regulatory Consistency Between GDPR and AML Frameworks

Dear Members of the EDPB,

I am writing in response to the public consultation on Guidelines 02/2025 issued by the European Data Protection Board, concerning the applicability of the GDPR to distributed ledger technologies (DLT), and in particular to the Bitcoin blockchain.

I wish to highlight a critical regulatory conflict between two major European frameworks:

- On the one hand, the **GDPR** imposes enforceable rights such as the right to erasure, and considers that a **public key may constitute personal data**, even when indirect.
- On the other hand, the **European anti-money laundering regulations** (notably TFR 2023/1113 and AMLR 2024/1624) either prohibit or severely restrict any meaningful form of **on-chain anonymisation** (such as mixers, tumblers, privacy wallets, or zero-knowledge proofs).

This contradiction creates a **legal deadlock**:

- **If users attempt to comply with the GDPR (e.g., via anonymisation), they risk violating AML laws.**
- **If they comply with AML laws (by ensuring full traceability), they automatically violate the GDPR (due to the immutability of the blockchain and the lack of erasure mechanisms).**

This amounts to a **de facto ban on Bitcoin** and related decentralised technologies within the EU, in the absence of any explicit legislative ban or open democratic debate.

I therefore respectfully urge the EDPB to:

1. Re-evaluate the strict interpretation of the right to erasure in the context of **technically immutable systems**, taking into account their purpose, architecture, and available risk mitigation strategies.
2. Engage in cross-institutional dialogue with AML regulatory bodies (European Commission, EBA, national FIUs, etc.) to ensure **regulatory consistency between GDPR and AML frameworks**, avoiding mutually exclusive requirements.
3. Reject the **systematic presumption that technological anonymity implies criminal intent**, which risks stigmatising privacy-preserving tools that are essential to the protection of fundamental rights, including the right to privacy.

In a rapidly evolving technological landscape, the credibility of EU regulation depends on legal clarity, proportionality, and internal coherence. Citizens and innovators alike need a regulatory framework that protects fundamental rights without blocking responsible innovation.

Thank you for the opportunity to contribute to this essential discussion.

Yours sincerely,

Manuel PROQUIN