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EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data
protection authority

“CPDP 2026 – Closing remarks”

Wojciech Wiewiórowski
European Data Protection Supervisor

Ladies and Gentlemen,

Concluding the CPDP conference has become a tradition for the EDPS; a tradition that I approach with fondness and humility. For us it remains a challenging exercise, especially at a time when the future of data protection, but also of fundamental rights in general, may seem less certain.

This year's conference took place during the tenth anniversary of the EU's General Data Protection Regulation. This allowed us to take stock of the regulation's *'achievements and limitations, amid growing calls for "simplification" in the name of innovation and competitiveness'*.

Ten years may seem like a very long time in an era of rapid AI development, but it is also a relatively short period for the implementation of landmark EU legislation. One question which many of us have asked ourselves during the past year is whether this legislation should be revised. And if so, how should we go about it?

Some of you have probably already heard about the allegory of King Rex, a story developed by Lon Fuller, a 20th-century American legal philosopher.

The story of King Rex is about a well-intentioned but incompetent monarch; a man who resolves to make his name in history as a great lawgiver, but fails completely.

He fails because he violates the basic principles needed to maintain an effective legal system. First, he starts with not devising rules of general application, choosing instead to decide cases purely on an *ad hoc* basis, leaving his subjects confused and frustrated. He later drafts general rules, but decides not to publish them, leaving his people with no way of knowing what the law actually is. He then decided that it is far easier to rule things with the aid of hindsight than to attempt to foresee the future; on this basis, he begins to issue rules with retroactive effect.

But King Rex's failures do not stop here. He also introduces a total lack of clarity, publishing rules that are impossible to understand. He creates contradiction, making rules that are clear but in conflict with one another. He makes impossible demands, requiring conduct far beyond the powers of the affected parties.

And finally, he also frustrates his subjects by constantly changing the law (so frequently that people cannot orient their actions) and by failing to enforce the rules consistently.

Lon Fuller put forward this allegory to illustrate the different ways in which the attempt to create and maintain a legal system of rules may miscarry.

During this year's CPDP, there was much debate on the application of the various laws that make up the EU digital rulebook, as well as on the proposed regulations that aim to revise it, in particular the proposal for a Regulation on simplification of AI rules and the proposal for a Regulation on the simplification of the digital legislative framework.

Faced with this multiplicity and interweaving of laws, and the possibility of changes to come, what lessons can we take from the allegory of King Rex?

I will start with the need for clarity: laws must be written as clearly as possible, so that they can be understandable to everyone. Simplification lies at the core of the two omnibus proposals, which aim to clarify obligations and bring greater legal certainty and harmonisation. Whether the proposals meet these objectives has been at the core of many of the debates.



Simplification does not mean – and should not be understood to mean - deregulation. Over the past 10 years, the GDPR has become the gold standard in the field of data protection, not only at the European level, but also worldwide. What is needed is consistent and coherent interpretation, and our immediate priority should be to clarify existing rules and align enforcement approaches.

As the EDPS we have always encouraged open reflection on how to further strengthen the consistent application of the GDPR. But as we discuss the possibility of reforms, we must always keep in mind that both the concept of personal data and the requirement of independent oversight are anchored in the Charter of Fundamental Rights, as well as in the Treaty on the Functioning of the European Union.

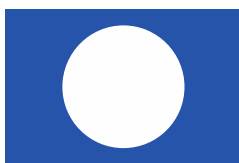
Of course, any regulation can be improved and should be adapted to social, technological and economic changes. This is particularly true in the digital sector, which is constantly evolving. And we should welcome simplification where it clarifies obligations, empowers individuals and increases trust. But a careful balance needs to be struck: we should avoid changes that risk undermining core foundations and principles. Only then can personal data continue to be used with the confidence that the fundamental rights of individuals are being respected. In other words, simplification must enhance legal certainty without diluting protection.

By highlighting the need for legal certainty, we touch upon another crucial lesson from Fuller's allegory: the law must remain sufficiently stable and should not be subject to constant change. Frequent changes can lead to the exact opposite of the intended results, creating more confusion than clarity, and ultimately weakening fundamental principles.

Fuller's allegory also cautions against the abuse of retroactive legislation. A few years ago, the EDPS ordered Europol to delete data that was being processed unlawfully. This order was followed by a revision of the Europol Regulation, which had the effect of retroactively legalising those processing activities. As we await the final judgment of the CJEU in the *EDPS v. EP and Council* case, as well as the upcoming reform of the Europol regulation, I believe it is of utmost importance to ensure not only legal certainty but also the preservation of effective independent oversight. Regardless of the goals pursued by any reform, European values (human dignity, freedom, democracy, equality, the rule of law, and respect for human rights) must remain the constant compass guiding the legislator.

The last lesson in Fuller's allegory that I would like to highlight relates to the need for a congruence between the edicted rules and their application. This brings me to the enforcement of the digital rulebook, and the need for a harmonised and coherent application of our legislative framework. I do believe that the supervisory authorities have a key role to play to enforce the law and to help ensure its coherent and credible evolution.

Cooperation should be strengthened not only among EU data protection authorities but should also take place at a cross-regulatory level across various fields of laws. We need to connect regulators of various areas and foster enhanced cooperation and I believe there is more work still to be done here.



I would conclude by quoting Lon Fuller, in *The Morality of Law*: “*It is easy to see that laws should be clearly expressed in general rules that are prospective in effect and made known to the citizen. But to know how, under what circumstances, and in what balance these things should be achieved is no less an undertaking than being a lawgiver*”.

The future of data protection is a collective ambition and a collective work. Thank you all for being part of this joint undertaking.

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