



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 201

Communication from the Commission - TRIS/(2023) 2995

Directive (EU) 2015/1535

Notification: 2023/0563/BE

Forwarding of the response of the Member State notifying a draft (Belgium) to request for supplementary information (INFOSUP) of European Commission.

MSG: 20232995.EN

1. MSG 201 IND 2023 0563 BE EN 03-01-2024 24-10-2023 BE ANSWER 03-01-2024

2. Belgium

3A. SPF Economie, PME, Classes moyennes et Energie
Direction générale Qualité et Sécurité - Service Bureau de Liaison - BELNotif
NG III - 2ème étage
Boulevard du Roi Albert II, 16
B - 1000 Bruxelles

3B. Service des infractions et procédures particulières
Direction Droit pénal
Direction générale de la Législation, des Libertés et des Droits fondamentaux
SPF Justice
Boulevard de Waterloo, 115
1000 Bruxelles

4. 2023/0563/BE - H10 - Games of chance

5.

6. Below is Belgium's reply to the European Commission's request for additional information regarding notification 2023/0563/B:

As regards a Data Protection Impact Assessment (DPIA), one was not carried out specifically for the project. However, in June 2023, the Gambling Commission carried out an impact assessment on the functioning of the EPIS as a whole (for all classes to which the EPIS applies), under the current law. Following this impact assessment, some data protection risks remained (under the current law). The solutions to these risks correspond to the changes that will be made by the notified draft law.

We would also like to recall that when it comes to sharing DPIAs, the GDPR does not require the sharing or publishing of analyses. Indeed, the Working Group on 'Article 29' confirms in its opinion WP 248 rev. 01 that "it remains at the discretion of the data controller whether or not to publish it". The DPIA may contain confidential or even sensitive information from a (technical) security point of view.

A confidential version of the DPIA of June 2023 is nevertheless included in the 'Other texts' of the notification.

Regarding the opinion of the Data Protection Authority, it was requested at the same time as the notification to the European Commission. The request for an opinion has been provisionally placed on the agenda of the meeting of the Authority's Knowledge Centre of 18 December 2023. It should be noted that the Data Protection Authority was also



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

consulted when the EPIS system was extended to betting agencies in 2021 and the notified draft also takes this opinion into account (this opinion can be found in the 'Other texts' of the notification).

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu