

(English version)

**Priority question for written answer P-004385/19
to the Commission
Moritz Körner
(11 December 2019)**

Subject: Commission's view on data retention

During Commissioner-designate Johansson's LIBE hearing on 1 October 2019, I asked whether she would want to present a new proposal for a data retention directive. She replied:

'We should use the data we have. We have a lot of opportunities that we are not using well enough today. This should be in focus. I would not exclude that it might need to have also further proposals, but I think that we have a lot of things to do by implementing what has already been decided and also to build on this mutual trust so that we can work closer together to fight organised crime and terrorism'.

Only a few days after Parliament voted in favour of the new Commission, she replied to the same question on 9 December 2019 as follows:

'On the concrete question on data retention, I must say: I do think that we need legislation for data retention'.

1 Does the Commission agree that, given the short timeframe in which Ms Johansson changed the Commission's communication line on the subject, citizens could have the impression that she, or other Commissioner-designates, were not sufficiently informed or were not presenting the whole truth during their parliamentary hearings?

2 What happened between 1 October and 9 December 2019 that led to the change in the Commission's viewpoint? Please provide the information that led to this reconsideration.

**Answer given by Ms Johansson on behalf of the European Commission
(27 March 2020)**

The Commission has consistently maintained that any decision on a future EU policy on this matter, is contingent on the rulings that the Court of Justice of the European Union will deliver in the pending requests for preliminary rulings filed by the national courts of a number of Member States. The Commission will only then be in a position to take an informed decision on the way forward.

The Commission would further observe that during her hearing, the response of the then Commissioner-designate for Home Affairs did not exclude the possibility of further proposals.

The Commission is mindful of the different views, including within the European Parliament, that various stakeholders have on this subject and assures that it will consider these very carefully in the possible development of a data retention policy in full respect of EC law and fundamental rights.
