

WRITTEN QUESTION E-1494/09

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to the Commission

Subject: Greek draft law abolishing the anonymity of owners of mobile card phones

The Greek Government has announced its intention to introduce specific legislation to abolish the anonymity of owners of mobile card phones as a measure to combat crime. It claims, inter alia, that the collection of mobile card phone users' data is required by European legislation.

1. Given that Article 3 of Directive 2006/24/EC¹ on the retention of data generated or processed in connection with electronic communications in order to combat 'serious crime' provides for the retention only of personal data which has already been collected by mobile telephony companies, and then only in accordance with the proportionality principle and for a limited period of time, and does not require the collection of new data, can the Commission say whether there is any European legislation which requires the Member States to identify mobile card phone users by name?
2. Can the Commission say how many and which Member States currently provide for the registration of the personal data of mobile card phone users and on the basis of which express conditions laid down by European legislation on protecting the confidentiality of communications? What are the provisions of their respective national laws (e.g. possibility of maintaining the confidentiality of telecommunications under certain conditions, etc.). On which points do they converge and diverge?
3. Given that the owner of a mobile card phone is very often a different person from the user, to what extent is identifying the owners of mobile card phones a necessary, proportional and effective measure for combating criminal acts perpetrated by means of mobile card phones and reliably recognising the identity of the perpetrators?
4. Is it possible and legal to register retroactively the owners of mobile card phones, given that 2/3 of mobile telephone users in Greece use card phones?

¹ OJ L 105, 13.4.2006, p. 54.