

**Question for written answer E-005140/2012  
to the Commission**

Rule 117

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Subject: Data Retention Directive

Several national constitutional courts (in Romania, Germany and the Czech Republic) have declared that the national laws transposing Directive 2006/24/EC on the retention of data were unconstitutional.

In its judgement of 5 May 2010, the Irish High Court decided to refer the directive to the ECJ for a preliminary ruling as to whether it breached fundamental rights under the EU Treaties, the ECHR and the Charter of Fundamental Rights.

On 18 April 2012, the Commission announced that it would begin infringement proceedings against a number of Member States (Austria, the Czech Republic, Germany and Romania) that that have failed to transpose the directive into national law. It has already launched an infringement procedure against Sweden.

In April 2011, the Commission published an evaluation report on the directive which stated that there were disparities in the way the instrument was transposed by Member States, and that these disparities had lead to considerable differences in the areas of purpose limitation, access to data, periods of retention and data protection. In conclusion, the report announced that the Commission would present a proposal for revising the data retention framework; that proposal is currently expected to be submitted in July 2012.

- Could the Commission provide information on the state of play of the court case initiated by the Irish High Court?
- Will the Commission start new infringement proceedings against other Member States and, if so, which ones?
- How does the Commission justify its decision to pursue infringement procedures while a court case is pending in the ECJ, and given its announcement, on the basis of the findings presented in the evaluation report, that it would present a proposal for revising the data retention framework?
- Can the Commission confirm that it will present a proposal in July 2012, and can it provide any information about the planned content of the proposed revision?