

ORAL QUESTION WITH DEBATE O-0019/05

pursuant to Rule 108 of the Rules of Procedure

by Ewa Klamt, Charlotte Cederschiöld, Herbert Reul and Carlos Coelho, on behalf of the PPE-DE Group

to the Commission

Subject: Data retention

At the hearing on data retention in the Committee on Civil Liberties of 31 January, France, the UK, Sweden and Ireland expressed strong criticisms of the proposal on data retention. The way in which the proposal seeks to achieve its aim could well do more harm than good in trying to solve the already complex management of the issue, especially when its far-reaching and substantial economic consequences for the industry, as well for consumers of telecom and internet services, are taken into account.

Serious doubts have also been raised concerning the constitutional quality of the proposal. It is clearly not in line with the fundamental rights of the Union, nor has its effectiveness been properly demonstrated.

This delicate issue has elements falling under different pillars of the Treaty, especially the first pillar. If this proposal should be brought forward under the first pillar, it should come from the Commission. It follows, therefore, that the four Member States should withdraw their proposal so as not to distort one of the most important growth markets.

1. What is the Commission's position on the proposal from France, the UK, Sweden and Ireland for a framework decision on data retention?
2. If the Commission does not support this third pillar initiative, when will it ask those four Member States to withdraw their proposal and present its own text under the first pillar on this subject?
3. Will the Commission proposal include a clear breakdown on the costs arising from this proposal which are likely to fall on (a) the authorities in the Member States; and (b) the industry?

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Forwarded: 03.03.2005

Deadline for reply: 10.03.2005