



By email:  
First Vice-President Timmermans

CC: Vice-President Ansip  
Commissioner Avramopoulos  
Commissioner Jourova

2 July, 2015

Dear First Vice-President Timmermans,

EDRi is a pan-European organization working on human rights in the digital environment. We represent 33 digital civil rights organisations in 19 European countries.

After the CJEU ruling on 8 April 2014 invalidating the Data Retention Directive, the implementation of the decision of the Court has been addressed differently across the EU. EDRi has undertaken a case study (attached) of six Member States that have kept data retention laws which contain features that are similar or identical to those that were ruled to be contrary to the EU Charter. This analysis strongly suggests that personal data of millions of Europeans are being stored illegally, in breach of the EU Charter of Fundamental Rights.

Please find in the attached Annex a list of some of the examples we have consider to be contrary to the CJEU ruling. Given the role of the European Commission as the guardian of the treaties and the legal basis to commence infringement procedures under Art.258 TFEU, we urge you to analyse these examples and to take all necessary measures to ensure that those Member States bring their practices into line with EU law. Similarly we request that your services use our work as a starting point to review all such practices – and plans for such practices - in all Member States of the European Union.

We look forward to your response and remain at your disposal to support the necessary initiatives to uphold EU law in this policy area.

Joe McNamee  
Executive Director