



## **European Commission statement on national data retention laws**

Brussels, 16 September 2015

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We have seen press reports suggesting that the European Commission is “threatening to take Germany to court” over concerns regarding its national data retention law.

As the European Commission has repeatedly said since the European Court of Justice annulled the EU Data Retention Directive: the decision of whether or not to introduce national data retention laws is a national decision. The European Commission has no intention to go back on this statement or reopen old discussions.

We are aware that data retention is often the subject of a very sensitive, ideological debate and that sometimes there can be a temptation to draw the European Commission into these debates. The European Commission is not ready to play this game.

We have been very clear that the Commission is not coming forward with any new initiatives on Data Retention. In the absence of EU rules, Member States are free to maintain their current data retention systems or set up new ones, providing of course they comply with basic principles under EU law, such as those contained in the ePrivacy Directive.

We are therefore neither opposing, nor advocating the introduction of national data retention laws.

This is why suggestions that the Commission is considering court action against the German draft data retention law are misleading. The College of Commissioners is not contemplating such action.

The opinion in question was delivered in the framework of the Technical Standards Directive 98/34/EC, which foresees that a draft national regulation in the area of goods and information society services should be notified to the Commission. This is a preventive, technical mechanism to provide the Commission and other Member States with the opportunity to react if need be. The matter is currently being discussed by the German authorities and the Commission services, in a constructive manner.

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