



8 April 2014

### **Press Statement: The CJEU rules that Data Retention Directive is invalid**

The EDPS **welcomes** the ruling of the Court of Justice of the EU in Digital Rights Ireland and Seitlinger and Others (Joined cases C-293/12, C-594/12) on the **invalidity** of the Data Retention Directive (Directive 2006/24/EC). It follows the input given by the EDPS in these proceedings.

We consider this a **landmark** judgment that limits the blanket government surveillance of communications data (telephone, texts, email, internet connections etc.) permitted under the Directive. It highlights the **value** placed on the protection of fundamental rights at the core of EU policy in this critical area.

We are particularly **satisfied** that the Court has underlined that the Data Retention Directive constitutes a serious and **unjustified interference** with the fundamental right to **privacy** enshrined in Article 7 of the EU Charter of Fundamental Rights. When an act imposes obligations which constitute such interference, the EU legislature should provide for the necessary guarantees rather than leaving this responsibility to the member states.

We are pleased that the Court has ruled that the retention of communications data should have been duly **specified** and the EU legislator should also have ensured that such data can only be **used** in very **specific contexts**.

The retention of communications data for the purposes of the combat of crime should always be **precisely defined** and **clearly limited**. The EU **cannot** leave the **full responsibility** for the use of the data with the **member states**.

Among other things, the **concept of serious crimes** should have been more **precisely** described in the Directive and at the very least, basic principles governing access to and the use of the retained data should have been set out.

We anticipate that the Commission, taking into account the Court's judgment, will now reflect on the need for a **new Directive**, which will also **prevent member states** from keeping or imposing the same legal obligations nationally as laid out in the now invalid Data Retention Directive.

The judgment also means that the EU should take a **firm position** in discussions with third countries, particularly the U.S.A. on the access and use of communications data of EU residents.