



EUROPEAN COMMISSION

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*Ms Maria da Assunção
ESTEVES
President of the
Assembleia da República
Palácio de S. Bento
P – 1249-068 LISBOA*

Dear President,

The Commission would like to thank the Assembleia da República for its Opinion on the Report from the Commission to the Council and the European Parliament – Evaluation report on the Data Retention Directive (Directive 2006/24/EC) {COM(2011) 225 final}.

The Opinion echoes the views and concerns of the Commission in relation to the importance of data retention in the investigation and prosecution of serious crime, and to the areas where Directive 2006/24/EC should be improved. In particular, the Commission continues to urge Member States to provide statistics and case studies which demonstrate the value of data in investigations and prosecutions: you may be aware that Commissioner Cecilia Malmström wrote to all Member States on this matter in February 2012 (the Portuguese Ministers of Internal Administration and of Justice replied to this letter in May 2012), and that the Commission's Data Retention Expert Group in October 2012 issued guidance to Member States on the provision of quantitative and qualitative evidence in accordance with Article 10 of the Directive.¹

As announced in the Evaluation Report from 2011, the Commission is planning to propose reforms to the Directive at the same time as a future revision of Directive 2002/58/EC, to which the report refers. In bringing this work forward, the Commission will take full account of the on-going discussions on the general data protection reform. There is no precise timetable at present.

¹http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/police-cooperation/data-retention/experts-group/docs/guidance_on_statistics_position_paper_16_datret_final_en.pdf

The Commission hopes that these clarifications address the concerns raised by the Assembleia da República and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*