

Summary

In the statement, the Committee on Justice considers the Commission report to the Council and the European Parliament Evaluation Report on Directive 2006/24/EG, COM(2011) 225.

In the Commission's evaluation report, based on article 14 of the Directive, the application of the Directive is evaluated and its effect on the economic actors and consumers, with regard to continued developments in technology concerning electronic communication and the statistics that have been sent to the Commission. The purpose of this is to determine whether it is necessary to amend the provisions of the Directive, especially as regards data coverage and retention periods. The report also investigates the Directive's effect on fundamental rights.

In the light of the evaluation, the Commission is to propose a review of the current framework for retention of data and put forward various alternatives. Further, the Commission is also to examine the general public's view on the retention of data and how it will affect behaviour and habits. The result will form part of an impact assessment and constitute the basis for the Commission's coming proposals.

The Committee on Justice welcomes an evaluation of the Directive and considers it important that every opportunity to strengthen personal privacy is exploited. The Committee further considers that it is important that there is a balance between the need for law enforcement agencies to have access to data and the protection of personal privacy. The Committee notes that the current document is an evaluation report and does not contain any concrete proposals from the Commission. However, the Committee does have some general points of view on the formulation of the Directive prior to continued work by the Commission.

The Committee does not consider that the Directive's rules on a retention time of between six months and two years should be amended. In the view of the Committee it is essential that the member states, within a jointly determined timespan, are able to decide themselves on retention time at the national level. The Committee therefore does not consider that a full harmonisation regarding retention time is desirable.

According to the Committee it is important that it is clear for which purposes data may be retained and used. The Committee's starting point is that a further harmonisation is not desirable. If the Commission were to propose amendments as regards purposes, the Committee considers that they should not be broadened in scope. The Committee considers, in common with the Committee on the Constitution, that a suitable model is to have minimum rules set at a high level concerning data protection and security of data, which does not prevent individual member states from having more stringent demands in their national regulatory frameworks. The Committee would also like to stress how important it is that there is sufficient supervision to ensure that the existing rules are being complied with.

Two explanatory reservations on the matter are attached (from the Green Party and the Left Party, and from the Sweden Democrats).