



EUROPEAN COMMISSION

Brussels, 10.07.2012  
C(2012) 4781. final

*Dear President*

*The Commission welcomes the Riksdag's Opinion on the evaluation report on Directive 2006/24/EC (Data Retention Directive) {COM(2011) 225 final} and apologises for the delay in replying.*

*The Commission agrees with the Riksdag on the importance of ensuring that law enforcement authorities have access to information which is necessary for the investigation of crime whilst also maintaining a high standard of protection of personal data. The Commission believes that data retention is a valuable tool for criminal justice systems and for law enforcement in the EU. At the same time, the Commission intends to create a level playing field in the EU where data retention practices are proportionate and where there are proper safeguards for privacy and the protection of personal data.*

*The Committee may wish to know that since the publication of its evaluation report on the Data Retention Directive, the Commission has undertaken a comprehensive consultation with law enforcement, judiciary, industry, data protection authorities, consumer groups and civil society.*

*A summary of the conclusions of this consultation can be viewed at [http://ec.europa.eu/home-affairs/news/consulting\\_public/consulting\\_0022\\_en.htm](http://ec.europa.eu/home-affairs/news/consulting_public/consulting_0022_en.htm). The Commission has identified options for reforming the EU data retention framework.*

*The Commission notes that the Riksdag opposes changing the provisions on the retention period in the Data Retention Directive. However, evidence has shown that the lack of a consistent approach across the EU on the retention period has resulted in limited legal certainty for operators operating in more than one Member State and for citizens whose communication data may be stored in different Member States. Therefore, the Commission is currently examining possibilities to harmonise and reduce the retention period.*

*Herr Per WESTERBERG  
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*The Riksdag rightly notes the need for the purpose of data retention, access and use to be clearly stated. However, from an EU perspective, the current variation in national legislation regarding the purpose of data retention makes it difficult for citizens to foresee for what purposes traffic and location data is retained and to adjust their conduct accordingly, which is an essential element in human rights case law concerning any measure which limits fundamental rights. Therefore, the Commission is currently examining possibilities to achieve more consistency in the purpose limitation of data retention.*

*I look forward to continuing a fruitful and constructive dialogue.*

*Yours sincerely,*

*Maroš Šefčovič  
Vice-President*