



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

Brussels, 13 MAI 2011
home.a.3(2011)547811

**NOTE FOR THE ATTENTION OF MR LUIS ROMERO REQUENA,
DIRECTOR GENERAL OF LEGAL SERVICE**

Subject: Infringement proceedings against Romania for non-compliance with Directive 2006/24/EC

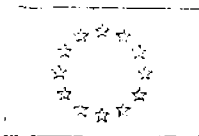
Since the judgment of its Constitutional Court of 23 November 2009 which annulled national legislation transposing Directive 2006/24/EC (the Data Retention Directive), Romania has failed to provide the Commission with any firm indication of how it intends to ensure the adoption of appropriate new legislation.

Officials from DG Home Affairs last discussed the matter with officials from the Romanian government on 25 January, who undertook to send draft law to the Commission. Over three months later, however, I regret that no further notifications have been forthcoming from Romania.

Against this background, it is proposed to send an Article 258 letter of formal notice to Romania. We would be grateful for your opinion on this matter within the next ten working days.

Stefano Manservigi

Cc: Mr Søren Schønberg, Member of Cabinet of Commissioner Cecilia Malmström
Ms Legal Service



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

Brussels,

SG-Greffe(YEAR)D/

PERMANENT REPRESENTATION OF
ROMANIA TO THE
EUROPEAN UNION
Rue Montoyer 12
B-1000 Brussels

LN 258 TFEU/cases other than non-communication

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Subject: Letter of formal notice
- Infringement No [insert infringement number]

The Secretariat-General would be obliged if you would forward to the Minister for Communications and Information Society a letter from the Commission on the above subject.

For the Secretary-General,

Annex: C(YEAR)



EUROPEAN COMMISSION

Brussels,

[insert infringement number]
C(YEAR)

Dear Minister,

I would draw your attention to Romania's ongoing failure, following the ruling of your Constitutional Court of 23 November 2009, to adopt new legislation to implement Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

The European Commission consequently takes the view that Romania has failed to fulfil its obligations under the Data Retention Directive.

The Commission invites your Government, in accordance with Article 258 of the Treaty on the Functioning of the European Union, to submit its observations on the foregoing within two months of receipt of this letter.

After examining these observations, or if no observations have been submitted within the prescribed time-limit, the Commission may, if appropriate, issue a Reasoned Opinion as provided for in the same Article.

Yours faithfully,

For the Commission

Cecilia Malmström
Member of the Commission

Ministry of Communications and Information Society
(ADDRESS)

