



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

Brussels, 13 May 2011  
home.a.3(2011)546412

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

**Subject: Case 2007/1178 –infringement proceedings against Romania for non-communication of transposition measures for Directive 2006/24/EC**

The Commission has brought proceedings against Romania for failure to fulfil its obligations under Council Directive 2006/24/EC of 15 March 2006 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.

Article 15 of Directive 2006/24/EC provides that Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by no later than 15 September 2007. They shall forthwith inform the Commission thereof. On 27 November 2007 the Commission opened an infringement procedure against Romania for non-communication of measures transposing Directive 2006/24/EC (letter of formal notice 226 (258) note SG(2007)D/207221).

By letter dated 25 January 2008 Romania informed the Commission that work on national measures to transpose Directive 2006/24/EC into national law (ref: SG(2008)A/00979) was underway.

Because no measures were communicated, the Commission issued a reasoned opinion on 23 September 2008 (ref: SG(2008)D/205717).

By letter of 25 November 2008 (Ref SG(2008)A/08868) Romania replied that it had adopted law no. 298/2008 that was published in the Official Gazette of Romania no. 780 of 21 November 2008, and therewith "fully transposed" the Data Retention Directive.

According to the rules applicable at the time of notification by Romania of its measures transposing Directive 2006/24/EC, if the Commission and the Member State disagree on the provisions of the directive that still have to be transposed, the procedure for failure to notify may not be pursued. Due to a procedural mistake, the case was not closed at that time.

However, by officially notifying the law to the Commission there is no further doubt that Romania has fulfilled its obligation under Directive 2006/24/EC.

Against this background, it is proposed to close case 2007/1178. I would be grateful if you could inform DG HOME about your opinion within ten working days.

  
Stefano Manservigi

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