

2011/2091	Autre infraction présumée	ALLEMAGNE	Service responsable : HOME/A/03	Etat du dossier au 24/05/2011	Jr.Rs.:	Eq.Jr.:	Resp. Int.: CNH	Resp. Ext.:
Services associés : SGEN/X/00; SJUR/X/00				I. FACTS				
Non-conformity with EU law due to ruling of Constitutional Court				The deadline for transposition of the Data Retention Directive (2006/24/EC) was 15 September 2007. Because Germany had not communicated any national transposing measures to the Commission by the said deadline, the Commission on 27 November 2007 sent DE a letter of formal notice launched a procedure under Article 258 (then Article 226 TEC) (reference SG(2007) D207204).				
Bases juridiques : Directive:32006L0024				On 18 January 2008, DE replied notifying the COM of Telecommunications Surveillance Law of 31 December 2007 (SG(2008) A/00731), which it declared to be the complete transposition of the Directive.				
Stade : Non-conformité				On 2 March the German constitutional court in its judgment (ref. 1 BvR 256/08, 1 BvR 263/08, 1 BvR 586/08) annulled the Telecommunications Surveillance Law in its entirety.				
Financement communautaire :				II. CORRESPONDENCE WITH THE MEMBER STATE				
Procédures en relation : dossier père -> : dossiers fils ->				On 16 June 2010, the Commission sent a letter to Germany through EU Pilot (file number 1174/10/JLSE) requesting clarifications with regard to the transposition of the Directive.				
Fait Incriminé :				On 23 June 2010, Germany confirmed that its constitutional court had declared the national law transposing the Directive to be unconstitutional in its entirety and that it had included very detailed requirements in its judgment of what such a law should include.				
Infringement case 2011:2091 - concerning failure by Germany to comply with obligation of Article 15 of 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.				III. CONCLUSION AND PROPOSAL				
				Since the judgment of their constitutional court in March 2010, DE has not indicated to COM how and when it proposes to produce new legislation to comply with the Data Retention Directive. It is therefore proposed to issue to DE an Article 258 letter of formal notice.				

DOCUMENT EN ATTENTE

Mise en demeure 258 (ex226) :	Mise en demeure 260 (ex228) :
Decision :	Decision :
Envoi :	Envoi :
Reponse :	Reponse :
Mise en demeure complémentaire 258 (ex226) :	Mise en demeure complémentaire 260 (ex228) :
Decision :	Decision :
Envoi :	Envoi :
Reponse :	Reponse :
Avis motivé 258 (ex226) :	Avis motivé ex228 :
Decision :	Decision :
Envoi :	Envoi :
Reponse :	Reponse :
Avis motivé complémentaire 258 (ex226) :	Saisine 260 (ex228) :
Decision :	Decision :
Envoi :	Dépot décision :
Reponse :	Ref. Aff. :
	D. Arrêt :
Saisine 258 (ex226) :	
Decision :	
Dépot décision :	
Ref. Aff. :	
D. Arrêt :	
Origine CDO :	Correspondance avec l'état membre (2 dern. évén.):
16/06/2010:	09/11/2010 EM - Envoi lettre SG-EUPILOT-DOC-2010-5661
	03/11/2010 EM - Envoi lettre SG-EUPILOT-DOC-2010-554
Historique des décisions (6 dernières décisions) :	

Etat des consultations :							Prop. du service responsable :	
	MD258(ex226)	MDC258(ex226)	AM258(ex226)	AMC258(ex226)	MD260(ex228)	MDC260(ex228)	Prop. des chefs de cabinet :	
DG -> SJ							Prop. décision de la Commission :	
SJ -> DG							Position du service juridique :	
DG -> SG							Document genere par :	

