

2011/2091	Infraction constatée	ALLEMAGNE	Service responsable : HOME/A/03	Etat du dossier au 31/05/2011	Jr.Rs.:	Eq.Jr.:	Resp. Int.: CNH	Resp. Ext.:
Services associés : SGEN/X/00; SJUR/X/00				I. FACTS				
Non-transposition of the data retention DIRECTIVE 2006/24/EC				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 (reference SG(2007) D207204). 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. On 2 March 2010, the German Constitutional Court in its judgment (ref. 1 BvR 256/08, 1BvR 263/08, 1 BvR 586/08) annulled the Telecommunications Surveillance Law in its entirety.				
Bases juridiques : Directive:32006L0024				II. CORRESPONDENCE WITH THE MEMBER STATE				
Stade : Non-communication		Financement communautaire :		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.				
Procédures en relation : dossier père -> ; dossiers fils ->				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.				
Faît Incriminé :				On 27 October 2010, COM invited DE officials to meet officials from DG Home Affairs to discuss the status and timescales of preparations of the new legislation.				
Infringement case 2011/2091 - concerning failure by Germany to communicate measures in compliance 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.				The meeting took place on 21 January. During the meeting, the German delegation undertook to keep the Commission informed about developments. Over four months later, however, no further notifications have been forthcoming from Germany.				
Mise en demeure 258 (ex226) :				Mise en demeure 260 (ex228) :				
Décision : 16/06/2011:E/2011/4081 ;C(2011)4112				Décision :				
Envoi :				Envoi :				
Réponse :				Réponse :				
Mise en demeure complémentaire 258 (ex226) :				Mise en demeure complémentaire 260 (ex228) :				
Décision :				Décision :				
Envoi :				Envoi :				
Réponse :				Réponse :				
Avis motivé 258 (ex226) :				Avis motivé ex228 :				
Décision :				Décision :				
Envoi :				Envoi :				
Réponse :				Réponse :				
Avis motivé complémentaire 258 (ex226) :				Saisine 260 (ex228) :				
Décision :				Décision :				
Envoi :				Dépot décision :				
Réponse :				Réf. Aff. :				
				D. Arrêt :				
Saisine 258 (ex226) :								
Décision :								
Dépot décision :								
Réf. 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) :								
16/06/2011:E/2011/4081 ;C(2011)4112:Mise en demeure 258(ex226):								

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 généré par	

