



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

Brussels, **23 SEP. 2011**
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**NOTE FOR THE ATTENTION OF MR LUIS ROMERO REQUENA,
DIRECTOR GENERAL OF LEGAL SERVICE**

**Subject: Infringement proceedings against Germany for non-communication of
transposition measures for Directive 2006/24/EC**

Since the judgment of its Federal Constitutional Court of 2 March 2010 which annulled national legislation transposing Directive 2006/24/EC (the Data Retention Directive), Germany has failed to adopt new measures necessary to comply with the Directive.

On 17 June 2011, the Commission sent an Article 258 letter of formal notice to Germany (ref. SG-Greffe(2011)D/9667). It appears from Germany's reply to this letter on 15 August 2011 that the authorities in Germany are currently preparing new measures for complying with Directive 2006/24/EC. However, no draft text of these measures and no timetable for the adoption of these measures have been communicated to the Commission. Furthermore, it appears from Germany's reply that the authorities in Germany are preparing measures based on a proposal by the German Minister for Justice for a system of 'quick freeze plus'. The Commission has made clear on several occasions that, in the Commission's view, a proposal for a system of 'quick freeze plus' could not, if adopted, be considered to represent sufficient transposition of Directive 2006/24/EC.

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

Stefano Manservigi

Cc: [redacted]

