



EUROPEAN COMMISSION
DIRECTORATE GENERAL HOME AFFAIRS

The Director-General

Brussels, **25 MAI 2012**
home.a.3(2012) 727590

**NOTE FOR THE ATTENTION OF
MS CECILIA MALMSTRÖM, COMMISSIONER**

**Subject: Withdrawal of the data retention infringement proceeding against Romania
(Infringement No 2011/2089) from the May 2012 infringement cycle.**

In the infringement proceeding against Romania for non-transposition of the Data Retention Directive 2006/24/EC, DG HOME initially proposed a Commission Decision on a first referral to Court in the May 2012 infringement cycle, with adoption date of 31 May 2012. This proposal was supposed to be put forward with a penalty calculation fiche, which had received the necessary agreement of the Legal Service and had been based on the assumption that Romania had not adopted any legislation to transpose the Data Retention Directive following the judgement of the Romanian Constitutional Court annulling the initial transposing law.

On 22 May 2012, however, the Romanian Government formally informed the Commission that the Romanian Parliament had adopted new legislation transposing the Data Retention Directive on the same day.

Therefore, I suggest the withdrawal of the infringement proceeding against Romania from the May 2012 infringement cycle. My service will make a *prima facie* analysis in order to assess if the new law adopted by Romania fully transposes the Data Retention Directive. In this case, the infringement proceeding against Romania can be closed. Otherwise, DG HOME will propose to refer the infringement case against Romania to Court for partial non-transposition of the Data Retention Directive.

I would be grateful for your agreement.

Stefano Manservigi

C.c.: Mr Søren Schønberg, Member of Cabinet of Commissioner Cecilia Malmström

