



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

The Director General

Brussels,
home.a.3(2011)951579

Mr Jan Duben
Director of Section of Harmonization
and Communication Services
Ministry of Industry and Trade
Na Frantisku 32, Prague
E-mail: posta@mpo.cz

Dear Mr Duben,

Thank you for your letter of 20 June 2011 by which you inform me about the implementation process surrounding Directive 2006/24/EC on the retention of communications data following the ruling of the Czech Constitutional Court of 31 March 2011. You mention that the Court annulled certain provisions of the Czech legislation implementing the Directive which has led to a situation of partial transposition into Czech law.

I have taken due note of your reassurance that the Ministry of Industry and Trade is actively engaged in remedying this situation. I very much welcome this approach.

I trust you share my view that a full and timely transposition of the Directive is important to ensure access by law enforcement authorities to communications data without having an unduly impact on the privacy of citizens.

I understand from talks between our services that the Czech Republic has set up a working group consisting of officials from the Ministries of Interior, Justice and Industry and Trade to prepare a new draft law.

I would be grateful, for a fuller analysis of the effects of the Constitutional Court judgment. I would also be grateful, for further information about your planned procedures and timetable for ensuring that the Czech Republic complies with EU law. This would also allow my services to provide the Czech Republic in a timely fashion any necessary assistance. I should inform you that, in the unfortunate event of continued non-transposition, the Commission may in due course have to consider launching an infringement proceeding against your country on the basis of Article 258 TFEU. I therefore would be grateful to receive the requested information within ten weeks of reception of this letter.

My services are at your disposal for further guidance on this matter. The person in charge of this file is Mr _____ nail: _____ec.europa.eu, tel (++ 32) 2

Yours sincerely,

Stefano Manservisi