

(HOME)

**From:** (HOME)  
**Sent:** 19 October 2011 10:04  
**To:** (HOME)  
**Cc:** (HOME); (HOME); (HOME); (HOME); (HOME)  
**Subject:** FW: CDO - cas decele d'office  
**Attachments:** transposition of directive 2006/24/ES  
**Importance:** High

Dear

good news from the Secretariat General.

Apparently, in June 2011, the CZ authorities wrote to the SG declaring their transposition of the Data Retention Directive as partial (the SG did not inform us of this email - attached). This means that according to the new rules of procedure, we do not need to launch the non-communication case ourselves but it will be launched by the Secretariat General in the framework of the MDH (Mise en Demeure par Habilitation) exercise in November (the SG will open the fiche in the NIF database and draft the letter of formal notice).

So, no need to do anything on our side for the time being, once the MDH exercise is launched, I will let you know what needs to be done. According to information from the SG, the letter of formal notice against CZ will be sent out by the SG at approximately same time as the other proposals adopted in the regular infringements cycle.

Kind regards,

**European Commission**

Directorate-General Home Affairs  
 Unit 01 – Coordination and Planning, Interinstitutional relations, Communication

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**From:** (SG)  
**Sent:** Wednesday, October 19, 2011 9:15 AM  
**To:** (HOME)  
**Cc:** SG INFRACTIONS; (HOME); (SG)  
**Subject:** RE: CDO - cas decele d'office

Dear

Regarding your request to open a CDO case for the non-communication of MNE for directive 32006L0024, the case for CZ is different than those opened for DE and RO. These Member States have declared that their transposition was complete and therefore the 'box 48 of the Manuel applied (See below). However, as CZ has declared that the transposition is only partial, the CZ case can be put on the next MDH cycle with the catch-up exercise.

*'When a Member State has declared its transposition as complete, if the examination of the measures shows them as partial, the decision to send letters of formal notice will now be taken **through the monthly decision cycle only (and not through the MDH procedure).** Nevertheless, in order to monitor these situations more easily, CDO can be created automatically after the MDH exercise on the basis of the information in NIF (CP codes).'*

Kind regards,

SG-C-3

*Contrôle de l'application du droit de l'Union*

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**From:** SG INFRACTIONS  
**Sent:** Tuesday, October 18, 2011 2:56 PM  
**To:** (SG)  
**Subject:** FW: CDO - cas de cece d'office  
**Importance:** High

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**From:** (HOME)  
**Sent:** Tuesday, October 18, 2011 2:05 PM  
**To:** SG INFRACTIONS  
**Cc:** (HOME)  
**Subject:** CDO - cas de cece d'office  
**Importance:** High

Dear colleagues,

I would kindly ask you to open one CDO case (similar cases have already been opened in NIF, see 2011/2089 RO or 2011/2091 DE).

Thank you very much.

Kind regards,

**European Commission**  
Directorate-General Home Affairs  
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