



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

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**NOTE FOR THE ATTENTION OF MR LUIS ROMERO REQUENA,
DIRECTOR GENERAL OF LEGAL SERVICE**

Subject: Infringement proceedings against the Czech Republic for non-compliance with Directive 2006/24/EC (Infringement No 2011/1143)

Since the judgment of the Constitutional Court of the Czech Republic in March 2011, which annulled parts of the national legislation transposing Directive 2006/24/EC (the Data Retention Directive), the Czech Republic has failed to adopt new measures necessary to comply with the Directive.

On 3 June 2011, the Office of the Government of the Czech Republic informed the Secretariat-General that, due to changes in the national legislation, Directive 2006/24/EC was only partially transposed in the Czech Republic.

On 25 November 2011, the Commission sent an Article 258 letter of formal notice with reference to Article 260(3) TFEU to the Czech Republic in the framework of the "Mise en Demeure par Habilitation" exercise (ref. SG-Greffe(2011)D/21311).

It appears from the Czech Republic's reply to this letter on 19 January 2012 that the authorities in the Czech Republic are currently preparing new measures for complying with Directive 2006/24/EC. However, no draft text of these measures and no detailed timetable for the adoption of these measures have been communicated to the Commission. According to the Czech Republic's reply, a draft text was foreseen to be submitted to the Government of the Czech Republic for approval at the end of January 2012 and to be transmitted to the Czech Parliament subsequently. The Czech Republic stated in its reply that these measures were expected to enter into force in October 2012.

Upon request by my services, the Permanent Representation of the Czech Republic informed my services informally on 14 February 2012 that the Government of the Czech Republic had still not approved a draft law for complying with Directive 2006/24/EC.

Against this background, it is proposed to send an Article 258 reasoned opinion with reference to Article 260(3) TFEU to the Czech Republic in the March infringement cycle. We would be grateful for your opinion on this matter within the next ten working days.


Stefano Manservigi

Cc: Mr Søren Schønberg, Member of Cabinet of Commissioner Cecilia Malmström
; Legal Service