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EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

Brussels,
Home.a.3 (2012) 518296

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

**Subject: Infringement proceedings against Sweden for non-communication of
national transposition measures - case NIF 2007/1181 and case C-270/11**

As a result of the infringement proceedings against Sweden for having failed to transpose Directive 2006/24/EC, Sweden transposed the Directive by amending its Electronic Communications Act of 2003 and corresponding Electronic Communications Ordinance as well as its Judicial Code. Sweden has confirmed that the legislation will enter into force on 1 May 2012. The legislation was notified to the Commission on 3 April 2012 and accompanied by a transposition table.

The prima facie examination of the adopted measures does not show that the notification is incomplete in terms of material and geographical scope.

In cases where a Member State transposes a Directive at a moment in time where the infringement already has reached the stage before the Court under Article 260(2) TFEU, awaiting a second judgement, and where the Commission has requested both a lump sum and a penalty payment, I understand that the common practice of the Commission is to proceed with a "desistement partiel", i.e. a withdrawal of the request for the penalty payment while maintaining the request to condemn the Member State to pay a lump sum. Against this background, DG HOME proposes "desistement partiel" of Case 2007/1181.

I would be grateful if you could inform DG HOME of your opinion within ten working days.

Stefano Manservisi