

EUROPEAN COMMISSION  
DIRECTORATE-GENERAL HOME AFFAIRS

Director-General

Brussels,  
HOMEA3/CD/JM/Aires(2013)2809236

**Subject: Notification call for payment of lump sum following the judgment of the European Court of Justice in Case C-270/11 Commission v Kingdom of Sweden concerning the non-implementation of the European Court of Justice's decision in Case C-185/09, Commission v Kingdom of Sweden**

Your Excellency,

On 30 May 2013 the European Court of Justice gave its judgment on Case C-270/11, Commission v Kingdom of Sweden concerning the non-implementation of the European Court of Justice's decision C-185/09, Commission v Kingdom of Sweden.

In its judgment the Court held that:

*"1... by failing to take the necessary measures to comply with the judgment of the Court in Case C- 185/09 Commission v Sweden [2010] ECR I- 14 concerning the failure to transpose into Swedish law Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, and by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with that directive, the Kingdom of Sweden has failed to fulfil its obligations under Article 260 TFEU."*

*The Court also ordered*

*"2... the Kingdom of Sweden to pay the European Commission, to the account 'European Union own resources', a lump sum payment of EUR 3 000 000" and*

*"3... the Kingdom of Sweden to pay the costs."*

Following the above ruling I would like to ask you to submit to your Government this letter, which requests the payment of the lump sum of **three million euro (EUR 3 000 000)** into the 'European Union own resources' account n° 959501 with the

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Permanent Representative of Sweden to the European Union  
Square de Meeûs 30  
B-1000 Brussels

Swedish National Debt Office. The deadline for payment of this lump sum is set at 45 calendar days from the date of receipt of this letter.


Finally, I would also like to draw your attention to the fact that non-respect of the deadline will have the following consequences:

(1) Firstly, late payment interest will be applicable after the deadline of 45 calendar days from the date of receipt of this letter at the rate applied by the European Central Bank to its principal refinancing operations in euro, as published in the C series of the Official Journal of the European Union, in force on the first calendar day of the month in which the deadline falls, increased by three and a half percentage points.

(2) Secondly, the opening of the possibility of a procedure for offsetting of any amount still due, plus default interest at the rate referred to above, by the Accounting Officer of the Commission according to Article 80 of the Financial Rules applicable to the general budget of the Union (Regulation (EU, Euratom) N° 966/2012 of 25 October 2012)..

I would be obliged if you would treat this request as a matter of urgency.

Yours sincerely,

DIRECTOR-GENERAL ABSENT  
Stefano MANSERVISI  
SIGNED BY:   
DATE: 19/7/13