



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate A: Internal security
The Director

Brussels, 17. 10. 2013
HOME A3/AE/jn/Ares(2013)3478710

NOTE FOR THE ATTENTION OF MR
PRINCIPAL LEGAL ADVISER, JLS TEAM, SJ

Subject: Closure of infringement proceedings against Sweden for non-communication of national transposition measures to comply with Directive 2006/24/EC - case NIF 2007/1181 and case C-270/11

On 4 February 2010, the European Court of Justice condemned Sweden (judgment in Case C-185/09) for not implementing Directive 2006/24/EC. On 30 May 2013, the European Court of Justice, in its judgment on Case C-270/11 concerning the non-implementation of its decision C-185/09, ordered Sweden to pay the European Commission a lump sum payment of EUR 3 000 000 as a result of its failure to fulfil its obligations under Article 260 TFEU.

During these proceedings Sweden transposed the Directive by amending its Electronic Communications Act of 2003 and corresponding Electronic Communications Ordinance as well as its Judicial Code. The Swedish legislation which entered into force 1 May 2012, was notified to the Commission on 3 April 2012 and accompanied by a transposition table. The prima facie examination of the adopted measures did not show that the notification was incomplete in terms of material and geographical scope. The Commission therefore proceeded with a "désistement partiel", thus the request for the penalty payment was withdrawn whilst the request to condemn the Member State to pay a lump sum was maintained.

On 19 July 2013, DG HOME signed a request for payment of the lump sum, receipt of which was acknowledged by Sweden on 29 July. On 19 August 2013 Sweden made the requested payment of EUR 3 000 000.

Against this background, DG HOME proposes that infringement case 2007/1181 against Sweden should be closed.

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

Reinhard PRIEBE
Director