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Memorandum

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Ministry of Justice Sweden

*Division for Criminal Cases and
International Judicial Co-operation*

The Data Retention Directive - transposition in SE

On 16 March 2011 the Swedish Parliament decided to defer the adoption of the bill regarding the transposition of the Data Retention Directive. As a consequence, the bill has been referred to the responsible parliamentary committee as an adjourned proposal for at least one year from the 11 March 2011.

When the bill regarding transposition of the Data Retention Directive was discussed in the Parliament Chamber a clear majority in favour of the proposal was established. However, this was not enough for adoption of the bill. When it comes to legislative proposals regarding limitations on civil liberties, such as infringements on privacy, there is a specific constitutional procedure enabling a minority of the voting to adjourn the proposal for one year.

Although there was a clear majority in favour of the proposal the bill was adjourned. With merely 62 votes, roughly one sixth of the votes in the Chamber, the decision was taken to adjourn the proposal for one year. The objective of adjourning a proposal is to give time for reflexion, enlightenment and debate.

When one year has passed, the parliamentary committee will anew present a proposal to the Chamber of the Parliament regarding the adoption of the transposition legislation. The voting in the Chamber in March 2011 did, however, show that the proposal presented by the government has wide support in Parliament. The committee will, thus, in all likelihood present a proposal which is in line with what the government proposed in its bill.

The committee is not allowed to put forward a new proposal before one year has passed. The Chamber will then again deal with the proposal and vote on the adoption of the bill. The earliest possible date for the coming into force of the transposition legislation is, therefore, most likely the 1 July 2012.