



By email:

First Vice-President Timmermans

Cc:

Vice-President Ansip

Commissioner Avramopoulos

Commissioner Jourova

Copenhagen, 12 January 2018

Dear Vice-President Timmermans,

We write to you and your Commissioner colleagues as representatives of the Danish telecom industry.

As you know, the European Court of Justice on December 21, 2016 issued its judgement that Member States may not impose a general obligation to retain data on providers of electronic communications services. The judgements, C-203/15 and C-698/15, involved legislation in Ireland and Sweden, both of which were comparable to Danish legislation still in force.

In our delivery of telecommunications services, we are obliged under Danish law (specifically, The Data Retention Order) to retain certain telecommunication data for public law enforcement authorities' use.

The Danish Minister of Justice has publicly acknowledged that Danish law is non-compliant with the ECJ verdict, and needs to be adjusted accordingly. In a March 2017 letter, the Danish government has notified the telecom sector that current national data retention rules are expected to be upheld, while the government works to establish legal compliance with the ECJ verdict.

Until this adjustment has taken place, the Danish telecom sector is subject to untenable legal ambiguity. In the initial phase of the process, the Danish government has estimated a reasonable timeline for national legal revision to be approximately one year. However, the government has not met this timeline. No legislative adjustments have been proposed, and no immediate solution is in sight. In explaining the delay, the Danish government has pointed out that implementation of the ECJ ruling must happen in collaboration with other Member

States and the European Commission, and that this process has yet to arrive at a conclusion.

2

We agree with the importance of data retention rules being consistently implemented across the European Union, both for the sake of citizens and commerce, and therefore urge you, as the Commissioners responsible for a resolution, to treat this as a matter of absolute urgency. We are exposed to legal jeopardy from lawsuits, and unable to respond properly to citizens who demand reasonable clarification of our adherence to the verdicts of the Unions highest court.

We look forward to your response, and remain at your disposal, should you need any additional input towards an expedited resolution of this issue.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jakob Willer', with a small dot at the end.

Jakob Willer
Director
Telecom Industry Association Denmark
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