



EUROPEAN COMMISSION

Office of the First Vice-President Mr Frans Timmermans

Member of Cabinet

Brussels, 08.03.2018

CA.02 MaS/mp – SV 1064110

Dear Mr Willer,

I refer to your letter of 12 January 2018 in which you share the concerns of the Danish telecom industry about your continued obligation to retain communications data under Denmark's current data retention law in light of the ruling issued by the Court of Justice of the European Union in the "Tele2/Watson" case¹.

The Commission is fully aware of the significance of the Tele2 ruling and its consequences on national data retention legislation, including the need to ensure the protection of privacy and the confidentiality of communications. At the same time, the importance of data retention as an essential component enabling law enforcement authorities to effectively fight crime, including cybercrime, must also be recognised.

This is why, since the Tele2 ruling was delivered, the Commission has been involved in discussions, first of all, primarily with the Member States and the relevant EU agencies, to examine possible ways forward which would satisfactorily meet the Court's Tele2 criteria and law enforcement's operational requirements. The issues raised in these discussions are wide-ranging which is why the assessment on the way forward is still ongoing.

Let me assure you that the Commission is treating this issue with the close attention it deserves. Our commitment is to continue engaging with all relevant stakeholders and doing all we can to find viable, workable and legally sound solutions on this complex subject.

Yours sincerely,



Maarten S. M. T.

*Mr Jakob Willer**Director**Telecom Industry Association Denmark**E-mail: jw@teleindu.dk*

¹ Joined cases C-203/15 and C-698/15, Tele2 Sverige AB v Post- och telestyrelsen and Secretary of State for the Home Department v Watson and others, ECLI:EU:C:2016:970, 21 December 2016.