

The Awakening of EU Data Retention Rules

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News

At the Council meeting of 6-7 December 2018, the JHA ministers of the EU Member States reiterated their [support for EU-wide legislation on data retention](#). They encouraged the continuation of work at the expert level to develop a new concept after the 2006 Directive “on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks” was declared void by the CJEU in 2014 (“*Digital Rights Ireland*”, see [euclid 1/2014, p. 12](#)). In “*Tele2 Sverige*,” the CJEU further prohibited Member States from maintaining national data retention regimes if they entail a general and indiscriminate retention of data (see [euclid 4/2016, p. 164](#)).

After these judgements, an expert group was established in 2017 with the task of exploring avenues to reconcile the demand for effective law enforcement access to retained data (stored for commercial purposes by telecommunication service providers) with the requirements of necessity and proportionality set by the CJEU.

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