

# Council Push on Data Retention to Fight Crime



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European Law Forum: Prevention • Investigation • Prosecution

**Thomas Wahl**

**News**

The Council closely monitors progress made by the Commission in the implementation of Council conclusions on the retention of data for the purpose of fighting crime, which were adopted in June 2019 (see euclid 2/2019, p. 106). At the [JHA Council meeting of 2-3 December 2019](#), the ministers took note of the progress made and reiterated that the Commission should “pursue all efforts needed to achieve a satisfactory balance between privacy and security concerns at EU level.” The conclusions of June 2019 attempt to find a way out of the impasse that occurred after the CJEU found the 2006 data retention directive and the national data retention regimes of the UK and Sweden to be incompatible with the EU’s Charter on Fundamental Rights. The CJEU did not completely rule out a data retention system, but it must set clear and precise conditions. The conclusions encouraged the Commission to prepare a new legislative initiative, in particular by conducting targeted consultations with stakeholders and supporting a comprehensive study that looks after possible solutions.

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