

Incomplete Transposition of the Law Enforcement Directive: Commission Sends Reasoned Opinion to Germany

News

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On 8 July 2026, as part of its [July infringements package](#), the Commission decided to send a reasoned opinion to Germany (INFR(2022)2019) for failing to fully transpose [Directive \(EU\) 2016/680](#) (the Law Enforcement Directive, or LED; →[eucrim 2/2016, 78](#)). The Directive governs the processing of personal data by law enforcement authorities, enabling them to perform their duties in a manner that safeguards the fundamental right to data protection. Member States were required to transpose it by 6 May 2018.

The proceedings date back to April 2022, when the Commission sent Germany a letter of formal notice after detecting a gap in the transposition of the LED in relation to the activities of the Federal Police (*Bundespolizei*). According to the Commission, Germany had still not adopted relevant transposition measures by July 2026. A [bill to modernise the Federal Police Act](#), which includes provisions intended to implement the LED, was already pending before the *Bundestag*. Two days after the Commission's decision, however, an [initial attempt to secure its final adoption was unsuccessful](#). Germany was given two months to remedy the shortcomings; otherwise, the Commission could refer the case to the CJEU and request financial sanctions.

Germany had already been subject to an earlier infringement procedure concerning incomplete transposition of the LED at Länder level. In July 2019, the Commission sent a letter of formal notice after finding that only ten of the sixteen Länder had adopted implementing measures by the end of the transposition period (→[eucrim 2/2019, 104](#)). This was followed up with a [reasoned opinion in May 2020](#), when measures from five Länder were still outstanding. The Commission's [first evaluation report on the LED](#), published on 25 July 2022 (COM(2022) 364 final; →[eucrim 3/2022, 187](#)) noted the separate transposition gap concerning the Federal Police.

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