

Transposition of Directive 2006/24/EC (Data Retention) by EU Member States and EFTA
Further to oral reports at the meeting of 22 January 2009 in Brussels

Country	state of implementation of Telephony	state of implementation of Internet	cost recovery issues	condition access & use of retained data
AT	law is under preparation by the government that was elected end 2008; the length and depth thereof could as of yet not be assessed.	law is under preparation by the government that was elected end 2008; the length and depth thereof could as of yet not be assessed.	issues to be addressed is the obligation of the government to reimburse costs incurred by CSPs	requires a court order; serious crime
BE				
BU	national law by means of Ministerial orders since 15 th September 2007	legal provisions will apply as from 15 th March 2009	not foresee reimbursement of investment or operational costs	prosecutor with "passive technical access" to their database based on a court order; Appeal against the order is possible
CY	Yes. law entered into force on 1 st January 2008	Yes. 15 th March 2009 the law entered into force		Police obtain court order to access data; serious crime
CZ	Yes. data retention law in 2005 (1272) followed by a Ministerial order (nr 485)	Incomplete. data retention law in 2005 (1272) followed by a Ministerial order (nr 485)	Government covers all (technical and service) costs incurred by service providers; estimated budget 4-6 million €.	Specific cases: 1. cases enumerated in the police act 2. on the basis of a Court order 3. National Bank in the remit of its mandate
DE	Yes. 1 st January 2008	Yes. 1 st January 2009	does not intend to reimburse investment costs; probably grant "reasonable compensation" when requested to retrieve and transfer data; relevant law adopted; contains a range of flat indemnity rates; telecommunication providers have brought	Specific cases: 1. of considerable importance 2. committed using telecommunication means 3. necessary to establish the facts or determine the residence of the accused

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			administrative action against the decision not to reimburse investment costs; does not provide financial support for the implementation	
DK				
EE	Yes. Since 2008	Yes. 15 th March 2009	not introduce a reimbursement scheme.	Access be requested by law enforcement authorities; supervision process set up by the legislator
ES	drafting stage; law will eventually encompass ETSI handover standard	drafting stage	costs for the retention and retrieval are borne by providers and agencies	Police needs court order
FI	telephone traffic data applies as from June 2008	15 th March 2009 for internet data	government pays costs (capital costs); for each transfer of data government reimburses operational (labour) costs	following crimes: an offence or attempt thereto punishable by imprisonment of not less than four years; an offence or attempt "against a computer using a terminal device", pander, threatening a person to be heard by judicial authorities, menace, a drugs offence, preparation of a terrorist offence
FR				
	draft law	The law covering	issue of	serious criminal

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GR	transposing the telephony part	the internet part will "follow within a reasonable time"	reimbursement of costs is subject of consultation	offences; independent authority exercises supervision
HU				
IE	Yes. since 2005	legislative process is nearing its end; the text is not yet public; for implementation, IE could not give a firm deadline	not intend to reimburse costs made by providers	Request by single authorized senior police or army authority; under supervision of a high court judge
IT	Yes. 30 th May 2008	Yes. 30 th May 2008	No generation of additional costs for operators; State does not provide financial support for the implementation	Access restricted; requires written request to court, court order; authorization to police
LT	Yes. December 2007	internet part transposed by amendment of the Electronic Communications law; will apply as from 15 th March 2009	No cost reimbursement scheme exists	court order is required
LU	Yes. since 2005	Yes. since 2005	No cost-reimbursement scheme exists.	Examining; case of investigation of "serious offence"; sample catalogue lists the relevant offences
LV				
MT	September 2008, law introduced the obligation to retain telephony data	September 2008, law introduced the obligation to retain internet traffic data	No introduction of general cost reimbursement scheme; certain expenditure covered on a case-	be requested by police and courts, based on a written request or, in cases of imminent danger, by email

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			by-case basis	or phone; "serious crime" punishable by imprisonment of at least 1 year.
NL	In 2007 the draft bill amending the 2002 Telecommunication law was presented to parliament; In June 2008 the bill went to the Senate for approval; Members of the Senate expressed serious doubts; government is preparing a detailed answer to the observations; NL is hopeful that national legislation can be adopted before the summer	In 2007 the draft bill amending the 2002 Telecommunication law was presented to parliament; In June 2008 the bill went to the Senate for approval; Members of the Senate expressed serious doubts; government is preparing a detailed answer to the observations NL is hopeful that national legislation can be adopted before the summer	Investment costs are not reimbursed. A fixed rate reimbursement scheme exists for each transmission of data	public prosecutor can order CSPs; serious crimes
PL				
PT	17 th July 2008 the transposition law was promulgated	17 th July 2008 the transposition law was promulgated	No reimbursement of investment or operational costs is foreseen	requires a court order; serious crime
RU	Yes. 18 th November 2008	Yes. 15 th March 2009	Investment costs (infrastructure) reimbursed by means of fiscal deduction	judicial authorisation to request from prosecutor; "serious crime".
SE	currently working on drafting a bill; bill will be submitted to Parliament in late spring and a new law is expected to come into force <u>in the beginning of 2010</u>	currently working on drafting a bill; bill will be submitted Parliament in late spring and a new law is expected to come into force <u>in the beginning of 2010</u>	the bill is still in drafting; the content of the Swedish transposition law is not yet decided	the bill is still in drafting the content of the Swedish transposition law is not yet decided

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SI				
SK	Yes. Since April 2008	Yes. Since April 2008	No cost-compensation scheme exists; operators carry all costs	Only 'competent bodies', e.g. courts and secret service
UK	voluntary retention scheme is in place since 2004; obligation retention telephony data (fixed and mobile) exists since 2007	voluntary retention scheme is in place since 2004; August 2008 public consultation about aspects retention Internet data; preparing legislation (target date: 15 March	reimbursement scheme covers capital costs of systems and staff; estimated budget 30 million GBP	single point of contact processes requests; dedicated training available for officials entitled to request and access
EFTA	postponed the implementation until final ruling of the European Court of Justice in the case that Ireland brought (C-301/06) to Court	postponed the implementation until final ruling of the European Court of Justice in the case that Ireland brought (C-301/06) to Court	postponed the implementation until final ruling of the European Court of Justice in the case that Ireland brought (C-301/06) to Court	postponed the implementation until final ruling of the European Court of Justice in the case that Ireland brought (C-301/06) to Court