

Combating crime: prevention of crime, criminal offences and terrorism, retention of data processed on public communications networks. Framework Decision. Initiative France, Ireland, Sweden and United Kingdom

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The Council held an exchange of views on certain key issues concerning this issue and in particular the list of data to be retained, the length of the retention period, and the legal basis for the act.

The Presidency concluded that delegations could agree on a course of action and certain key elements of the Framework Decision:

- data retention is an important element in the fight against crime and terrorism, and an EU legislative act is needed;
- to reach rapid agreement on this Framework Decision, a gradual approach to the issue would be preferable, beginning with the retention of data on fixed and mobile telephone communication;
- those Member States which are not immediately able to collect data concerning the internet, and in the area of telephony, data concerning unsuccessful outgoing calls may have a transitional period for application of the Framework Decision, to be time-limited for a period which has not yet been determined;
- communications service providers and judicial investigation departments will be consulted to consider the costs of implementing this Framework Decision, amongst other matters;
- regarding the list of communication data to be retained, in general delegations were able to accept the Presidency's approach, which provides for a minimum list of data to be retained. This list should be mainly functional, with some technical specifications concerning different types of telecommunications;
- most delegations were able to accept the timelines laid down in the Presidency compromise text: the normal duration of the data retention period would be twelve months. The Member States would be authorised to provide for a shorter period in exceptional circumstances, which could, however, not be less than six months;
- the majority of delegations believed that the legal basis for the proposal should be Title VI of the TEU (Article 31(1), point (c), and Article 34(2), point (b)).

This item will be addressed again at the informal meeting of Ministers for Justice and Home Affairs to take place in September under the United Kingdom Presidency.