

Brussels, 12 July 2017
(OR. en)

11110/17

LIMITE

JAI 678
COPEN 233
DAPIX 253
ENFOPOL 351
CYBER 111
EUROJUST 114
TELECOM 187

NOTE

From:	Presidency
To:	Delegations
Subject:	Requirements of the Tele 2 judgement regarding data retention = Continuation of discussion

1. During the Maltese Presidency DAPIX - FoP held a first exchange of views on:
 - the requirements of the CJEU regarding the concept of targeted data retention for the purposes of prevention and prosecution of crime and
 - the access criteria for competent authorities, as defined by the Court.

The practical needs of competent authorities to access data for the purposes of effective prevention and prosecution of crime were also extensively discussed, including in light of national experiences and the operational practice of Europol.

2. With a view to facilitating further reflection on these issues, a summary of the main aspects of the Tele 2 judgment with indication of some of the initial reflections on the various aspects (highlighted sections), as arising from the discussions of DAPIX- FoP thus far, is presented in the Annex (in a mind map form).

3. Delegations are invited to examine the mind map and to submit any further comments on the respective issues or suggestions for further development of the document, including any further reflections on the questions set out in doc. 9558/17 and 8798/17.
 4. Delegations are further invited to indicate any specific suggestions, either legislative or non-legislative, that could facilitate the progress on the data retention issues in light of the requirements of the Court.
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