

Berlin, 3.11.2014

Your plea for a modified European Data Retention Directive

Dear Mr. Avramopoulos,

on Tuesday, 30th September 2014, your consultation procedure was held up by the European Parliament. In this context you presented your positions relevant to the area of work as European-Commissioner for Migration and Home Affairs.

Question No. Five requested you to explain the measures you will take to implement the European Court of Justice's judgement from 8th of April 2014. The Court held in this judgement the former EG Directives on a european Data Retention as inconsistent with fundamental rights and therefore declared them void res judicata.

You stated perfectly correct that the European Court of Justice considered Data Retention as disproportionate and invalid. It is also true that the judgment couldn't in principle exclude a possible relevance of investigation technique to guarantee public safety. Therefore to conclude a modified europeanwide Data Retention Directive without any cause as a response within the meaning of the judgment is quite simply wrong.

The European Court of Justice's judgement didn't criticise single elements of Data Retention Directive, but voiced fundamental critique of saving telecommunications data throughout Europe. Whereas, it underlined the great significance of the fundamental right of privacy and stressed the necessity to protect personal data.

To clarify our position, we kindly ask you to study the manageably extensive paragraphs 31, 51, 52, 58 and 59 of the European Court of Justice's judgement. The Court therein clearly points out its statements and conclusions. Concerning the outstanding issues of how effectively controlling information technology systems, we in addition mark paragraph 55 that limits/stops Data Retention in its previous form.

With this in mind, to reissue a modified europeanwide Data Retention Directive with the aim of saving geographically and temporally indefinite datas may not be your concern. Rather, as European Commissioner of Migration and Home Affairs it would be your responsibility and duty to remedy the fault caused by (and in substantially shared responsibility of EU Commission) the previous EU Directive on Data Retention violative of human rights: Persons in the European Union need to be protected against a europeanwide collection and retention of

telecommunications data without cause. This will only be possible if you ensure the abolition of Data retention already implemented or continued in many EU Member States. Data Retention must be banned - that's your job, Mr. Avramopoulos!

We kindly ask your reply and opinion on promissing to publish them in unabrigded form, as well as this letter will be made available to the interested public.

Thank you very much for your efforts. With best regards

yyy on behalf of "freiheitsfoo" initiative