

From: [REDACTED] (GROW)
To: [EU Directive](#)
Cc: [GROW DIR2015-1535-CENTRAL](#)
Subject: RE: Notification 2022/872/IRL - Communications (Retention of Data) (Amendment) Act 2022
Date: Thursday, January 12, 2023 6:19:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear [REDACTED],

Thank you very much for the acknowledgment and confirmation.

Kind regards,

[REDACTED]

From: EU Directive <xxxxxxxxxxxxxxxxxxxx@xxxx.xx>
Sent: Thursday, January 12, 2023 6:17 PM
To: [REDACTED] (GROW) [REDACTED]
Cc: EU Directive <xxxxxxxxxxxxxxxxxxxx@xxxx.xx>; GROW DIR2015-1535-CENTRAL <GROW-xxxxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx>
Subject: FW: Notification 2022/872/IRL - Communications (Retention of Data) (Amendment) Act 2022

Good evening [REDACTED], acknowledging your communication below and confirming that the responsible department will in due course provide a reply to the Commission.


Regards,

[REDACTED]

[REDACTED]
Notifications Under EU Directive 2015/1535 - Information Officer

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Email [.@.](#)

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From: [REDACTED]
Sent: 11 January 2023 15:23
To: [REDACTED]
Cc: EU Directive <[xxxxxxxxxxxxxxxxxxxx@xxxx.xx](#)>; [xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx](#)
Subject: Notification 2022/872/IRL - Communications (Retention of Data) (Amendment) Act 2022

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Dear [REDACTED],

We are contacting you with regard to the notification 2022/872/IRL, notified by Ireland on 21 December 2022 - "*Communications (Retention of Data) (Amendment) Act 2022* (*"the 2022 Act"*)".

In its notification message, the Irish authorities inform that the Act 2022 has been approved by the Irish Parliament (Oireachtas) but has not been legally implemented via Ministerial order. This is also confirmed in the website of the Irish Parliament (<https://www.oireachtas.ie/en/bills/bill/2022/72/>).

We kindly ask you to indicate whether, at this stage, the Act is still at a stage where substantial amendments can still be made, for example in case of a detailed opinion issued by a Member State or the Commission before the end of the standstill (22 March 2023).

We would like to remind the Irish authorities that the Directive (EU) 2015/1535 (hereinafter 'the SMTD') requires that Member States notify their technical regulations in a draft stage, which shall remain in that stage until the end of the standstill period. In this regard, the Court of Justice ruled that a technical regulation cannot be applied if, though notified, it has been adopted, entered into force and implemented before the end of the three month standstill period required under the SMTD (judgement of 26 September 2000, *Unilever*, Case C-443/98, EU:C:2000:496). The failure to respect that standstill period is a material procedural defect rendering the technical regulation at issue inapplicable and unenforceable against individuals (judgment of 16 July 2015, *UNIC and Uni.co.pel*, Case C-95/14, EU:C:2015:492).

Kind regards,

[REDACTED]

[REDACTED]

Legal Officer



European Commission

DG for Internal Market, Industry, Entrepreneurship and SMEs

Unit E.3: Notification of Regulatory Barriers

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<http://ec.europa.eu/growth/tools-databases/tris/en/>

*

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún

agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le [mailminder\[ag\]justice.ie](mailto:mailminder@justice.ie) chomh maith.

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