



2 December 2019  
Ju2019/04001/PO

Minister for Home Affairs

Commissioner Ylva Johansson  
European Commission  
Rue de la Loi 200  
1049 Brussels, Belgium

Dear Commissioner,

*Dear Ylva*

First of all, my sincere congratulations to your appointment to EU Home Affairs Commissioner. Your policy responsibilities are at the core of current and future EU-affairs, and I am very much looking forward to a constructive dialogue.

Now that the new Commission is taking up office, I wish to take the opportune moment to inform you that one of the Swedish priorities for further developing EU internal security is data retention for the purposes of preventing and fighting crime. Indeed, a less fragmented and level playing field with an appropriate data retention regime for operators across the Union will be beneficial also for EU law enforcement and judicial cooperation.

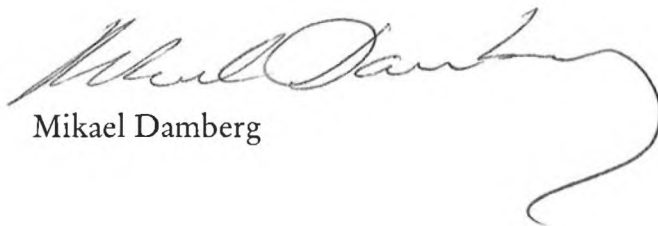
As you know, the Court of Justice of the European union rejected the Swedish and UK legislations on data retention in its Tele2/Watson-judgment in December 2016 following the invalidation of the EU Directive on data retention in 2014. The judgment caused great concern in the EU law enforcement community since data retention is an indispensable tool in crime fighting. But, I am very happy to conclude that we have succeeded in putting new, Swedish legislation in place as of 1 October, nearly three years after the judgement.

The new legislation is adapted to meet the requirements of the Tele2/Watson-judgment, meaning, in simple terms, that only data from electronic communications which is strictly necessary for crime fighting purposes is retained and that the length of retention periods are differentiated.

In other words, the overall context at EU-level and the national, Swedish context leads me to conclude that data retention is a key issue for the coming years. Obviously, a prerequisite for the work to be done will be the judgments from the Court of Justice of the European union in the Belgian, French and British cases that were the subjects of a joint hearing on 9-10 September. Sweden joined the large number of Member States arguing in favour of a more extensive data retention, and we welcome that the Commission argued in a similar direction, i.e. in favour of a generalised data retention regime, but a regime to be accompanied with a set of strong safeguards to protect in particular the right to private life and personal data.

It seems to me that, regardless of the outcome of these cases, work can be taken forward at the level of our services. I wish to commend your services for already convening important meetings and launching a study to this end. We are looking forward to and are committed to contributing further to the work. I also hope you and I can discuss data retention soon, possibly in connection with a meeting of the Council in the spring.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Mikael Damberg', with a long, sweeping flourish extending to the right.

Mikael Damberg