

Brussels, **16 JAN. 2020**
Ares (2019) 8796086

Mr Mikael Damberg
Minister for Home Affairs
Government Offices of Sweden
SE 103 33 Stockholm
SWEDEN

Dear Mikael,

Dear Minister,

Thank you very much for your letter of 2 December 2019 and your kind words on my appointment as Commissioner for Home Affairs. I am very honoured that President Von der Leyen has entrusted me with this important portfolio, which ranks high among the priorities and concerns of many Europeans.

I am very mindful of the discussions that have taken place in the Council over the past few years on the issue of data retention for criminal law enforcement purposes. I agree that this is an important tool for our police and judicial authorities to have at their disposal to investigate and prosecute serious crime, particularly in light of the increasing use of communication technologies in cyber and cyber-enabled criminal offences.

I can assure you that the Commission is committed to working with the Member States and all relevant stakeholders to find a viable way forward on data retention. However, it bears repeating that the EU's future policy on this matter will necessarily be framed by the parameters that the Court of Justice of the European Union will set in the pending requests for preliminary rulings from the national courts of a number of Member States. These rulings will inevitably influence our margin of manoeuvre and future course of action. Once the Court issues its judgments, and taking into account our preparatory work to respond to the June 2019 Council Conclusions on data retention, the Commission will be able to take an informed decision on the way forward on this policy issue.

I very much appreciate the Swedish Government's constructive efforts and contributions to this debate so far. I very much look forward to working with you to ensure that our law enforcement and judicial authorities will have the right tools in place to ensure the security of our citizens while safeguarding their fundamental rights.

Yours sincerely,

