

(English version)

**Question for written answer E-002538/25
to the Commission
João Cotrim De Figueiredo (Renew)
(24 June 2025)**

Subject: Protection of EU citizens' right to privacy

In its Digital Rights Ireland judgment, the CJEU stated that the general and indiscriminate retention of communication data is a breach of the rights to privacy and data protection.

What is more, the CJEU has ruled in a number of its decisions — specifically the *Prokuratuur* and *La Quadrature du Net* cases — that citizens' communications data can only be accessed under strict proportionality and legality conditions established in the ePrivacy Directive.

The Commission's 'Impact assessment on retention of data by service providers for criminal proceedings' initiative, which is currently under public consultation, and the high-level group on access to data for effective law enforcement have raised serious concerns among EU citizens about the safeguarding of rights and freedoms in the European Union, such as privacy, data protection and civil liberties.

In the light of the above:

1. Does the Commission intend to submit any legislative proposal that involves general and indiscriminate retention of communication data at EU level?
2. Does the Commission intend to submit any legislative proposal to amend the ePrivacy Directive to change the conditions for accessing citizens' communication data?

Submitted: 24.6.2025

**Answer given by Mr Brunner on behalf of the European Commission
(3 September 2025)**

As part of the commitment undertaken in the ProtectEU Strategy ⁽¹⁾ to follow up on the recommendations of the High-Level Group on access to data ⁽²⁾, the Commission announced in the Roadmap for effective and lawful access to data for law enforcement ⁽³⁾ to carry out in 2025 an impact assessment with a view to updating EU rules on data retention as appropriate.

The impact assessment launched in May 2025 aims at identifying policy options for possible action at EU level, both of non-regulatory and regulatory nature, to ensure the availability of certain categories of non-content data for the purpose of carrying out successful criminal investigations and prosecutions, while protecting fundamental rights, preserving cybersecurity and the integrity of the EU single market.

In line with procedure, a decision as to a legislative proposal will be taken following the completion of the impact assessment.

Concerning the ePrivacy Directive, the Commission has announced in its work programme 2025 that the proposal for a regulation ⁽⁴⁾ will be withdrawn ⁽⁵⁾. The Commission is currently assessing the different options for any future action concerning rules on the privacy of communications data.

⁽¹⁾ https://home-affairs.ec.europa.eu/news/commission-presents-protecteu-internal-security-strategy-2025-04-01_en.

⁽²⁾ https://home-affairs.ec.europa.eu/networks/high-level-group-hlg-access-data-effective-law-enforcement_en.

⁽³⁾ https://home-affairs.ec.europa.eu/news/commission-presents-roadmap-effective-and-lawful-access-data-law-enforcement-2025-06-24_en.

⁽⁴⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52017PC0010>.

⁽⁵⁾ https://commission.europa.eu/document/download/7617998c-86e6-4a74-b33c-249e8a7938cd_en?filename=COM_2025_45_1_annexes_EN.pdf.