

**Judgment of the Court (Eighth Chamber) of 26 November 2009 — Commission of the European Communities v Ireland**(Case C-202/09) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2006/24/EC — Electronic communications — Respect for private life — Retention of data generated or processed in connection with the provision of electronic communications services — Failure to transpose within the prescribed period)*

(2010/C 24/26)

Language of the case: English

**Parties**

*Applicant:* Commission of the European Communities (represented by: L. Balta and A.-A. Gilly, Agents)

*Defendant:* Ireland (represented by: D. O'Hagan, Agent)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54)

**Operative part of the judgment**

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, Ireland has failed to fulfil its obligations under that directive.
2. Orders Ireland to pay the costs.

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<sup>(1)</sup> OJ C 167, 18.7.2009.

**Judgment of the Court (Second Chamber) of 26 November 2009 — Commission of the European Communities v Hellenic Republic**(Case C-211/09) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2006/24/EC — Electronic communications — Failure to transpose within the prescribed period)*

(2010/C 24/27)

Language of the case: Greek

**Parties**

*Applicant:* Commission of the European Communities (represented by: L. Balta and M. Karanasou Apostolopoulou, acting as Agents)

*Defendant:* Hellenic Republic (represented by: N. Dafniou and K. Vasiliki, acting as Agents)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt within the prescribed period all the measures necessary to comply with Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ L 105, p. 54)

**Operative part of the judgment**

The Court:

1. Declares that, by failing to adopt, within the prescribed periods, all the laws, regulations and administrative provisions necessary to comply with Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, the Hellenic Republic has failed to fulfil its obligations under that directive.
2. Orders the Hellenic Republic to pay the costs.

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<sup>(1)</sup> OJ C 193 of 15.08.2009