

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 3 August 2018 — La Quadrature du Net, French Data Network, Fédération des fournisseurs d'accès à Internet associatifs, Igwan.net v Premier ministre, Garde des Sceaux, Ministre de la Justice, Ministre de l'Intérieur, Ministre des Armées**

(Case C-511/18)

(2018/C 392/10)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicants:* La Quadrature du Net, French Data Network, Fédération des fournisseurs d'accès à Internet associatifs, Igwan.net

*Defendants:* Premier ministre, Garde des Sceaux, Ministre de la Justice, Ministre de l'Intérieur, Ministre des Armées

**Questions referred**

1. Is the general and indiscriminate retention obligation imposed on providers on the basis of the permissive provisions of Article 15(1) of Directive [2002/58/EC] of 12 July 2002<sup>(1)</sup> to be regarded, against a background of serious and persistent threats to national security, and in particular the terrorist threat, as interference justified by the right to security guaranteed in Article 6 of the Charter of Fundamental Rights of the European Union and the requirements of national security, responsibility for which falls to the Member States alone pursuant to Article 4 of the Treaty on European Union?
2. Is the Directive of 12 July 2002, read in the light of the Charter of Fundamental Rights of the European Union, to be interpreted as authorising legislative measures, such as the real-time measures for the collection of the traffic and location data of specified individuals, which, whilst affecting the rights and obligations of the providers of an electronic communications service, do not however require them to comply with a specific obligation to retain their data?
3. Is the Directive of 12 July 2002, read in the light of the Charter of Fundamental Rights of the European Union, to be interpreted as making the legality of the procedures for the collection of connection data subject in all cases to a requirement that the persons concerned are duly informed once such information is no longer liable to jeopardise the investigations being undertaken by the competent authorities, or may such procedures be regarded as lawful taking into account all the other existing procedural guarantees, since those guarantees ensure that the right to a remedy is effective?

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<sup>(1)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ 2002 L 201, p. 37).

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