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## **OPINION OF THE LEGAL SERVICE**

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Subject : Draft Framework Decision on the retention of data processed and stored in connection with the provision of publicly available electronic communications services or data on public communications networks for the purpose of prevention, investigation, detection and prosecution of crime and criminal offences including terrorism  
– Legal basis

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### **I. Introduction**

1. On 28 April 2004 France, Ireland, Sweden and the United Kingdom submitted a draft Framework Decision (hereinafter the "draft"), based on Articles 31(1)(c) and 34(2)(b) of the Treaty on European Union (hereinafter "EU Treaty"). The draft concerns the retention of data processed and stored in connection with the provision of publicly available electronic communications services or data on public communications networks for the purpose of prevention, investigation, detection and prosecution of crime and criminal offences including terrorism <sup>1</sup>.

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<sup>1</sup> 8958/04 CRIMORG 36 TELECOM 82 + EXT 1.

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