

Message 001

Communication from the Commission - TRIS/(2025) 2622

Directive (EU) 2015/1535

Notification: 2025/0537/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20252622.EN

1. MSG 001 IND 2025 0537 DE EN 25-09-2025 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie / Referat EB3

3B. Bundesministerium der Justiz und für Verbraucherschutz / Referat IIB4

4. 2025/0537/DE - SERV60 - Internet services

5. Draft of an Act transposing Directive (EU) 2023/1544 and implementing Regulation (EU) 2023/1543 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings

6. Electronic communications services as defined by Article 2(4) of Directive (EU) 2018/1972, internet domain name and IP numbering services and other information society services as defined by Article 1(1)(b) of Directive (EU) 2015/1535

7.

8. In addition to the provisions transposing Directive (EU) 2023/1544 and implementing Regulation (EU) 2023/1543, which do not trigger a notification duty, Article 3 of the Draft Act includes a provision amending the Telecommunications Digital Services Data Protection Act (insertion of § 13a and § 24a). This allows the service providers designated in the Regulation/Directive to process the data designated by the issuing authorities of other EU Member States by means of a European Production or Preservation Order in order to transmit them to the requesting authorities and/or to preserve them.

9. The Draft Act implements Regulation (EU) 2023/1543 and transposes Directive (EU) 2023/1544. The notified provision (Article 3) is necessary in order to take into account the requirements of the case law of the German Federal Constitutional Court, according to which the legislator must create its own competences for the requesting and requested bodies when establishing a data information procedure. As a result of this 'double door model', an explicit authorisation standard must be established in German national law allowing service providers to process the requested data. Neither Regulation (EU) 2023/1543 nor Directive (EU) 2023/1544 contain such an explicit authorisation.

10. Reference to the basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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