

Herrn
Patrick BREYER



FIFTH SECTION

ECHR-LE4.1iR IMSI
AMU/DD/gdc

05/04/2016

Application no. 50001/12
Breyer v. Germany

Dear Sirs,

I write to inform you that following a preliminary examination of the admissibility of the above application on 21/03/2016, the Vice-President of the Section to which the case has been allocated decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the application should be given to the Government of Germany and that the Government should be invited to submit a statement of facts together with written observations on the admissibility and merits of the case.

You will find enclosed an information note to applicants on the proceedings after communication of an application.

The Government have been requested to submit a statement of facts together with their observations by 12/09/2016. These will be sent to you in order that you may submit written observations in reply, together with any claim for just satisfaction under Article 41 (cf. Rule 60). **Please do not send any submissions before being asked to do so by the Court.** Any unsolicited submissions will normally not be included in the case file for consideration by the Court (Rule 38 § 1). Under Rule 34, the Government have been authorised to submit the statement of facts and their observations in German if they so prefer, but they must provide the Court with a translation into English or French no later than 10/10/2016.

The Government have been requested to deal with the questions set out in the document appended to this letter (Subject matter of the case prepared by the Registry of the Court and Questions to the parties).

The Government have also been requested to indicate by 12/09/2016 their position regarding a friendly settlement of this case and to submit any proposals they may wish to make in this regard (Rule 62). The same request will be made of you when you receive their observations.

I would inform you that at this stage of the proceedings, according to Rule 34 § 3, all communications of applicants or their representatives shall be made in one of the Court's official languages, English or French, unless the Vice-President of the Section grants leave for the continued use of the official language of a Contracting Party.

I should draw your attention to Rule 33 of the Rules of Court, according to which documents deposited with the Registry by the parties or by any third parties are to be accessible to the public, unless the Vice-President of the Section decides otherwise for the reasons set out in Rule 33 § 2. It follows that as a general rule any information contained in the documents which you lodge with the Registry, including information about identified or identifiable persons, may be accessible to the public. Moreover, such information may appear in the Court's HUDOC database accessible via the Internet if the Court includes it in a decision on admissibility or striking off, or a judgment.

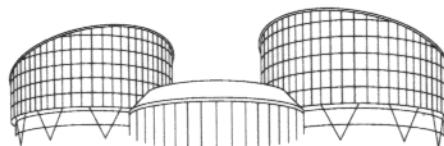
Lastly, I would draw your attention to Rule 36 §§ 2 and 4 according to which an applicant needs to be represented by an "advocate" before the Court at this stage of the proceedings. I would therefore invite you to complete and return to me, by **01/06/2016**, the enclosed form. If you have any difficulties in finding an advocate, your local or national bar association Bundesrechtsanwaltskammer (Federal Chamber of Lawyers), Littenstrasse 9 in 10179 Berlin Internet: <http://www.brak.de> may be able to assist you.

Yours faithfully,



Section Registrar

Enc.: Subject matter of the case and Questions
Information note
Authority form



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 21 March 2016

FIFTH SECTION

Application no. 50001/12
Patrick BREYER and Jonas BREYER
against Germany
lodged on 27 July 2012

SUBJECT MATTER OF THE CASE

The application concerns the legal obligation of telecommunication providers to store personal details of all their customers, in particular even of customers where such details are not necessary for billing purposes or other contractual reasons. The applicants' constitutional complaint against several sections of the Telecommunications Act (*Telekommunikationsgesetz*), in its version of 2004 and 2007, was in regards to Section 111 rejected by the Federal Constitutional Court (1 BvR 1299/05, 24 January 2012, decision served on 28 February 2012). The applicants complain under Articles 8 and 10 that their personal data, as users of pre-paid ("pay as you go") mobile phone SIM cards, is stored by their respective service provider, due to the legal obligation provided by Section 111 of the Telecommunications Act (*Telekommunikationsgesetz*). Consequently they submit that they are not able to communicate anonymously via mobile phone.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicants' right to respect for their private life or correspondence, within the meaning of Article 8 § 1 of the Convention?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

2. Has there been an interference with the applicant's freedom of expression, within the meaning of Article 10 § 1 of the Convention?

If so, was that interference prescribed by law and necessary in terms of Article 10 § 2?