



JOAQUÍN BAYO DELGADO  
ASSISTANT SUPERVISOR

Mr. Thierry STOLL  
Deputy Director-General  
Internal Market and Services DG  
European Commission

Brussels, 14 July 2008  
JBD/ZB/ab D(2008)967 C 2007-0589

**Subject: EDPS Opinion on the Commission IMI Decision/Follow-up**

Dear Mr. Stoll,

Thank you for your letter of 17 June 2008 proposing a way forward towards a more complete implementation of the necessary data protection safeguards for the Internal Market Information System (“**IMI**”).

As discussed during our meeting on 2 July 2008, we agree that the adoption of data protection guidelines in the form of a Commission Recommendation is a significant and welcome step towards establishment of a comprehensive data protection framework for IMI. Our staff is available to assist you in your efforts to draft the guidelines, which should address the data protection concerns specified by the Article 29 Working Party and the EDPS in their respective opinions on IMI<sup>1</sup>. You proposed finalizing the draft Recommendation and submitting it for inter-service consultation in the fourth quarter of this year, with a view to final adoption by the Commission at the beginning of next year. This timetable is acceptable to the EDPS.

We would emphasise that IMI, whose scope is currently limited to information exchanges under the Services and Professional Qualifications Directives, will gradually broaden its scope to additional areas of internal market legislation. This will lead to increased complexity and an increasing number of participating authorities and data exchanges. In this context, (as underlined in our Opinion on IMI and discussed with you), we believe that it will be necessary to provide for specific data protection safeguards, going beyond the existing applicable data protection legislation, in legally binding Community legislation.

---

<sup>1</sup> See WP 140 of 20 September 2007 and the EDPS Opinion of 22 February 2008.

Taking into account the expected scale and complexity of the system, as well as the need to obtain some experience with the practical usage of IMI by the Commission and the Member States, we understand your preference for a step by step approach, the first step being the adoption of the Commission Recommendation in 2009. As a second step, a binding legislative instrument - preferably a Council and Parliament Regulation - needs to be adopted. Its adoption should not be unduly delayed and, in any event, should occur in time before IMI's complexity, its user base and the number of information exchanges that occur within it reach a critical mass. As we discussed, work on the development of such an instrument should take into account the first experiences with IMI and should start as soon as possible after the adoption of the Commission Recommendation.

We look forward to working with you towards building, step-by-step, a comprehensive data protection framework for IMI.

Yours sincerely,

(signed)

Joaquín BAYO DEGADO