Pan-European eGovernment services and networks: interoperable delivery, programme IDABC 2005-2009, follow-up IDA II

2003/0147(COD) - 26/03/2009 - Follow-up document

This document consists of a Commission Recommendation on data protection guidelines for the Internal Market Information System (IMI).

Decision 2004/387/EC on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC) provides for the implementation of projects of common interest, in order to enable the efficient, effective and secure interchange of information between public administrations at all appropriate levels, as well as between such administrations and the Community institutions or other entities as appropriate.

In March 2006, Member States representatives in the Internal Market Advisory Committee approved the Global Implementation Plan for the Internal Market Information System (IMI) and its development aimed at improving communication among Member State administrations.

Further to this approval, the Commission decided on the financing and setting up of the Internal Market Information System as a project of common interest by adopting a number of Decisions. IMI is a software application accessible via the Internet designed by the European Commission in cooperation with the Member States. Its main goal is to assist Member States with the practical implementation of EU legislation that provides for mutual assistance and administrative cooperation.

IMI currently supports exchanges of information under the Professional Qualifications Directive and it will also support exchanges of information under the Services Directive from the end of 2009. In the future it may support exchanges of information for additional legislative areas of the Internal Market.

Commission Decision 2008/49/EC of 12 December 2007 concerning the implementation of the Internal Market Information System (IMI) as regards the protection of personal data laid down the functions, rights and obligations of the IMI actors and IMI users. Further to the adoption of this Decision, the European Data Protection Supervisor (EDPS) adopted an opinion where it called for the adoption of a legal instrument, preferably in the form of a Council and Parliament Regulation. However, in several meetings and in an exchange of letters between the EDPS and the Commission services it was agreed to **follow a step by step approach which would start with the adoption of data protection guidelines**, to be drawn up in close consultation with the EDPS.

Therefore, the Commission recommends the Member States to:

- take steps to ensure the implementation of the guidelines in the Annex among actors and users of IMI;
- encourage national IMI coordinators to make contacts with their national Data Protection Authorities for guidance and assistance on the best way to implement these guidelines under national law;
- provide feedback to the European Commission on the implementation of the guidelines in the Annex, not later than nine months after the adoption of this Recommendation and with the assistance of the national IMI coordinators. This feedback will be taken into account by the European Commission in a report it will draw up not later than one year after the adoption of this

Recommendation in which it will assess the data protection situation in IMI as well as the content and timeliness of any future measures including the possible adoption of a legal instrument.