Basic information

2003/0147(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Pan-European eGovernment services and networks: interoperable delivery, programme IDABC 2005-2009, follow-up IDA II **Subject** 1.20.05 Public access to information and documents, administrative practice 2.80 Cooperation between administrations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, External Trade, Research, Energy	READ Imelda Mary (PSE)	10/07/2003

Former committee responsible	Former rapporteur	Appointed
ITRE Industry, External Trade, Research, Energy	READ Imelda Mary (PSE)	10/07/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	TURCHI Franz (UEN)	11/09/2003
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2574	2004-03-30
Transport, Telecommunications and Energy	2543	2003-11-20
Agriculture and Fisheries	2555	2003-12-18

European Commission

Commission DG	Commissioner
Research and Innovation	

Key events

Date	Event	Reference	Summary
08/07/2003	Legislative proposal published	COM(2003)0406	Summary
01/09/2003	Committee referral announced in Parliament, 1st reading		
04/11/2003	Vote in committee, 1st reading		Summary
04/11/2003	Committee report tabled for plenary, 1st reading	A5-0375/2003	
17/11/2003	Debate in Parliament		
18/11/2003	Decision by Parliament, 1st reading	T5-0494/2003	Summary
18/12/2003	Council position published	14816/1/2003	Summary
15/01/2004	Committee referral announced in Parliament, 2nd reading		
08/03/2004	Vote in committee, 2nd reading		
08/03/2004	Committee recommendation tabled for plenary, 2nd reading	A5-0124/2004	
10/03/2004	Debate in Parliament		
11/03/2004	Decision by Parliament, 2nd reading	T5-0172/2004	Summary
30/03/2004	Act approved by Council, 2nd reading		
21/04/2004	Final act signed		
21/04/2004	End of procedure in Parliament		
18/05/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0147(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 156
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/20393

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0375/2003	04/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0494/2003 OJ C 087 07.04.2004, p. 0023-0046 E	18/11/2003	Summary
Committee recommendation tabled for plenary, 2nd				

reading		A5-0124/2004	08/03/2004	
Text adopted by Parliament, 2nd reading		T5-0172/2004 OJ C 102 28.04.2004, p. 0648-0776 E	11/03/2004	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15208/2003	01/12/2003	
Council position	14816/1/2003 OJ C 066 16.03.2004, p. 0022-0035 E	18/12/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0406	08/07/2003	Summary
Commission communication on Council's position	COM(2004)0013	12/01/2004	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2004)0219	26/03/2004	Summary
Follow-up document	COM(2006)0611	24/10/2006	Summary
Follow-up document	C(2009)2041	26/03/2009	Summary
Follow-up document	COM(2009)0247	29/05/2009	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1610/2003 OJ C 080 30.03.2004, p. 0083-0087	10/11/2003	
CofR	Committee of the Regions: opinion	CDR0247/2003 OJ C 073 23.03.2004, p. 0072-0076	19/11/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2004/0387
OJ L 181 18.05.2004, p. 0025-0035

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

2003/0147(COD) - 12/01/2004 - Commission communication on Council's position

The Common Position follows the general lines and objectives of the Commission's amended proposal and reinforces the focus on pan-European eGovernment services. The Common Position has been accepted in Council by unanimity. The Commission supports the Council Common Position as it is in line with the Commission's amended proposal and clarifies certain elements of the proposal.

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

2003/0147(COD) - 24/10/2006 - Follow-up document

The purpose of this communication is to present the findings and recommendations of the evaluation of the implementation of the IDABC programme, in accordance with Article 13(2)-(4) of the IDABC Decision. The evaluation was performed by the Commission with the assistance of a team of independent experts from a consultancy company. The evaluation was largely positive describing the IDABC programme as having a global very high quality. However, it highlights a few shortcomings that it recommends for consideration in the further implementation of the programme.

To recall, the IDABC programme provides funding to actions under two headings, namely Projects of Common Interest and Horizontal Measures, which are listed in the rolling IDABC work programme. Projects of Common Interest are actions in the policy areas of the EU concerning the establishment or enhancement of pan-European eGovernment services in support of public administrations, businesses and citizens. Horizontal Measures are actions designed to support Projects of Common Interest and eGovernment in general.

Findings:

Relevance: all the data gathered for the evaluation point to a very satisfactory level of relevance for the IDABC programme. The evaluation found that the IDABC programme’s objectives and planned actions are fully in line with the needs and priorities established at EU level by the Lisbon objectives. The IDABC programme generally contributes directly to broader objectives such as the facilitation of innovation and the uptake of ICT as well as to more specific objectives such as the creation of a more mobile workforce, e.g. by providing information services facilitating movements across borders. 5.2. **Efficiency:** the evaluation notes that an in-depth analysis of efficiency at this stage is premature, given the general and understandably low level of progress of the programme at this early stage. Nonetheless, based on the data gathered from the survey, the evaluation tentatively judges the way the resources are used to implement the activities satisfactory from an economic point of view.

Effectiveness: the IDABC programme is still in its early stages, and a detailed appraisal of the benefits yielded is not yet feasible. Nonetheless, it is possible to make hypotheses regarding the future evolution of the actions. The majority of Projects of Common Interest are considered likely to deliver according to schedule, whereas the Horizontal Measures are generally expected to require either extra help or extended durations, primarily due to a late start, lengthy procedures and staff shortage. However promising levels of effectiveness are likely to be achieved by both Projects of Common Interest and Horizontal Measures.

Utility: the sort of eGovernment services provided by the IDABC programme are considered unique, as the need for common pan-European telematic interfaces across public administrations is not satisfied by any other programme or initiative in the same manner. Member States that have joined the EU in the last enlargement are in particular extremely satisfied with the services provided, not least since IDABC offers them a way to improve their own telematic infrastructures and services. Stakeholders do not seem to have a consensual view on whether administrations are a sufficient and satisfactory target group or whether efforts to satisfy needs of businesses and citizens should be increased.

Coherence: there appears to be a good level of internal coherence between the measures supported by the IDABC programme. IDABC actions contribute to the programme’s objectives following a holistic approach. The coherence of the programme vis-à-vis the other Community activities in the area of Pan-European eGovernment and infrastructure services, i.e. the external coherence, deserves more attention.

The current state of progress of the actions funded by the IDABC programme - about 50% of the actions included in the work programme had actually started in the first quarter of year 2006. The proportion was slightly higher for the Projects of Common Interest than for the Horizontal Measures. **Co-ordination and involvement of Member States:** the establishment, within the Member States, of a national co-ordinated and consolidated approach to Projects of Common Interest appeared to be quite controversial for certain categories of stakeholders. This controversy leads actually to a global level of dissatisfaction as regards the ability to co-ordinate opinions between Member States' representatives in the PEGSCO and in the sectoral committees. However, some Member States have implemented specific means by which the PEGSCO member and the sectoral committee members co-ordinate their views.

The evaluation of the implementation of the IDABC programme has lead to a number of **conclusions and recommendations**, which are detailed in the Communication. In brief, they are as follows:

- a greater attention must be paid to the timing of evaluations. Since compliance to the calendar in the IDABC Decision is obligatory, for future programmes a higher degree of flexibility with regard to the timing of the evaluations should be envisaged in the Decision, and consequently enable the programme to benefit from evaluation results more fully;

- the Commission must ensure that all players know their part in the implementation process. Organisational diagrams should be designed and operational descriptions of the roles of the contributors adequately disseminated, first and foremost in the case of Projects of Common Interest;

- efforts should be made at the strategic level of the programme to gather and disseminate specific and up-to-date information about users' needs. The evaluation suggests that PEGSCO members are solicited as they are an important source of knowledge and, at the same time, that knowledge sharing sessions are organised. Data from the project feasibility studies could also be synthesised and disseminated;

- the extent to which IDABC actions are able to comply with agreed milestones should be closely monitored during the implementation of the programme, in particular for Horizontal Measures . The evaluation underlines the need for establishing a more balanced action/staff ratio in the management of the Horizontal Measures, both in relation to the IDABC programme and to any subsequent programme;

- a strategic appraisal of the links between the various EU programmes within which the EC develops interoperable eGovernment initiatives should be carried out in order that inter-programme learning processes and synergies can be enhanced. The results of this strategic appraisal should lead to a specification of the strategic positions and inter-relationships of the EC eGovernment related programmes.

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.

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

2003/0147(COD) - 29/05/2009 - Follow-up document

The purpose of this Communication is to present the findings and recommendations of the final evaluation of the implementation of Decision 2004/387 /EC (the IDABC programme). The evaluation focuses on issues of relevance, efficiency, effectiveness, utility, sustainability and coherence. The paper discusses to what extent the programme has measured up to these criteria. Apart from specific questions linked to these evaluation issues, two cross-cutting questions were raised in relation to:

- the current state of progress of the actions funded by the IDABC programme, and
- co-ordination with and involvement of Member States.

Overall the Commission considers that the programme is in line with the eGovernment Policy priorities of the European Commission, plays a unique role within the European instruments to foster the integration of Europe through interoperable public administrations and is on track in the implementation of actions.

Efforts to enhance the efficiency and effectiveness of the programme should concentrate on:

- **the strategic environment in which the programme should operate**: the evaluation suggests raising the programme's profile in order to increase its political standing and enhance awareness at national level. In the context of the proposal for the IDABC follow-on programme, ISA, the Commission has suggested that Member States nominate management committee members at the level of the national Chief Information Officer. The Commission is in the process of developing a European Interoperability Strategy (EIS) which will form the basis of the ISA programme. In addition to the EIS, the ISA programme will be based on the European Interoperability Framework (EIF), which is in the process of being completed. Priorities established in the EIS will be translated into concrete actions which will form the basis of the rolling ISA work programme covering the duration of the programme (6 years);

- **stakeholder communication tools:** the evaluation highlights the importance of putting in place appropriate communication and consultation mechanisms for interacting with stakeholders, in particular policy sectors and Member States, but also the ICT industry. These mechanisms should be used, as an example, for discussing the sustainability of different actions with Member States. The Commission will intensify the communication efforts made by the IDABC programme in the future ISA programme. A communication strategy will be developed, targeting various stakeholders, such as administrations at various levels, industry, standardisation organisation and open source communities;

- **development of monitoring methods:** for future programmes the evaluation recommends that the appropriate contractual frameworks be put in place in due time, to avoid the risk of a delayed start to the actions. The Commission outlines the indicators in the ISA proposal and discusses its plans for the monitoring of individual actions.

The Commission will take all recommendations into consideration in the implementation of the ISA programme, as well as, for the actions still to be implemented in the remaining period of the IDABC programme, to the extent this is possible in the current time-frame.

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

2003/0147(COD) - 18/12/2003 - Council position

The common position follows the general lines and objectives of the Commission's amended proposal and reinforces the focus on pan-European eGovernment services. The Common Position has been accepted in Council by unanimity. The common position shares the overall objective of the Commission's proposal and in general terms, the proposed means of attaining that objective. However, the text of the proposal has been reworded in the course of discussion within the Council. Moreover, some articles were restructured to enhance clarity and strengthen the focus. The main points of the common position differing from the Commission proposal are the following: - the common position restructured the original Article 1 into two articles, the first indicating the scope of the Decision and the second stating the objective. Moreover, in Article 2 of the Common position, the Council amended the objectives in order to focus more on the pan-European eGovernement services and the needs of the businesses and citizens, all the while recognising the role of the underlying networks and infrastructure services. - the Article 3 of the Commission's proposal has been deleted. The Council considers that the prioritisation can be done on the basis of Article 2 (Objective) and the two Annexes. - as far as the implementation principles are concerned, the Council increased the amount of definition in point 7 in view of avoiding duplication and speeding up development of eGovernment services. - the Council amended the Article on the implementation procedure and the Article on budgetary provisions in order to ensure a rolling work programme with adequate flexibility when modifications are needed during the duration of the programme all the while taking into account the budget breakdown per project of common interest or horizontal measure. - the name of the management committee has been changed to the Pan-European eGovernment Services Committee (PEGSCO) to better correspond to the new focus of the programme. A new Article was formed from the last paragraph of this article for sake of clarity. - the Council has amended the Article evaluation to take into account the fact that the IDABC programme extends beyond the current financial perspective and to enable full benefits to be drawn from the envisaged evaluations of the programme. - Article on the financial framework has been amended to better correspond to the text of the Interinstitutional Agreement on budgetary discipline and improvement of budgetary procedure and to take into account the fact that the IDABC programme extends beyond the current financial perspective. - Annex II (horizontal measures) has been amended to single out those activities that go beyond the provision of technology and software solutions. The amended Annex and the associated amendments to the remaining text aim to ensure that the provision of cross-sectoral pan-European eGovernment services are initiated, enabled and managed by the Commission.

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

2003/0147(COD) - 21/04/2004 - Final act

PURPOSE : to establish, for the period 2005-2009, a Programme for Interoperable Delivery of pan-European eGovernment Services to European Public Administrations, Community institutions and other entities and to European Businesses and Citizens (the 'IDABC programme'). LEGISLATIVE ACT : Decision 2004/387/EC of the European Parliament and of the Council on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC). CONTENT : the objective of the IDABC programme is to identify, support and promote the development and establishment of pan-European eGovernment services and the underlying interoperable telematic networks supporting the Member States and the Community in the implementation, within their respective areas of competence, of Community policies and activities, achieving substantial benefits for public administrations, businesses and citizens. The programme aims also 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; - extend the benefits of the interchange of information in order to facilitate the delivery of services to businesses and citizens taking into account their needs; - support the Community decision-making process and facilitate communication between the Community institutions by developing the related strategic framework at the pan-European level; - achieve interoperability, both within and across different policy areas and, where appropriate, with businesses and citizens, notably on the basis of a European Interoperability Framework; - contribute to the efforts of Member State public administrations and the Community in terms of streamlined operations, prompter implementation, security, efficiency, transparency, service culture and responsiveness; - promote the spread of good practice and encourage the development of innovative telematic solutions in public administrations. The IDABC programme may be opened, within the framework of their respective agreements with the Community, to participation by the countries of the European Economic Area and the candidate countries. Cooperation with other third countries, in implementing projects of common interest and horizontal measures, shall be encouraged, notably with public administrations in Mediterranean countries, the Balkans and eastern European countries. Particular attention shall also be given to international cooperation in support of development and economic cooperation. Related costs shall not be covered by the IDABC programme. International organisations or other international entities may take part in the implementation of projects of common interest and horizontal measures at their own cost. As regards the financial framework for the implementation of the Community action under this Decision for the period from 1 January 2005 to 31 December 2009 is set at EUR 148,7 million, of which EUR 59,1 million is for the period until 31 December 2006. For the period following 31 December 2006, the amount shall bedeemed to be confirmed if it is consistent for this phase with the financial perspective in force for the period commencing in 2007. The annual appropriations for the period from 2005 to 2009 shall be authorised by the budgetary authority within the limit of the financial perspective. Moreover, the Commission shall, in coordination with the Member States, carry out an evaluation of the implementation of this Decision by mid-2006 at the latest. In the context of this evaluation the Commission shall report on the consistency of the amount for 2007-2009 with the financial perspective. If applicable, the Commission shall take the necessary steps within the budgetary procedures for 2007-2009 to ensure the consistency of the annual appropriations with the financial perspective. The Commission shall be assisted by a committee called the Pan-European eGovernment Services Committee (PEGSCO). The Commission shall report annually to the PEGSCO on the implementation of this Decision. ENTRY INTO FORCE : 07/06/2004. It shall apply from 1 January 2005 until 31 December 2009.

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

2003/0147(COD) - 26/03/2004 - Commission opinion on Parliament's position at 2nd reading

The European Parliament proposed three amendments at second reading. They are as follows: - requesting that the Decision make reference to EU Directive 2002/58 on the processing of personal data and the protection of privacy in the electronic communications sector; - clarification that the proposed Decision is "policy" related and not a programme; - the inclusion of a new date, 31 December 2006, by which mechanisms to ensure the financial and operational sustainability of infrastructure services shall be defined and agreed. This allows the Commission to take into account the results of the first evaluation of the implementation of the Decision.

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

2003/0147(COD) - 08/07/2003 - Legislative proposal

PURPOSE : to present a proposal for a Decision on interoperable delivery of pan-European eGovernment Services to Public Administrations, Businesses and Citizens (IDABC). CONTENT : following on from the IDA II Programme (which expires on 31 December 2004), this present proposal establishes a follow-on Programme called IDABC (Interoperable Delivery of pan-European eGovernment Services to Public Administration, Businesses and Citizens). The challenges facing Europe today, such as enlargement, sustainable economic growth, social development, safeguarding security and overcoming the distance between the European Union and its citizens, require joint policy responses at EU level. They also require governments to join forces as far as the implementation of common policies is concerned. The implementation of a broad range of legislative acts is in fact the shared responsibility of the Member States and the European Commission and requires the development of news ways of working together, based on Information Technology (IT) and telematic networks. Moreover, the Action Plan for eEurope 2005, endorsed by the European Council meeting in Seville in June 2002, underlines the importance of eGovernment and in particular the establishment of pan-European eGovernment services to businesses and citizens in support of cross border activities thus complementing and providing a framework for initiatives regarding eGovernment at national, regional and local levels. The new programme will comprise 2 strands, namely projects of Common Interest in support of sectoral policies and horizontal measures in support of interoperability, mainly infrastructure services. The objectives of the proposed Decision are: - to enable the efficient, effective and secure interchange of information between public administrations, whether national, regional or local, as well as between such administrations and the Community institutions or other entities as appropriate, in order for the Member States and the Community to implement, within their respective areas of competence, the Community policies and activities of the Treaty; - to extend the benefits of the interchange of information to businesses and citizens; - to facilitate communication between the Community institutions and support the Community decision-making process and

develop the related strategic framework at the pan-European level; - to promote citizens' and businesses' participation in the construction of the European Union; - to achieve interoperability, both within and across different administrative sectors and, where appropriate, with businesses and citizens; - to converge networks towards a common telematic interface; - to achieve substantial benefits for Member State public administrations and the Community in terms of streamlined operations, speeded-up implementations, security, efficiency, transparency, service culture and responsiveness; - to promote the spread of good practice and encourage the development of innovative telematic solutions in public administrations. The horizontal measures consist of infrastructure services and strategic and support services. The main objective of the infrastructure support services is to facilitate interoperability between systems, information and processes at the pan-European level, as this is a fundamental requirement from both the technical and the economic perspectives. The interoperability of the information systems, the sharing and re-use of the information, and joining-up of the administrative processes are essential for the provision of high quality seamless and interactive, user-centric eGovernment services. As regards the financial reference amount for the implementation of the Community action under this Decision for the period from 1 January 2005 to 31 December 2006, the proposed amount is set at EUR 59.1 million, out of which: - EUR 30.5 million for projects of common interest; - EUR 28.6 million for horizontal measures. For the period from 1 January 2007 to 31 December 2009 this amount shall be increased to EUR 89.6 million out of which: - EUR 44.2 million for projects of common interest; - EUR 45.4 million for horizontal measures. In comparison with the IDA II Programme, the annual budget of the follow-on Programme has been increased by about 20% to cover expenditures relating to the full integration of the new Member States. Furthermore, in support of the eEurope initiatives, the scope of the IDABC Programme is broader in as far as it encompasses networks as well as services extending the benefits of the interaction between administrations to businesses and citizens. Likewise, increased funding should be available to ensure efficient, effective and secure interchange of information.

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

2003/0147(COD) - 18/11/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Mel READ (PES, United Kingdom) and approved the Commission's proposal subject to a few amendments. (Please see the document dated 04/11/03.)

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

2003/0147(COD) - 11/03/2004 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution drafted by Mel READ (PES, UK) and made two amendments to correct drafting errors. It also stated that Directive 2002/58/EC must be taken into account as well as Directive 95/46/EC.