



EUROPEAN COMMISSION  
Internal Market and Services DG

Deputy Director-General

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Mr Joaquín Bayo Delgado  
Assistant European Data Protection  
Supervisor  
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<b>EDPS</b> - Incoming mail	
DATE:	30.06.2008
DR: A-	1218
CR:	2008-589
U/EO:	350/23

**Subject: EDPS Opinion on the Commission IMI Decision**

Dear Mr Bayo Delgado,

On 22<sup>nd</sup> February 2008 Mr Hustinx sent the EDPS Opinion on the Commission Decision on the Internal Market Information System (IMI) to President Barroso. I would like to thank the EDPS, on behalf of President Barroso, for its comments.

We have carefully analysed the EDPS opinion and have had two constructive meetings with your staff for which we are very grateful.

We do not share the concerns set out in the EDPS Opinion about the legal basis of the IMI Decision. We have discussed this in some detail with your services and are ready for further exchange of views on this subject.

We fully understand that the EDPS wishes to ensure that a number of detailed data protection issues are dealt with adequately. We believe that an appropriate starting point would be to draw up guidelines on IMI and data protection for the competent authorities that will use IMI. Such guidelines could be in the form of a Commission Recommendation or Commission Communication and would complement the Commission IMI Decision by explaining how the existing data protection rules can best be applied when competent authorities use IMI.

My services would greatly appreciate the advice of the EDPS in drawing up these guidelines and would like to be able to consult your services and draw on their expertise and experience during the drafting process. After a reasonable period of time, we would evaluate the practical effect of these guidelines and then decide whether or not additional Community legislation would be appropriate.

I hope that this way forward could meet the concerns of the EDPS and also contribute to the acceptance and use of IMI in the Member States. We believe that it is important to explain the issues that have been discussed to the data protection authorities in the Member States and to inform them in an appropriate manner of the steps that are being taken to deal with the issues raised in the EDPS opinion.

Finally I can assure you that the Commission takes the important points raised by the EDPS in its Opinion very seriously. I therefore think that it would be appropriate for us to meet in order to review the issues already discussed by our services. I have therefore asked my services to organise such a meeting and I look forward to meeting you in the near future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thierry Stoll', with a horizontal line extending from the end of the signature.

Thierry Stoll