



European Economic and Social Committee (EESC)
Section for the Single Market, Production and Consumption
Single Market Observatory (SMO)

**Follow-up of the European Commission on the
EESC opinion on the "Internal Market Information System (IMI)"**

COM(2011) 75 final - COM(2011) 522 final - [CESE 1848/2011](#) – INT/572 – adopted on 7 December 2011

Rapporteur: [Mr Bernardo Hernández Bataller](#) (Gr. III - Various Interests – Spain)

Main points of the EESC Opinion

Commission Position
DG MARKT – Mr BARNIER

1.1 The EESC "welcomes the Commission's intention of improving the governance of the single market through greater administrative cooperation, broadening and developing the Internal Market Information System (IMI) and establishing a proper electronic network for direct contact between the various administrations".

The Commission appreciates the Committee's approval of its expansion strategy for IMI, as well as its proposal for a robust legal basis for IMI (the IMI Regulation).

1.2 The EESC "welcomes the intention stated in the proposal for a regulation to establish rules for using IMI for administrative cooperation addressing, inter alia, the functions of the various IMI users, the exchange of information, notification procedures, warning mechanisms and reciprocal assistance agreements."

1.4 The EESC "suggests including among the definitions set out in Article 5 the concept of "IMI data", which are economic and professional data that relate to the exercise of economic and professional activities in the internal market and which are exchanged through the IMI system. These data are provided for in the directives establishing the IMI as the instrument for administrative cooperation between national authorities."

There are no plans to use IMI for the collection of general information regarding the conditions for exercising economic and professional activities. Such information can be found via the Points of Single Contact and via the Your Europe portal. Therefore there is no need for a separate definition of such data.

1.6 The EESC "recommends that the system's development include an objective distinction between data, with regard to the conditions under which economic and professional activities are exercised in the various Member States, to ensure that these data are accessible to private individuals and businesses alike."

Main points of the EESC Opinion

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1.7 The EESC "rejects outright, however, the idea that any exchanged data may also be processed as set out in the proposal for a regulation, for two reasons: firstly, because nowhere do the directives state that the IMI system helps to implement the need for data to be processed under the administrative cooperation they provide for; and secondly, because in the EESC's opinion, the practical requirements to supervise and monitor the operation of the IMI system outlined by the Commission by no means justify expanding the scope for processing exchanged personal data to cover the creation of independent and separate files through processing."

The legislative proposal uses the terms "personal data" and "processing of personal data" as defined in Article 2 of Directive 95/46/EC and Article 2 of Regulation No 45/2001. The term "processing" is broad enough to encompass all operations which must be performed on personal data in order to implement in practice the administrative cooperation and information exchange mandated by the sector-specific directives supported by IMI (listed in Annex I to the proposal), including, for example, the collection of personal data, its recording by electronic means and storage in the system, as well as the transmission, disclosure, consultation and use of the personal data by competent authorities. It should be noted that the recourse to existing definitions does not create a new legal basis for data processing which would go beyond what is strictly necessary to implement the sector-specific directives.

1.8 "Lastly, given the quantitative leap represented by this system, the number of participants and the flow of information, the EESC would recommend that provision be included for a basic dispute settlement system for cases of "transnational" non-compliance. Even a rudimentary system of this nature would help clarify responsibility for any system malfunction or poor system management, which would help improve legal certainty for the public."

The Commission is responsible for the technical management and functioning of the IMI system. The national IMI coordinators have a role to ensure the efficient functioning of administrative cooperation through the system. If IMI users encounter problems in this respect, they can turn to their national IMI coordinator for assistance. Based on experience so far, this arrangement is working very well in practice. .
