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2009 - 2014

Committee on the Internal Market and Consumer Protection

2011/0226(COD)

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AMENDMENTS

41 - 92

Draft report
Adam Bielan
(PE480.576v01-00)

Administrative cooperation through the Internal Market Information System
(‘the IMI Regulation’)

Proposal for a regulation
(COM(2011)0522 – C7-0225/2011 – 2011/0226(COD))

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United in diversity

EN

Amendment 41
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The application of certain Union acts governing the free movement of goods, persons, services and capital in the internal market requires Member States to cooperate and exchange information with one another and with the Commission. As practical means to implement such information exchange are often not specified in those acts, appropriate practical arrangements need to be made.

Amendment

(1) The application of certain Union acts governing the free movement of goods, persons, services and capital in the internal market requires Member States to cooperate ***more effectively*** and exchange information with one another and with the Commission. As practical means to implement such information exchange are often not specified in those acts, appropriate practical arrangements need to be made.

Or. el

Amendment 42
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The Internal Market Information System (hereinafter ‘IMI’) is a software application accessible via the Internet, developed by the European Commission in cooperation with the Member States, in order to assist Member States with the practical implementation of information exchange requirements laid down in Union acts by providing a centralised communication mechanism to facilitate ***cross-border*** exchange of information and mutual assistance. In particular, IMI helps competent authorities to identify their counterpart in another Member State, manage the exchange of information, including personal data, on the basis of

Amendment

(2) The Internal Market Information System (hereinafter ‘IMI’) is a software application accessible via the Internet, developed by the European Commission in cooperation with the Member States, in order to assist Member States with the practical implementation of information exchange requirements laid down in Union acts by providing a centralised communication mechanism to facilitate exchange of information and mutual assistance. In particular, IMI helps competent authorities to identify their counterpart in another Member State, manage the exchange of information, including personal data, on the basis of

simple and unified procedures and overcome language barriers on the basis of pre-defined and pre-translated workflows.

simple and unified procedures and overcome language barriers on the basis of pre-defined and pre-translated workflows.

Or. el

Amendment 43
Louis Grech

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In adopting this new Regulation, whilst building on the achievements and successes of the 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 data¹ and Commission Recommendation of 26 March 2009 on data protection guidelines for Internal Market Information System (IMI)² on which the IMI system currently operates, administrative cooperation between Member States should be further defined and clarified with the scope of improving the exchange of information within the internal market. The workings of the IMI system should be analysed in light of recent salient issues which have arisen at Union as well as at global level, namely those linked to data protection law, internet privacy and security and the fundamental rights and freedoms of individuals.

¹ OJ L 13, 16.1.2008, p. 18.

² OJ L 100, 18.4.2009, p. 12.

Or. en

Amendment 44
Christel Schaldemose

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Member States and the Commission should ensure that their IMI actors have the adequate resources available in order to achieve efficient and well-functioning administrative cooperation through IMI.

Or. en

Amendment 45
Anna Maria Corazza Bildt, Andreas Schwab, Constance Le Grip, Raffaele Baldassarre

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) While IMI is in essence a communication tool for public authorities, not open to the general public, technical means may need to be developed to allow external actors such as citizens, enterprises and organisations to interact with the competent authorities in order to supply information and retrieve data, or to exercise their rights as data subjects. Such technical means should include appropriate safeguards for data protection.

(12) While IMI is in essence a communication tool for public authorities, not open to the general public, technical means may need to be developed to allow external actors such as citizens, enterprises and organisations to interact with the competent authorities in order to supply information and retrieve data, or to exercise their rights as data subjects. Such technical means should include appropriate safeguards for data protection. ***In order to ensure a high level of security, any such public interface should be developed as technically separate from the IMI application to which only IMI users should have access.***

Or. en

Amendment 46
Christel Schaldemose

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) While IMI is in essence a communication tool for public authorities, not open to the general public, technical means may need to be developed to allow external actors such as citizens, enterprises and organisations to interact with the competent authorities in order to supply information and retrieve data, or to exercise their rights as data subjects. Such technical means should include appropriate safeguards for data protection.

Amendment

(12) While IMI is in essence a communication tool for public authorities, not open to the general public, technical means may need to be developed to allow external actors such as citizens, enterprises and organisations to interact with the competent authorities in order to supply information and retrieve data, or to exercise their rights as data subjects. Such technical means should include appropriate safeguards for data protection. ***When external actors interact with the competent authorities in IMI, such public interface should be developed completely separate from the IMI application to which only IMI users should have access.***

Or. en

Amendment 47
Heide Rühle

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The European Data Protection Supervisor should monitor and ensure the application of the provisions of this Regulation, including the relevant provisions on data security.

Amendment

(16) The European Data Protection Supervisor should monitor and ensure the application of the provisions of this Regulation, ***inter alia maintaining contacts with national data protection authorities,*** including the relevant provisions on data security.

Or. en

Amendment 48

Anna Maria Corazza Bildt, Andreas Schwab, Constance Le Grip, Raffaele Baldassarre

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In order to enhance confidence in the operability of IMI, the Commission should conduct technical controls and stress tests as appropriate, as a means of increasing the use of IMI across the Union.

Or. en

Amendment 49

Christel Schaldemose

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) It should be possible to include IMI actors' counterparts from third countries in the IMI, provided that an international agreement has been concluded between the Union and the third country or third countries concerned and provided that it has been established that the third country or countries concerned offer a sufficient level of protection of personal data, including meeting the requirements of Directive 95/46/EC.

Or. en

Amendment 50

Louis Grech

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation lays down rules for the use of an Internal Market Information System, hereinafter ‘IMI’, for administrative cooperation, including processing of personal data, among competent authorities in the Member States and the Commission.

Amendment

This Regulation lays down rules for the use of an Internal Market Information System, hereinafter ‘IMI’, for administrative cooperation, including processing of personal data, among competent authorities in the Member States and the Commission.
It should be ensured that all personal data and information circulated among the different competent authorities should be collected, processed and used for strictly legitimate purposes which are in line with data protection rules. Furthermore, all relevant safeguards against abuse of the system should be firmly put in place.

Or. en

Amendment 51
Othmar Karas

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The use of IMI shall be mandatory for the purpose of administrative cooperation falling within the scope of this Regulation.

Or. de

Amendment 52
Heide Rühle

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Development of IMI

Expansion of IMI

Or. en

Amendment 53
Heide Rühle

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. *For the* acts listed in Annex *II to this Regulation, the* Commission *may* decide *that IMI* shall be *used, taking into account technical feasibility, cost-efficiency, user-friendliness and overall impact* on the system. *In such cases,* the Commission shall *be empowered to include those acts in Annex I following the procedure referred to in Article 23.*

1. *The Commission may carry out pilot projects in order to assess whether IMI would be an effective tool for the implementation of provisions for administrative cooperation of internal market acts not yet listed in the Annex. The Commission shall decide which internal market acts shall be subject to a pilot project, and on the modalities of that project.*

1a. Prior to expanding IMI to new areas and/or internal market acts not yet listed in the Annex, the Commission shall undertake a full risk assessment and impact assessment regarding data protection.

1b. The Commission shall submit an evaluation of the outcome of the pilot project, risk assessments and impact assessments to the European Parliament and to the Council, accompanied, where appropriate, with a legislative proposal to amend the Annex to expand IMI to the relevant internal market acts.

Or. en

Justification

Art 25a (new) is an Article referring to Implementing Acts

Amendment 54

Adam Bielan

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. *For the acts listed in Annex II to this Regulation, the Commission may decide that IMI shall be used, taking into account technical feasibility, cost-efficiency, user-friendliness and overall impact on the system. In such cases, the Commission shall be empowered to include those acts in Annex I following the procedure referred to in Article 23.*

Amendment

1. *The Commission may propose an amendment to the Annex to this Regulation if it decides that IMI is to be used for new legislative acts of the Union.*

Or. en

Amendment 55

Adam Bielan

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Before submitting a proposal referred to in paragraph 1, the Commission may carry out pilot projects in order to assess whether IMI would be an effective tool for the implementation of provisions on administrative cooperation of internal market acts not yet listed in the Annex.

Or. en

Amendment 56

Adam Bielan

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Any Commission proposal to amend the Annex to expand IMI shall be based on an impact assessment. That impact assessment shall indicate:

(a) technical feasibility, having regard in particular to the possibility of re-using existing system functionalities;

(b) cost-effectiveness, including expected costs of the hosting, maintenance and development required;

(c) impact of IMI extension regarding compliance with data protection requirements;

(d) definition of the significant scope to be covered by IMI in order to provide a more efficient cross-border public service;

(e) detailed specifications of IT developments necessary to cover the expansion of the scope of IMI;

(f) effective need to provide translation functionality;

(g) user-friendliness for IMI users.

Or. en

Amendment 57

Heide Rühle

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The adoption of the delegated act may be preceded by a test phase (pilot project)

deleted

of a limited duration involving several or all Member States.

Or. en

Amendment 58
Morten Løkkegaard

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The *adoption of the delegated act* may *be preceded by a test phase (pilot project) of a limited duration involving several or all Member States.*

Amendment

2. The *Commission* may *carry out* pilot projects in order to assess whether IMI would be useful for administrative cooperation in relation to internal market acts not yet listed in Annex I.

Or. en

Amendment 59
Anna Maria Corazza Bildt, Andreas Schwab, Constance Le Grip, Raffaele Baldassarre

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. *The adoption of the delegated act* may *be preceded by a test phase (pilot project) of a limited duration involving several or all Member States.*

Amendment

2. *The Commission* may *carry out* test phases (pilot projects) of a limited duration in order to assess the feasibility of expanding IMI to other internal market acts not yet listed in the Annex. *The Commission shall submit the results of the pilot projects to the European Parliament and to the Council, and where appropriate accompany them with a legislative proposal to amend the Annex for the expansion of IMI.*

Or. en

Amendment 60
Morten Løkkegaard

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall, upon concluding a pilot project, submit an evaluation of the pilot project to the European Parliament.

Or. en

Amendment 61
Morten Løkkegaard

Proposal for a regulation
Article 5 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ‘Internal Market Information System’ (‘IMI’) means the electronic tool provided by the European Commission to facilitate administrative cooperation between ***national administrations*** and the Commission;

(a) ‘Internal Market Information System’ (‘IMI’) means the electronic tool provided by the European Commission to facilitate administrative cooperation ***among competent authorities or*** between ***competent authorities*** and the Commission;

Or. en

Amendment 62
Adam Bielan

Proposal for a regulation
Article 5 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ‘Internal Market Information System’ (‘IMI’) means the electronic tool provided by the ***European*** Commission to facilitate

(a) ‘Internal Market Information System’ (‘IMI’) means the electronic tool provided by the Commission to facilitate

administrative cooperation between national administrations and the Commission;

exchange of information necessary for administrative cooperation between national administrations and the Commission;

Or. en

Amendment 63
Rolandas Paksas

Proposal for a regulation
Article 5 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) ‘IMI data’ means economic and professional data which relate to the exercise of economic and professional activities in the internal market and which are exchanged through the IMI system.

Or. lt

Amendment 64
Morten Løkkegaard

Proposal for a regulation
Article 5 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) ‘external actors’ means natural or legal persons other than IMI users that may ***use*** IMI through technical means and in accordance with a specific pre-defined workflow provided for this purpose;

(i) ‘external actors’ means natural or legal persons other than IMI users that may ***interact with*** IMI through technical means and in accordance with a specific pre-defined workflow provided for this purpose;

Or. en

Amendment 65
Heide Rühle

Proposal for a regulation
Article 5 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(j a) 'formal closure' refers to the closure of a case, once the case has served its primary purpose. Such closure requires the active participation of an IMI user and that IMI user's agreement to close a case by an IMI user.

Or. en

Amendment 66
Heide Rühle

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States, ***in cooperation with the Commission***, shall designate the IMI coordinators and competent authorities and the internal market areas in which they have competence.

2. Member States shall designate the IMI coordinators and competent authorities and the internal market areas in which they have competence. ***The Commission may play a consultative role in this process.***

Or. de

Amendment 67
Hans-Peter Mayer, Andreas Schwab

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States, ***in cooperation with the Commission***, shall designate the IMI coordinators and competent authorities and the internal market areas in which they have competence.

2. Member States shall designate the IMI coordinators and competent authorities and the internal market areas in which they have competence. ***The Commission may play a consultative role in this process.***

Justification

The words ‘in cooperation with the Commission’ should be deleted. Such cooperation would encroach on the Member States’ administrative independence. The right to designate the relevant bodies and their remit should be the exclusive preserve of the Member States’ administrative authorities, as they know the most about national, regional and local administrative structures. The Commission should play no more than a consultative role in this process.

Amendment 68

Kyriacos Triantaphyllides

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

5. The use of personal data processed by means of IMI for a specific purpose in a way incompatible with that original purpose shall be prohibited, unless explicitly provided for *by law*.

Amendment

5. The use of personal data processed by means of IMI for a specific purpose in a way incompatible with that original purpose shall be prohibited, unless explicitly provided for *under the legislation of the Member States*.

Amendment 69

Morten Løkkegaard

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. External actors may *use* IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where

Amendment

7. External actors may *interact with* IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data

otherwise provided for by a Union act.

subjects, or where otherwise provided for by a Union act. ***External actors shall have access to a public interface and their own personal data only.***

Or. en

Amendment 70

Anna Maria Corazza Bildt, Andreas Schwab, Constance Le Grip, Raffaele Baldassarre

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where otherwise provided for by a Union act.

Amendment

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where otherwise provided for by a Union act.
External actors shall only have access to a public interface, which is technically separate from the IMI application and does not provide access to personal data exchange between competent authorities.

Or. en

Amendment 71

Christel Schaldemose

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where

Amendment

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where

otherwise provided for by a Union act.

otherwise provided for by a Union act. ***The use by external actors of IMI may not provide access to the personal data of citizens.***

Or. en

Amendment 72

Othmar Karas

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where otherwise provided for by a Union act.

Amendment

7. External actors may use IMI with the technical means provided for this purpose, where necessary to facilitate administrative cooperation between competent authorities in Member States, or in order to exercise their rights as data subjects, or where otherwise provided for by a Union act.
External actors' access to SOLVIT shall be fully maintained.

Or. de

Amendment 73

Anna Maria Corazza Bildt, Constance Le Grip, Raffaele Baldassarre

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. IMI actors shall ensure that requests of other IMI actors for confidential treatment of information exchanged by means of IMI are ***complied with*** by IMI users working under their authority.

Amendment

2. IMI actors shall ensure that requests of other IMI actors for confidential treatment of information exchanged by means of IMI are ***respected*** by IMI users working under their authority.

Or. en

Amendment 74
Morten Løkkegaard

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Personal data processed in IMI shall be blocked at the latest eighteen months after the formal closure of an administrative cooperation procedure, unless blocking before that period is expressly requested by a competent authority, on a case-by-case basis.

Amendment

1. Personal data processed in IMI shall be blocked at the latest eighteen months after the formal closure of an administrative cooperation procedure, unless blocking before that period is expressly requested ***in the applicable internal market act or*** by a competent authority, on a case-by-case basis.

Or. en

Amendment 75
Kyriacos Triantaphyllides

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Personal data processed in IMI shall be ***blocked*** at the latest eighteen months after the formal closure of an administrative cooperation procedure, unless blocking before that period is expressly requested by a competent authority, on a case-by-case basis.

Amendment

1. Personal data processed in IMI shall be ***deleted automatically*** at the latest eighteen months after the formal closure of an administrative cooperation procedure, unless blocking ***or deletion*** before that period is expressly requested by a competent authority ***and the request substantiated***, on a case-by-case basis.

Or. el

Amendment 76
Christel Schaldemose

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Personal data processed in IMI shall be blocked **at the latest** eighteen months after the formal closure of an administrative cooperation procedure, **unless blocking before that period is expressly requested** by a competent authority, on a case-by-case basis.

Amendment

1. Personal data processed in IMI shall be blocked **in the system after a period of no longer than** eighteen months after the formal closure of an administrative cooperation procedure, **and which is determined either on the request of** a competent authority, on a case-by-case basis, **or on the basis of the applicable Union act.**

Or. en

Amendment 77
Christel Schaldemose

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Where an administrative cooperation procedure in IMI establishes a repository of information for future reference by IMI actors, the personal data included in such a repository may be processed for as long as it is needed for this purpose either with the consent of the data subject or where this is necessary to comply with a Union act.

Amendment

2. Where an administrative cooperation procedure in IMI establishes a repository of information for future reference by IMI actors, the personal data included in such a repository may be processed for as long as it is needed for this purpose either with the consent of the data subject or where this is necessary to comply with a Union act. **The storage of personal data included in the repository shall comply with the provisions of data protection set out in Union legislation, in particular in point (e) of Article 6(1) of Directive 95/46/EC and point (e) of Article 4(1) of Regulation 45/2001.**

Or. en

Amendment 78
Heide Rühle

Proposal for a regulation
Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where a case has been inactive for six months, or not formally closed after six months, IMI users and actors shall receive an automatic notification that the case has been inactive. If the case remains inactive or the competent authority does not signal otherwise within thirty days, the data pertaining to the case shall be blocked.

Or. en

Amendment 79
Kyriacos Triantaphyllides

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. When a natural person ceases to be an IMI user, the personal data relating to him or her shall be blocked by technical means for a period of five years. They shall, with the exception of their storage, only be processed for purposes of proof of an information exchange by means of IMI and shall be deleted at the end of the five-year period.

3. When a natural person ceases to be an IMI user, the personal data relating to him or her shall be blocked by technical means for a period of ***up to*** five years ***if a competent authority expressly requests that the data be blocked and substantiates its request*** They shall, with the exception of their storage, only be processed for purposes of proof of an information exchange by means of IMI and shall be deleted at the end of the five-year period.

Or. el

Amendment 80
Heide Rühle

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. The processing of special categories of data referred to in Article 8(1) of Directive 95/46/EC and Article 10(1) of Regulation (EC) 45/2001 by means of IMI shall be allowed only on the basis of a specific ***ground mentioned in Article 8(2) of the Directive and Article 10(2) of the Regulation*** and with appropriate safeguards to ensure the rights of individuals whose personal data are processed.

Amendment

1. The processing of special categories of data referred to in Article 8(1) of Directive 95/46/EC and Article 10(1) of Regulation (EC) 45/2001 by means of IMI shall be allowed only on the basis of a specific ***legal provision or with the consent of the data subject***, and with appropriate safeguards to ensure the rights of individuals whose personal data are processed.

Or. en

Amendment 81
Heide Rühle

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where sensitive data referred to in paragraph 1 is added to a data subject's file, the data subject shall be informed by the competent authority of the Member State which supplies those data. This information shall also include possible means of redress and the contact details of whom to contact in this regard.

Where such sensitive data are proved wrong, inaccurate or of no further relevance, those sensitive data shall be deleted within thirty days of the decision or notification by the competent authority, whichever is the shorter time period.

Or. en

Amendment 82
Morten Løkkegaard

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. The *processing of* personal data *under this Regulation shall comply* with the rules on data security adopted by the Commission further to Article 22 of Regulation (EC) No 45/2001.

Amendment

1. The *Commission shall ensure that* personal data *processed in IMI complies* with the rules on data security adopted by the Commission further to Article 22 of Regulation (EC) No 45/2001.

Or. en

Amendment 83
Heide Rühle

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. IMI actors shall ensure that data subjects are informed about processing of their personal data in IMI and that they have access to a privacy notice explaining their rights and how to exercise them, in accordance with Articles 10 or 11 of Directive 1995/46/EC and national legislation which is in accordance with that Directive.

Amendment

1. IMI actors shall ensure that data subjects are informed about processing of their personal data in IMI and that they have access to a privacy notice explaining their rights and how to exercise them, *including information about whom to contact throughout the lifespan of their data in IMI and relevant contact details, in* accordance with Articles 10 or 11 of Directive 1995/46/EC and national legislation which is in accordance with that Directive.

Or. en

Amendment 84
Christel Schaldemose

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. IMI actors shall ensure that data subjects are informed about processing of their personal data in IMI and that they have access to a privacy notice explaining their rights and how to exercise them, in accordance with Articles 10 or 11 of Directive 1995/46/EC and national legislation which is in accordance with that Directive.

Amendment

1. IMI actors shall ensure that data subjects are informed ***within 30 days*** about processing of their personal data in IMI and that they have access to a privacy notice explaining their rights and how to exercise them, in accordance with Articles 10 or 11 of Directive 1995/46/EC and national legislation which is in accordance with that Directive.

Or. en

Justification

It must be a priority that the IMI actors commit themselves to inform the data subjects as soon as possible, notwithstanding the different implementation in the Member States of Article 10 or 11 of Directive 1995/46/EC.

Amendment 85
Heide Rühle

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Data submitted by data subject to IMI shall only be used for the purposes for which the data were submitted. Data subject consent shall also be required for extension of the use of those data to new areas or workflows.

Or. en

Amendment 86
Heide Rühle

Proposal for a regulation
Article 17 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) types of administrative cooperation procedures, all IMI functionalities and categories of data that may be processed in IMI.

Or. en

Amendment 87
Morten Løkkegaard

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. IMI actors shall ensure that the data subject may effectively exercise the right of access to data relating to him or her, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out within **60** days by the IMI actor responsible.

1. IMI actors shall ensure that the data subject may effectively exercise the right of access to data relating to him or her ***in IMI***, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out ***as soon as possible but not later than*** within ***30*** days ***after the request of data subject is received*** by the IMI actor responsible.

Or. en

Amendment 88
Anna Maria Corazza Bildt, Andreas Schwab, Raffaele Baldassarre

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. IMI actors shall ensure that the data subject may effectively exercise the right

1. IMI actors shall ensure that the data subject may effectively exercise the right

of access to data relating to him or her, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out within **60** days by the IMI actor responsible.

of access to data relating to him or her, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out ***as soon as possible and not later than*** within **30** days by the IMI actor responsible.

Or. en

Amendment 89
Christel Schaldemose

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. IMI actors shall ensure that the data subject may effectively exercise the right of access to data relating to him or her, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out ***within 60*** days by the IMI actor responsible.

Amendment

1. IMI actors shall ensure that the data subject may effectively exercise the right of access to data relating to him or her, and the right to have inaccurate or incomplete data corrected and unlawfully processed data deleted, in accordance with national legislation. The correction and deletion shall be carried out ***as soon as possible and not later than after 30*** days by the IMI actor responsible.

Or. en

Amendment 90
Kyriacos Triantaphyllides

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Personal data blocked pursuant to Article 13(1) shall not be rectified or deleted unless it can be clearly demonstrated that such rectification or

Amendment

2. Personal data blocked pursuant to Article 13(1) shall not be rectified or deleted ***if a competent authority expressly requests that the data not be deleted but***

deletion is necessary to protect the rights of the data subject and does not undermine their value as proof of an information exchange by means of IMI.

blocked and substantiates its request,
unless it can be clearly demonstrated that such rectification or deletion is necessary to protect the rights of the data subject and does not undermine their value as proof of an information exchange by means of IMI.

Or. el

Amendment 91
Heide Rühle

Proposal for a regulation
Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission's internal control mechanisms shall include data privacy assessments, including a security risk analysis, on the basis of which a data protection policy (including a security plan) will be adopted, as well as periodic reviews and auditing.

Or. en

Amendment 92
Heide Rühle

Proposal for a regulation
Annex I – point 3 a (new)

Text proposed by the Commission

Amendment

3 a. Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – the Internal Market Problem Solving Network: Chapters I and II¹

¹ OJ L 331, 15.12.2001, p. 79.

Or. en

