

ARTICLE 29 Data Protection Working Party



Brussels, 12 AOUT 2011

Chairman of FEDMA
Mr Dieter Weng
5 Avenue Ariane
B- 1200 BRUSSELS
Belgium

Dear Mr Weng,

Thank you for your letter of 3 August 2011 in which you inform on FEDMA's monitoring of the implementation of the Annex of the FEDMA Code and FEDMA's efforts to ensure the Annex is in line with existing legislation, notably with the new provisions of the EPrivacy Directive, in particular as far as cookies and spyware are concerned.

I would like to inform you that earlier this year the Dutch DPA discussed the manner in which consent should be dealt with with the Independent Post and Telecommunications Authority of the Netherlands (OPTA). The Dutch DPA trusts that in its "Vision on Telemarketing" which is to be expected to be published in the coming months, OPTA will correctly take into account the opinion of the Article 29 Working Party. The issue raised in your letter therefore seems to be resolved.

The Article 29 Data Protection Working Party looks forward to receiving the annual report regarding the application of the Code as requested in its opinion WP 174.

Yours sincerely,
On behalf of the Article 29 Working Party,

A handwritten signature in black ink, appearing to be 'J. Kohnstamm', written over a large, loopy flourish.

Jacob Kohnstamm
Chairman of the Article 29
Working Party

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No MO59 2/13.

Website: http://ec.europa.eu/justice/policies/privacy/index_en.htm