



EUROPEAN COMMISSION

*Brussels, 14.1.2014  
C(2013) 21 final*

*Dear President,*

*The Commission would like to thank the Senát for its Opinion concerning the proposal for a Regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 {COM (2013) 228 final} and apologises for the long delay in replying.*

*The Commission would like to provide the following clarifications with respect to the issues raised in the Opinion.*

*The proposal's objective is to strengthen Union citizens' free movement rights and businesses' rights based on internal market freedoms by simplifying administrative formalities relating to the acceptance of public documents when they are presented to the authorities of other Member States. It is a direct contribution to facilitate citizens' exercise of their rights.*

*In its Opinion, the Senát welcomes the proposal calling, however, for the maintenance of the apostille in cases of reasonable doubt as to the authenticity of a public document. The Commission would like to emphasise that in its proposal it put a major focus on the safeguards to prevent fraud, which will become more effective with the strengthening of the administrative cooperation between Member State authorities through the Internal Market Information System ('the IMI'), developed by the Commission in cooperation with the Member States to enable efficient and secure communication between Member State authorities in all official Union languages.*

*In case of reasonable doubt about the authenticity of a public document, the authorities of the Member State where the document is presented may submit, via the IMI, a request for information or verification of the authenticity of the document to the issuing authority. Compared to the apostille formality, which itself can be subject to fraud and forgery, direct contacts between Member State authorities are a much more effective means of preventing fraud.*

*Mr Milan ŠTĚCH  
President of the Senát  
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CZ – 118 01 PRAGUE 1*

*More concretely, if a reasonable doubt about the authenticity of a public document arises, the Member State authority submitting a request for information would have to specify, in each individual instance, the grounds on which the request is based in view of the circumstances of the case. Where information is requested, both the authority submitting the request and the receiving authority would benefit from the multilingual system for communications, with pre-translated standard questions and answers, provided by the IMI. The IMI is operational since 2008. Today, it is used under six Union law instruments.*

*An additional tool for checking the authenticity of national public documents will be the repository of models of national public documents provided by the IMI. This repository will enable Member State authorities to carry out a first check of the authenticity of a public document, thereby also contributing to prevent fraud and forgery.*

*According to the Commission's Impact Assessment accompanying the proposal, the time required to complete the apostille procedure varies between Member States from immediate issuance to periods of up to six months. In contrast, the IMI, being an EU-tailored tool, provides for effective, fast and secure multilingual communication channels for cross-border information exchanges, including the exchange of electronic versions of public documents. Furthermore, on the basis of the proposal, Member State central authorities would share best practices and experience at national level with regard to the acceptance of public documents, the prevention of fraud and the promotion of the use of electronic versions of public documents.*

*Finally, as regards the Senát's point that the removal of the requirement to provide certified translations could result in situations in which the receiving authorities would not be able to assess the quality and correctness of a translation, the Commission notes that the Member State authorities will be able to verify the quality and correctness of a translation of a public document also through the use of the IMI repository of models of national public documents, as this repository will include multilingual translations of these models.*

*The Commission hopes that these clarifications address the concerns raised by the Senát and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*