



EUROPEAN COMMISSION

*Brussels,  
C(2012) 9327 final*

*Ms Barbara PRAMMER  
President of the  
Nationalrat  
Dr. Kar Renner-Ring 3  
A – 1017 WIEN*

*Dear President,*

*The Commission would like to thank the Nationalrat for its Opinion on the proposal for a Regulation on "electronic identification and trust services for electronic transactions in the internal market" {COM(2012) 238 final}.*

*The Commission welcomes the Nationalrat's support for the proposed Regulation aiming at providing a secure and convenient comprehensive framework for cross-border electronic identification and trust services.*

*The Commission shares the Nationalrat's view on the need to build on provisions in Decision 2011/130/EU and would like to highlight that articles 25 and 26 are indeed defined to ease the validation of electronic signatures. In the same spirit, the implementing act foreseen under article 34.4 of the proposed regulation would build upon article 1.1 of Decision 2011/130/EU.*

*With regard to the concerns expressed by the Nationalrat on delegated acts, the Commission would like to underline that the aim of the proposed Regulation is to provide a flexible legal instrument to ensure legal certainty in an area which is characterised by continuous and unforeseeable technological developments. The proposed Regulation provides indeed a set of minimal rules and principles to stand future legal challenges ensuring the proper functioning of a legislative act. The proposed Regulation does not detail those non-essential elements of general application which are considered to be of a more technical nature and do not require political choices falling within the responsibilities of the European Union legislature as underlined by the Court of Justice in a recent judgement<sup>1</sup>, and that may need regular updates to take into account the fast evolution of technology and practices.*

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<sup>1</sup> C-355/10, "Schengen Borders Code", 5.09.2012, p. 65.

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

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*