



EUROPEAN COMMISSION

Brussels, 18.3.2013
C(2013) 1330 final

Dear President,

The Commission would like to thank the Senát 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 experience with the Directive 99/93/EC establishing a framework for electronic signatures has shown that a non-directly applicable legal instrument has limits when it underpins the functioning of a market which relies on complex and often not entirely mature technologies. Indeed, the margins given to Member States for the transposition of the Directive 99/93/EC (in terms of interpretation and of implementation of technical systems) was identified in the Impact Assessment report as a key issue causing the current problems of mutual recognition of services and products and of cross-border interoperability. Given the detected gaps, and in order to encompass provisions on mutual recognition of electronic identification means, electronic signature and related trust services, the Commission considered a single legal instrument of general application to be the right option.

As to the use of delegated acts for the technological solutions of electronic identification and the need to ensure technical neutrality, the proposed Regulation provides the basic principles and provisions to guarantee the legal certainty for the provisioning and the reliance on electronic identification and trust services. In this regard, the proposed Regulation does not set requirements which could be met only by a specific technology. Delegated acts and implementing acts are then foreseen to lay down the more detailed rules for the application of specific provisions of the proposed Regulation. This arrangement ensures the technological neutrality and flexibility of the proposed legal framework which could easily adapt to innovation and the advent of new technologies in accordance with Article 290 and 291 of the Treaty on the Functioning of the EU (TFEU).

The Commission shares the Senát's preoccupation to ensure the highest level of protection of personal data and, in this respect, would like to highlight that the proposal is fully anchored in the European legal framework for data protection. Moreover, the proposal introduces further data protection safeguards, namely the provision on data minimisation and limited processing obligations for trust service providers.

Finally, the Commission takes note of the recommendation of the Senát with regard to the need for a transition period after the entry into force of the legislative act and will examine the options available in the context of the negotiation with the co-legislators.

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The Commission hopes that these clarifications address the observations and suggestions made by the Senát and looks forward to continuing our dialogue on these important issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*