



EUROPEAN COMMISSION

Brussels, 7. 10. 2013
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Dear President,

The Commission would like to thank the Bundesrat 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}.

The Commission welcomes the Bundesrat's support for the general objectives of the proposal.

Relating to the more specific issues raised by the Bundesrat, the Commission would like to give the following clarifications.

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.

As regards simplification measures concerning certified copies and non-certified translations of public document, the aim of these provisions of the proposal is to facilitate citizens' and businesses' life when they need to present such documents to the authorities of other Member States.

Strong focus is put on safeguards for fraud prevention which will become more effective by strengthening administrative cooperation between Member States' authorities through the Internal Market Information System ('the IMI') which was developed by the Commission in cooperation with the Member States and which is designed for secured and structured communication between Member States authorities in all official Union languages. Compared to the apostille formality which itself can be subject to fraud and forgery, direct contacts between Member States' authorities to check the authenticity of a public document is a much more effective means of fraud prevention.

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Maroš Šefčovič
Vice-President

In case of reasonable doubt, certified copies may be subject to a request, via the IMI, for information or verification of their authenticity, addressed to the issuing authority by the authorities of the Member State where the certified copy is presented.

As regards non-certified translations of public document, a certified translation may be required by the authority of the receiving Member State in case of reasonable doubt as to the correctness or the quality of the translation. In addition, the repository of national public documents to be made available in the IMI should contribute to prevent fraud and forgery.

Relating to Union multilingual standard forms, the Commission welcomes the Bundestrat's view that they would result in concrete added value to citizens and businesses, in particular helping to save cost and time on translations. The Commission also notes the Bundestrat's suggestions for their improvement.

As regards the issue of land register law, the proposal focuses on issues relating to the authenticity of public documents in the area of real estate, drawing inspiration from the existing EU law and relevant international instruments. As a result, the proposal exclusively covers the formal validity of public documents to be accepted by Member States without additional certification requirements such as the apostille stamp. Therefore, the proposed Regulation would not affect other national substantive law of the Member States relating to registration requirements for national land registers.

In that context, the Commission finally would like to underline that the proposal in general would not interfere with domestic formal requirements since it would apply only to situations in which public documents have to be presented to the authorities of another Member State.

However, the Commission considers it important that the scope of the proposal covers the cross-border use and acceptance of public documents in the area of real estate, keeping in mind the aim to achieve simplifications for all actors involved: citizens, businesses and public administrations.

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

Yours faithfully,