



EUROPEAN COMMISSION

Brussels, 8.11.2013
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Dear President,

The Commission would like to thank the Senato della Repubblica 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 that the Senato della Repubblica endorses the proposal's legal basis and confirms the proposal's compliance with the principles of proportionality and subsidiarity.

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.

At the same time, a strong focus is put on safeguards for fraud prevention, which will become more effective with the strengthening of the administrative cooperation between Member State authorities through the Internal Market Information System ('the IMI'), to be 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 would be able to submit, via the IMI, a request for information or verification of the authenticity of the document to the issuing authority. The Commission considers that compared to the apostille formality, which itself can be subject to fraud and forgery, direct contacts between Member State authorities is a much more effective means of fraud prevention.

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

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receiving authority would benefit from the multilingual system and the pre-translated and standardised questions and answers provided by the IMI.

An additional tool for checking national public documents' authenticity would be made available within the IMI through the repository of national public documents. This measure should 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. 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, the Commission notes that the issue of reciprocity in the implementation of the proposed Regulation should not arise, as the proposal is presented in the form of an EU regulation. Consequently, all of its provisions, including those on administrative cooperation between Member State authorities, would be directly binding on all Member State authorities.

The Commission hopes that these clarifications address the issues raised by the Senato della Repubblica and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*