

COMMUNICATION

**of the European Affairs Committee of the Federal Council
of 18 July 2012
to the European Parliament and the Council
pursuant to Article 23f (4) of the Austrian Constitution**

COM (2012) 238 final

Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

The European Affairs Committee of the Federal Council deliberated on the above proposal in public session and arrived at the following conclusion:

As a matter of principle, the European Affairs Committee of the Federal Council welcomes the creation of the common internal market and supports the idea of it providing the basis for a Regulation of the European Parliament and of the Council. Facilitating the cross-border use of online services is an essential step towards the realisation of a complete, digital internal market. However, for reasons of proportionality and practicality, the number of formats of electronic signatures and seals should at least be kept within reasonable limits. The Committee welcomes the fact that Article 9 of the proposal – contrary to Directive 1999/93/EC on a Common Framework for Electronic Signatures – extends the liability of the trust service provider to include damage caused through negligence. In particular, the Committee welcomes Article 11, which contains a reference to Directive 1995/46/EC. Above all, the use of personal identification data must be limited to the minimum specified in the Data Protection Directive.

A uniform regime governing the electronic identification and trust services for electronic transactions in the internal market is greatly appreciated, as is the introduction of common security standards. Compliance with high security standards is essential, but their design should remain within the competence of the Member States. Therefore, the possibilities of defining different security levels by way of delegated acts, as provided for in Article 20, para. 6, and Article 28, para. 6, should be reconsidered. If these provisions were adopted, uniform security levels could be modified without Member State involvement. The same applies to the provisions on trust service providers: in accordance with Article 15, trust service providers, which take the appropriate technical and organizational measures to ensure the requisite level of security, are recognized by an independent body. The conditions applying to such providers must be practice-related and should not be defined by means of a delegated legal act.