

Electronic communication, open networks safety: electronic signatures, common regulatory framework

1998/0191(COD) - 13/05/1998 - Legislative proposal

OBJECTIVE: the proposal for a Directive is intended to ensure the proper functioning of the internal market in the field of electronic signatures by creating a harmonised and appropriate legal framework for the use of electronic signatures within the Community and establishing a set of criteria which form the basis for their legal recognition. **SUBSTANCE:** several Member States have already set in train detailed legislative initiatives relating to electronic signatures. However, the divergences in the resultant situation are hampering the use of electronic signatures and the provision of services using them, and are detrimental to the development of new economic activities in the field of electronic commerce, which could create a serious barrier to communication and business via open networks throughout the European Union. The proposal therefore aims to eliminate these obstacles, particularly differences with regard to the legal recognition of electronic signatures and restrictions on freedom to provide certification goods and services between Member States. The implementation of the Directive will help to create a harmonised legal framework in the Community by ensuring that an electronic signature should not be denied legal validity, effect or enforcement solely on the grounds that it is in the form of electronic data, not based upon a qualified certificate or upon a certificate issued by an accredited certification service provider, and that electronic signatures should be legally recognised in the same manner as handwritten signatures. The legal recognition of electronic signatures should be based upon objective, transparent, non-discriminatory and proportionate criteria and not be linked to any authorisation or accreditation of the service provider involved. Common requirements for certification service providers should support the cross-border recognition of signatures and certificates within the Community. Common liability rules should support the confidence-building process for both consumers and businesses that rely on the certificates, and service providers, and thus promote the broad acceptance of electronic signatures.