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

1998/0191(COD) - 29/04/1999 - Modified legislative proposal

The Commission's amended proposal takes up, in whole or in part, 22 of the 32 amendments adopted by the Parliament in its first reading. These mainly relate to: - establishing clear, common and key conditions for electronic signatures in order to strengthen confidence in new technologies and their acceptance; - the re-examination by the Commission of the Directive before 2003, as well as the examination of a report on the effects of related technical aspects, such as confidentiality; - the need to ensure the availability of electronic communications in the area of free movement of persons; - a reminder that the Directive cannot conflict with existing national provisions concerning public order and security; - the possibility for Member States to recognise certification systems managed by organisations independent of the Member States' administrations; - the fact that additional requirements that come with the usage of electronic signatures in the public sector should not constitute an obstacle to cross-border services for the citizen; - the requirement for the provider of the certification service to only gather personal data directly from the person concerned, or with the explicit consent of that person. It should be noted that the Commission could not accept the amendments relating to: - proposal to change the 'consultative committee' into a 'contact committee' and to impose additional consultation and information requirements; - provision that proposed negotiation mandates for bilateral and multilateral agreements be submitted not only to the Council but also to the European Parliament; - indicate that the certification service provider provides a pseudonym if that is authorised by the national legal provisions concerning non-electronic commercial operations; - addition of a recital indicating that international agreements should not prevent the Union to maintain and continue to develop rules concerning data protection; - addition of a recital indicating that agreements in the area of electronic signatures should also cover data protection and respect for personal privacy; - addition of the word 'independent' in the definition of a provider of a certification service; - indication that the certification service provider should limit his activites to tasks specified in his statutes.