

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

1998/0191(COD) - 13/12/1999 - Final act

PURPOSE: the setting up of a clear Community framework regarding the conditions applying to electronic signatures. **COMMUNITY MEASURE:** Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures. **CONTENT:** electronic communication and commerce necessitate electronic signatures and related services allowing data authentication; divergent rules with respect to legal recognition of electronic signatures and the accreditation of certification-service providers in the Member States may create a significant barrier to the use of electronic communications and electronic commerce. On the other hand, a clear Community framework regarding the conditions applying to electronic signatures will strengthen confidence in, and general acceptance of, the new technologies. Furthermore, legislation in the Member States should not hinder the free movement of goods and services in the internal market. The purpose of this Directive is to facilitate the use of electronic signatures and to contribute to their legal framework for electronic signatures and certain-services in order to ensure the proper functioning of the internal market. It does not cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form prescribed by national or Community law nor does it affect rules and limits, contained in national or Community law, governing the use of documents. Furthermore, it is provided in this Directive that the Member States shall ensure the establishment of an appropriate system that allows for the supervision of certification service-providers which are established on its own territory and issue qualified certificates to the public. The Commission and the Member States shall work together to promote the development and use of signature-verification devices in the light of the recommendations for secure signature-verification laid down in Annex IV and in the interests of the consumer. Member States may make the use of electronic signatures in the public sector subject to possible additional requirements. It should also be noted that each Member State shall apply the national provisions which it adopts pursuant to this Directive to certification service-providers established on its territory and to the services which they provide. Member States may not restrict the provision of certification-services originating in another Member State in the fields covered by this Directive. In addition, in order to facilitate cross-border certification services with third countries and legal recognition of advanced electronic signatures originating in third countries, the Commission shall make proposals, where appropriate, to achieve the effective implementation of standards and international agreements applicable to certification services. In particular, and where necessary, it shall submit proposals to the Council for appropriate mandates for the negotiation of bilateral and multilateral agreements with third countries and international organisations. With regard to data protection, Member States shall ensure that a certification-service provider which issues certificates to the public may collect personal data directly from the data subject, or after the explicit consent of the data subject, and only insofar as it is necessary for the purposes of issuing and maintaining the certificate. The data may not be collected without the explicit consent of the data subject. In conclusion, the Commission shall review the operation of this Directive and report thereon to the European Parliament and to the Council by 19.07.2003 at the latest. The review shall inter alia assess whether the scope of the this Directive should be modified, taking account of technological market and legal developments. This report shall in particular include the assessment, on the basis of experience gained, of aspects of harmonisation. The report shall be accompanied, where appropriate, by legislative proposals. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 19.07.2001. They shall forthwith inform the Commission thereof. **ENTRY INTO FORCE :** this Directive shall enter into force 19.01.2001.