



EU Electronic signatures framework Directive 1999/93/EC

Serbia Screening, 23.5.2014

European Commission - DG ConNECT

EU eSignature framework

- EU **legal** framework for eSignatures:
 - **eSignature Directive** 1999/93/EC of 13.12.1999:
- EU **technological** framework for eSignatures:
 - Some 30 **CEN and ETSI standards**:
 - eSignature
 - Related trust services (time stamping, registered e-mail, long term preservation, ...)
 - Only two are referred in EU legislation
- Complemented by two secondary acts of the **Services Directive**
- **In course of major revision** (eIDAS Regulation)

Directive 1999/93/EC: aims and scope

- **Directive 1999/93/EC on a *Community framework for e-signatures*:**
 - Defines e-signature as:
 - electronic data logically associated with other electronic data and which serve as a method of authentication
 - Establishes the legal recognition:
 - An e-signature may not be denied in legal proceedings solely on the ground to be electronic
 - Establishes a trust model based on trusted third parties:
 - Issuers of signature certificates
 - State supervision (and accreditation)
 - Defines security requirements for:
 - Mutual recognition of "qualified" signatures within the EU
 - Equivalence between handwritten and electronic signature
 - Is technologically neutral

Directive 1999/93/EC: Content

- **15 Articles and four annexes:**
 1. Main scope: framework for e-signatures
 2. Definitions
 3. **No prior autorisation** for certicate providers, **Accreditation** and **supervision** of providers, **certification** of signature products, **public sector derogation**
 4. Free circulation of e-signatures products and services
 5. Legal effects of e-signatures
 6. Liability of certificate providers: if negligence
 7. Recognition of signatures from 3rd countries+ international org.
 8. Data protection obligation on providers + usage of pseudonyms
 9. Establishes **Comitology committee**
 10. Committee tasks: to list standards + clarify annexes
 11. Mandatory notifications to EC and MS (supervisors, ...)
 12. Review: see Communication COM(2006)120
 13. Transposition in national law
 14. Entry into force
 15. Addressees: MS

Acquis

1. **Directive 1999/93/EC**
2. **Commission Decision 2000/709/EC** of 2.11.2000
 - **Criteria** to designate bodies of art. 3.4 of the Directive
 - Practically, a **Designated Body** is a body certifying compliance to ISO 15408 "Common Criteria for Information Technology Security Evaluation"
3. **Commission Decision 2003/511/EC** of 14.7.2003
 - Complements art 3.5 of Directive
 - List standardised "Protection Profiles" according to ISO 15408, to assess the security of:
 - Signature creation devices
 - Hardware of certificate service provider
 - Voluntary standards
 - An e-signature created with means compliant to these standards is presumed to be "qualified", i.e. equivalent to handwritten

Extended acquis

Comitology of the *Services Directive* 2006/123/EC:

1. “EU trusted list”

- **Decision 2009/767/EC** as amended by Decision 2013/662/EU
- Trusted list: a kind of on-line directory of providers of qualified signature certificates established in EEA
- All EEA Member States must have “their” national list
- EC website provides a list of all national list

2. "Points of Single Contact" to:

- **Decision 2011/130/EU** as amended by Decision 2014/148/EU
- Handle ETSI's CAdES, XAdES and PAdES signature formats
- Facilitate e-signatures validation

Required infrastructure

- Transposition of Directive 1999/93/EC:
 - National law and by-laws on e-signature
 - Supervision authority
 - Designated body
- Implementation of Decisions 2009/767/EC and 2011/130/EU:
 - Set-up of a national trusted list
 - Enable Services Directive "Points of Single Contact" to handle ETSI signature formats

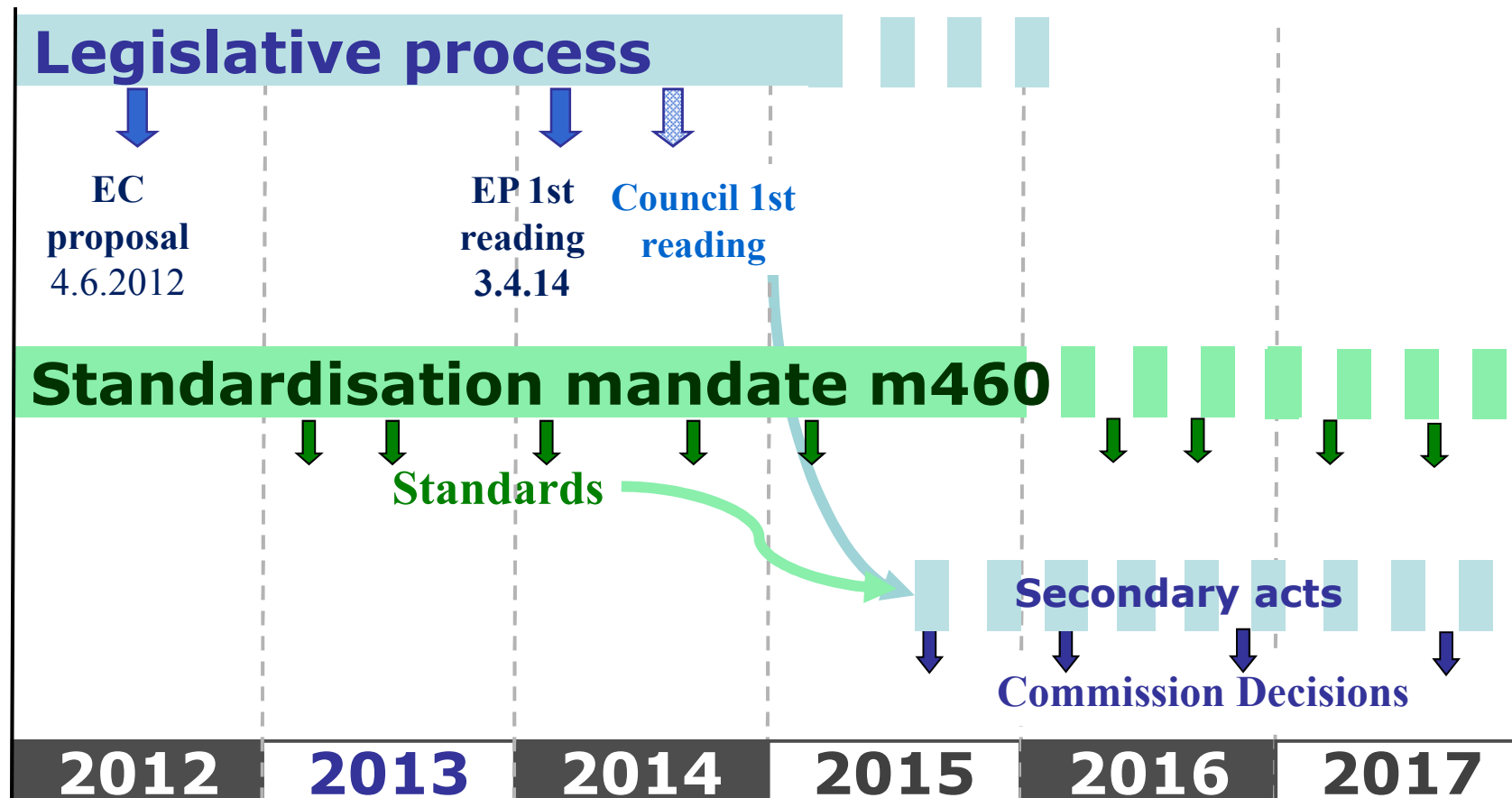
On-going revision: eIDAS

- Proposal for a **Regulation on *electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation)*** COM(2012)238 of 4.6.2012
 1. Mutual recognition of electronic identification
 2. Electronic trust services:
 1. Electronic signatures
 2. Electronic seals
 3. Time stamping
 4. Electronic documents delivery
 5. Electronic documents admissibility
 6. Website authentication
- Rationalisation of **standards** on trusted services (mandate m460 to CEN and ETSI, 2011-2015)

Infrastructure changes in eIDAS

- Several modifications of Member States' obligations with respect to Directive
- Directive 1999/93/EC to be replaced by eIDAS two years after entry into force.
- Main changes related to infrastructure:
 - State **supervision** to be performed according to **essential common mandatory criteria**
 - By mutual agreement, a Member State, may request **another Member State** to carry out its supervision duty
 - **No** obligation to have a **designated body**
 - "Migration" of **Trusted List** from Services Directive to Regulation
 - All public services able to handle **ETSI signature formats**

Indicative timeline



NB. Dates are indicative

For further information

- **Email:**

CNECT-TF-eIDAS-LT@ec.europa.eu

- **Website:**

<http://ec.europa.eu/digital-agenda/en/trust-services-and-eid>