



Notification Number: 2002/301/E

Preliminary draft Act on electronic signatures.

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Message

Message 002

Communication from the Commission - SG(2002) D/51497

Directive 98/34/EC

Translation of the message 001

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1. Structured Information Line

MSG 002 IND 2002 0301 E EN 28-10-2002 25-07-2002 E NOTIF 28-10-2002

2. Member State

Spain

3. Department Responsible

COMISION INTERMINISTERIAL PARA ASUNTOS CON LA UNION EUROPEA. MINISTERIO DE ASUNTOS EXTERIORES. SECRETARIA DE ESTADO DE ASUNTOS EUROPEOS. DIRECCION GENERAL DE COORDINACION DEL MERCADO INTERIOR Y OTRAS POLÍTICAS COMUNITARIAS. SUBDIRECCION GENERAL DE ASUNTOS INDUSTRIALES, ENERGETICOS, TRANSPORTES, COMUNICACIONES Y MEDIO AMBIENTE. C/PADILLA, Nº 46, 2º PLANTA, MADRID 28071. TELEFONO (91) 3.79.83.32. FAX: (91) 3.79.84.02.

3. Originating Department

DIRECCION GENERAL PARA EL DESARROLLO DE LA SOCIEDAD GENERAL DE LA INFORMACIÓN. SUBDIRECCIÓN GENERAL DE SERVICIOS DE LA SOCIEDAD DE LA INFORMACIÓN. PALACIO DE COMUNICACIONES, CALLE ALCALA 50. MINISTERIO DE CIENCIA Y TECNOLOGÍA. MADRID 28071.

4. Notification Number

2002/301/E - SERV

5. Title

Preliminary draft Act on electronic signatures.



6. Products Concerned

Regulation on electronic signatures, certification services and electronic signature products.

7. Notification Under Another Act

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8. Main Content

The preliminary draft Act regulates electronic signatures, their legal effectiveness and the provision of certification services, according to the criteria laid down in Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures. In particular, it lays down the conditions for the equivalence of electronic and handwritten signatures, the system for the provision of certification services, regulation of certificates, particularly recognised certificates, the obligations of the certification service providers and their responsibilities, as well as the limits thereof, electronic signature products and basic concepts regarding the electronic national identity document. Similarly, the preliminary draft Act lays down a system for Government supervision and monitoring in relation to certification service providers issuing certificates to the public, supplemented by a scheme of infringements and penalties applicable.

9. Brief Statement of Grounds

The preliminary draft Act reinforces the existing general legal framework for the use of electronic signature devices and associated certification service incorporating the experience gained from the application of Royal Decree-Law No 14/1999, transposing Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures into Spanish law, enhancing the original text with the amendments made necessary by the evolution of technology and certification services, in order to generate the conditions of security and trust required in the digital sector in order to promote the development of information society services, in particular, electronic commerce and government.

10. Reference Documents - Basic Texts

Organic Law No 15 of 13 December 1999 on the protection of personal data. Spanish Official Gazette No 298 of 14 November 1999.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No



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European Commission

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