



Notification Number: 2000/7/F

## **Draft law bringing evidence law into line with information technology and on electronic signatures**

Date received : 14/01/2000

End of Standstill : Closed

### Message

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Message 002



Communication from the Commission - SG(2000) D/50127  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2000/7/F

(MSG: 200000127.EN)

**1. Structured Information Line**

MSG 002 IND 2000 0007 F EN 14-01-2000 F NOTIF

**2. Member State**

FRANCE

**3. Department Responsible**

Secrétariat général du Comité interministériel pour les Questions de coopération économique européenne - 6  
Bd Diderot - 75012 PARIS

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**3. Originating Department**

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communautaire et du Droit comparé), Ministère de la Justice, 13 place Vendôme, 75 042 Paris cedex 01

**4. Notification Number**

2000/0007/F

**5. Title**

Draft law bringing evidence law into line with information technology and on electronic signatures

**6. Products Concerned**

Processes for electronic signatures

**7. Notification Under Another Act**

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**8. Main Content**

The notified draft law adapts evidence law, recognising the legal value of electronic messages and signatures. It provides for the acceptability of a soft copy as proof in the same way as a hard copy, provided that the technical means used guarantee, on the one hand, that the message is properly preserved, and, on the other, the identity of the person producing the document. It recognises in electronic writing, which evidences rights and obligations and bears a signature, a supporting value which is equivalent to that of a private deed written on paper. It gives the definition of a signature, whether it is written by hand or electronically, and states the



conditions which an electronic signature must fulfil: the use of a reliable identification process which guarantees its link to the deed to which it applies. The conditions allowing the reliability of the processes used to be presumed will be laid down by decree in the Council of State. This decree will transpose the technical requirements contained in the annexes to the draft Directive on electronic signatures.

#### **9. Brief Statement of Grounds**

The provisions of the Civil Code on evidence were drawn up at a time when paper was the only medium used and are therefore not suited to the "information society" which is characterised by a dematerialisation of trade. The draft law encourages the development of electronic trade by creating a clear, reliable legal framework which will create confidence in electronic transactions.

#### **10. Reference Documents - Basic Texts**

Civil code, Book Three, Title III, Chapter VI on proof of obligations and payment, articles 1315, 1316, 1322, 1326, 1341 and 1342 to 1348.

#### **11. Invocation of the Emergency Procedure**

Yes

#### **12. Grounds for the Emergency**

Fast development of information society services and dematerialised trade and the securitisation of on-line transactions.

#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

Carlo Trojan  
General Secretary  
European Commission