[ES] Decree-Law on Electronic Signatures

IRIS 1999-10:1/3

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The Spanish Government has approved a Decree-Law regulating electronic signatures. This legal provision is based on the common position adopted by the Council of the European Union with a view to adopting a Directive on a Community framework for electronic signatures.

The purpose of the Spanish Decree-Law is to regulate the use of electronic signatures, their legal recognition and the provision of certification-services. The provisions of this Decree-Law apply to service providers established in Spain.

The Decree Law differentiates between "electronic signatures" (meaning data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication) and "advanced electronic signatures" (meaning an electronic signature which is uniquely linked to the signatory, which is capable of identifying him/her, which is created using means that the signatory can maintain under his/her sole control, and which is linked to the data to which it relates in such a manner that any subsequent change of the data is detectable).

According to the Decree-Law, advanced electronic signatures will be considered equivalent to a hand-written signature if they meet certain requirements, e.g. they are based on a qualified certificate, and are created by a secure signature creation device. Electronic signatures that do not meet these requirements shall not be denied legal effect and admissibility in legal proceedings solely on the grounds that they are in electronic form. The Spanish Decree-Law regulates the provision of certification services by

- establishing a Registry for certification service providers;

- prescribing the use of electronic signatures by public bodies;

- requiring certification-service providers to issue qualified certificates and to secure signature-creation devices;

- determining the fees for the recognition of accreditations and certifications, and the penalty system in the event of non-compliance with the Decree Law.

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Real Decreto-Ley 14/1999, de 17 de septiembre, sobre firma electrónica (B.O.E. nº 224, de 18 de septiembre 1999, pp. 33593-33601.

Statutory instrument 14/1999, of 17 September, on electronic signatures. B.O.E. nº 224, of 18 September 1999, pp. 33593-33601.

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