# [CH] Draft of a Federal Law on Electronic Signatures

**IRIS 2001-7:1/24**

*Patrice Aubry*
*RTS Radio Télévision Suisse, Geneva*

The Swiss Federal Council has adopted the message relating to the draft of a federal law on certification services in the sphere of electronic signatures (SCSél). The new law is intended to replace the statute on electronic certification services that came into effect on 1 May 2000 (see IRIS 2000-10: 9). The SCSél essentially repeats the statute's content, notably the principle of recognising certification service providers on a voluntary basis. These service providers are experienced in providing authenticated digital certificates attesting that a public code is linked to a specified person. The combination of the private and the public codes identifies the sender of a document carrying an electronic signature and establishes whether the document has been amended after signature.

In general, the draft law has been favourably received by interested parties. It is expected to be submitted to the Federal Assembly before the end of the year. The SCSél envisages treating an electronic signature as a written signature when it is covered by a certificate provided by a recognised certification service provider. This basic provision is aimed at facilitating electronic commercial transactions. The equal treatment of an electronic signature as regards a written signature will therefore enable contracts to be closed electronically, whereas up until now they have had to be signed in the traditional written form.

The SCSél regulates the conditions for the recognition of certification service providers. It also provides that the owner of a private signature code may be made responsible for any abuse of the code if he has failed to take the necessary measures to keep his signature code secret. The certification service providers, for their part, must guarantee the quality of their service. The SCSél thereby creates the appropriate conditions for guaranteeing the security of electronic commercial transactions.

The draft law essentially covers the use of electronic signatures between private individuals. In terms of electronic communications with the authorities the SCSél creates the legal basis for individuals to communicate electronically with the land and commercial registers. Specifically it enables the electronic notification and transmission of authentic information regarding the content of these registers. The terms and conditions of these electronic communications will be specified in a regulation to be drawn up by the Federal Council.

© European Audiovisual Observatory (Council of Europe) 2026

## *Message du Conseil fédéral du 3 juillet 2001 relatif à la loi fédérale sur les services de certification dans le domaine de la signature électronique*

*Message of the Federal Council of 3rd July 2001 on the federal law on certification services in the sphere of electronic signatures*

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026