[NL] Act on Electronic Signatures Adopted

IRIS 2003-6:1/23

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On 6 May 2003, the Eerste Kamer (the Dutch Senate) adopted the Wet elektronische handtekeningen (Act on electronic signatures). This Act implements into Dutch law Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (see IRIS 2000-1: 5). The Act introduces a number of modifications to the Burgerlijk wetboek (Dutch civil code BW), the Telecommunicatiewet (Telecommunications Act TW) and the Wet op de economische delicten (Law on economic offences Wed). The goal of the new legislation is to facilitate the use and the legal recognition of the electronic signature. According to the definition in the Directive and in the Act, "electronic signature" means data in electronic form that are attached to, or logically associated with, other electronic data and which serve as a method of authentication.

The new Act strengthens confidence in the electronic signature by providing clarity about its legal status. According to the new law, an electronic signature has the same legal effect as a hand-written signature, provided the method used for the signing complies with the essential requirements for authentication. These essential requirements are elaborated in a in a Besluit elektronische handtekeningen (Regulation on electronic signatures), which was also adopted on 6 May 2003.

Since the legal status of electronic signatures is equivalent to that of a hand-written signature, the electronic signature can be used not only in e-commerce, but also in the public sector, both nationally and Community-wide. It can for example be used in taxation, social security and justice systems.

Both the Act and the Regulation entered into force on 21 May 2003.

Wet elektronische handtekeningen , 08.05.2003

Act on electronic signatures of 8 May 2003

Besluit elektronische handtekeningen , 08.05.2003

http://www.recht.nl/doc/stb2003-200.pdf

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Regulation on electronic signatures of 8 May 2003

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