

E-signature Act emphasizes the role of certification authorities

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The First Chamber of the Dutch Parliament has approved the Electronic Signatures Act. The act – which will come into force when it is published in the *Bulletin of Acts, Orders and Decrees* – is based on the EU E-signatures Directive and will amend the Civil Code, the Telecommunications Act and the Economic Offenses Act.

The act will give e-signatures the same legal status as written signatures, provided that they are reliably authenticated. Authentication will be deemed sufficiently reliable when the e-signature is based on a qualified certificate that has been securely generated. A certification authority will be liable for the certificates it issues, unless it can prove that it did not act negligently in doing so. These requirements will be further specified in separate decrees based on the Telecommunications Act.

A seal of approval has been developed for aspiring certification authorities under the framework of the TTP.NL, which was set up in 1998 by the government. It offers recommendations on the reliability of electronic data interchanges and the role of trusted third parties as certification authorities. The Electronic Commerce Platform Netherlands, a self-regulatory body, is responsible for issuing the seals of approval. Thus far, only one has been awarded – to the Dutch IT provider Pink Roccade.

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