

Commission Decision of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the ‘points of single contact’ under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2009) 7806) (Text with EEA relevance) (2009/767/EC)

[^{XI} Article 1

Use and acceptance of electronic signatures

1 If justified on the basis of an appropriate assessment of the risks involved and in accordance with Article 5(1) and (3) of Directive 2006/123/EC, Member States may require, for the completion of certain procedures and formalities through the points of single contact under Article 8 of Directive 2006/123/EC, the use by the service provider of advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device, as defined and governed by Directive 1999/93/EC.

2 Member States shall accept any advanced electronic signature based on a qualified certificate, with or without a secure-signature-creation device, for the completion of the procedures and formalities referred to in paragraph 1, without prejudice to the possibility for Member States to limit this acceptance to advanced electronic signatures based on a qualified certificate and created by a secure-signature-creation device if this is in accordance with the risk assessment referred to in paragraph 1.

3 Member States shall not make the acceptance of advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device, subject to requirements which create obstacles to the use, by service providers, of procedures by electronic means through the points of single contact.

4 Paragraph 2 does not prevent Member States from accepting electronic signatures other than advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device.

Editorial Information

XI Substituted by [Corrigendum to Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the ‘points of single contact’ under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market \(Official Journal of the European Union L 274 of 20 October 2009\)](#).

Article 2

Establishment, maintenance and publication of trusted lists

[^{F1}] Each Member State shall establish, maintain and publish, in accordance with the technical specifications set out in the Annex, a ‘trusted list’ containing, as a minimum, information related to the certification service providers issuing qualified certificates to the public who are supervised/accredited by them.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2009) 7806) (Text with EEA relevance) (2009/767/EC). (See end of Document for details)

2 Member States shall establish and publish a machine processable form of the trusted list in accordance with the specifications set out in the Annex. If a Member State chooses to publish a human readable form of its trusted list, that form of the trusted list shall comply with the specifications set out in the Annex.

2a Member States shall sign electronically the machine processable form of their trusted list in order to ensure its authenticity and integrity. If a Member State publishes a human readable form of the trusted list, it shall ensure that this form of the trusted list contains the same data as the machine processable form and they shall sign it electronically with the same certificate as used for the machine readable form.]

[^{F2b} Member States shall ensure that the machine processable form of their trusted list is accessible at its location of publication at any time, without interruption, except for maintenance purposes.]

[^{F13} Member States shall notify to the Commission the following information:

- a the body or bodies responsible for the establishment, maintenance and publication of the machine processable form of the trusted list;
- b the location where the machine processable form of the trusted list, is published;
- c two or more scheme operator public key certificates, with shifted validity periods of at least three months which correspond to the private keys that can be used to sign electronically the machine processable form of the trusted list;
- d any changes to the information in points (a), (b) and (c).]

[^{F23a} If a Member State publishes a human readable form of the trusted list, information referred to in paragraph 3 shall be notified for the human readable form as well.]

[^{F34} The Commission shall make available to all Member States, through a secure channel to an authenticated web server, the information, referred to in paragraph 3, as notified by Member States, both in a human readable form and in a signed machine processable form.]

Editorial Information

X1 Substituted by [Corrigendum to Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market \(Official Journal of the European Union L 274 of 20 October 2009\)](#).

Textual Amendments

F1 Substituted by [Commission Implementing Decision of 14 October 2013 amending Decision 2009/767/EC as regards the establishment, maintenance and publication of trusted lists of certification service providers supervised/accredited by Member States \(notified under document C\(2013\) 6543\) \(Text with EEA relevance\) \(2013/662/EU\)](#).

F2 Inserted by [Commission Implementing Decision of 14 October 2013 amending Decision 2009/767/EC as regards the establishment, maintenance and publication of trusted lists of certification service providers supervised/accredited by Member States \(notified under document C\(2013\) 6543\) \(Text with EEA relevance\) \(2013/662/EU\)](#).

F3 Inserted by [Commission Decision of 28 July 2010 amending Decision 2009/767/EC as regards the establishment, maintenance and publication of trusted lists of certification service providers supervised/accredited by Member States \(notified under document C\(2010\) 5063\) \(Text with EEA relevance\) \(2010/425/EU\)](#).

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2009) 7806) (Text with EEA relevance) (2009/767/EC). (See end of Document for details)

Article 3

Application

This Decision shall apply from 28 December 2009.

Editorial Information

- X1** Substituted by [Corrigendum to Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market \(Official Journal of the European Union L 274 of 20 October 2009\)](#).

Article 4

Addressees

This Decision is addressed to the Member States.]

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