

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)

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.

Article 2

Establishment, maintenance and publication of trusted lists

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

2 Member States shall establish and publish, as a minimum, a human readable form of the trusted list in accordance with the specifications set out in the Annex.

3 Member States shall notify to the Commission the body responsible for the establishment, maintenance and publication of the trusted list, the location where the trusted list is published and any changes thereto.

Status: This is the original version (as it was originally adopted).

Article 3

Application

This Decision shall apply from 28 December 2009.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 16 October 2009.

For the Commission

Charlie McCREEVY

Member of the Commission