

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)

COMMISSION DECISION

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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)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The obligations of administrative simplification imposed on Member States in Chapter II of Directive 2006/123/EC, in particular Articles 5 and 8 thereof, include the obligation to simplify the procedures and formalities applicable to the access to and exercise of a service activity and the obligation to ensure that those procedures and formalities may be easily completed by service providers at a distance and by electronic means through the ‘points of single contact’.
- (2) The completion of procedures and formalities through the ‘points of single contact’ must be possible across borders between Member States as set out in Article 8 of Directive 2006/123/EC.
- (3) To comply with the obligation to simplify procedures and formalities and to facilitate the cross-border use of the ‘points of single contact’, procedures by electronic means should rely on simple solutions, including as regards the use of electronic signatures. In cases where, after an appropriate risk assessment of concrete procedures and formalities, a high level of security or equivalence to a handwritten signature is deemed to be necessary, advanced electronic signatures based on a qualified certificate, with or without a secure signature creation device, could be required from service providers for certain procedures and formalities.

- (4) The Community framework for e-signatures was established in Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures⁽²⁾. In order to facilitate effective cross-border use of advanced electronic signatures based on a qualified certificate, trust in these electronic signatures should be enhanced irrespective of the Member State in which the signatory or the certification service provider issuing the qualified certificate is established. This could be achieved by making the information necessary to validate the electronic signatures more easily available in a trustworthy form, in particular information relating to certification service providers who are supervised/accredited in a Member State and to the services they offer.
- (5) It is necessary to ensure that Member States make this information publicly available through a common template in order to facilitate its use and ensure an appropriate level of detail allowing the receiving side to validate the electronic signature,

HAS ADOPTED THIS DECISION:

- (1) OJ L 376, 27.12.2006, p. 36.
- (2) OJ L 13, 19.1.2000, p. 12.