



LIETUVOS RESPUBLIKOS
SUSISIEKIMO MINISTERIJA

LEGAL FRAMEWORK FOR E-SIGNATURE IN LITHUANIA AND ENVISAGED CHANGES OF THE NEW EU REGULATION

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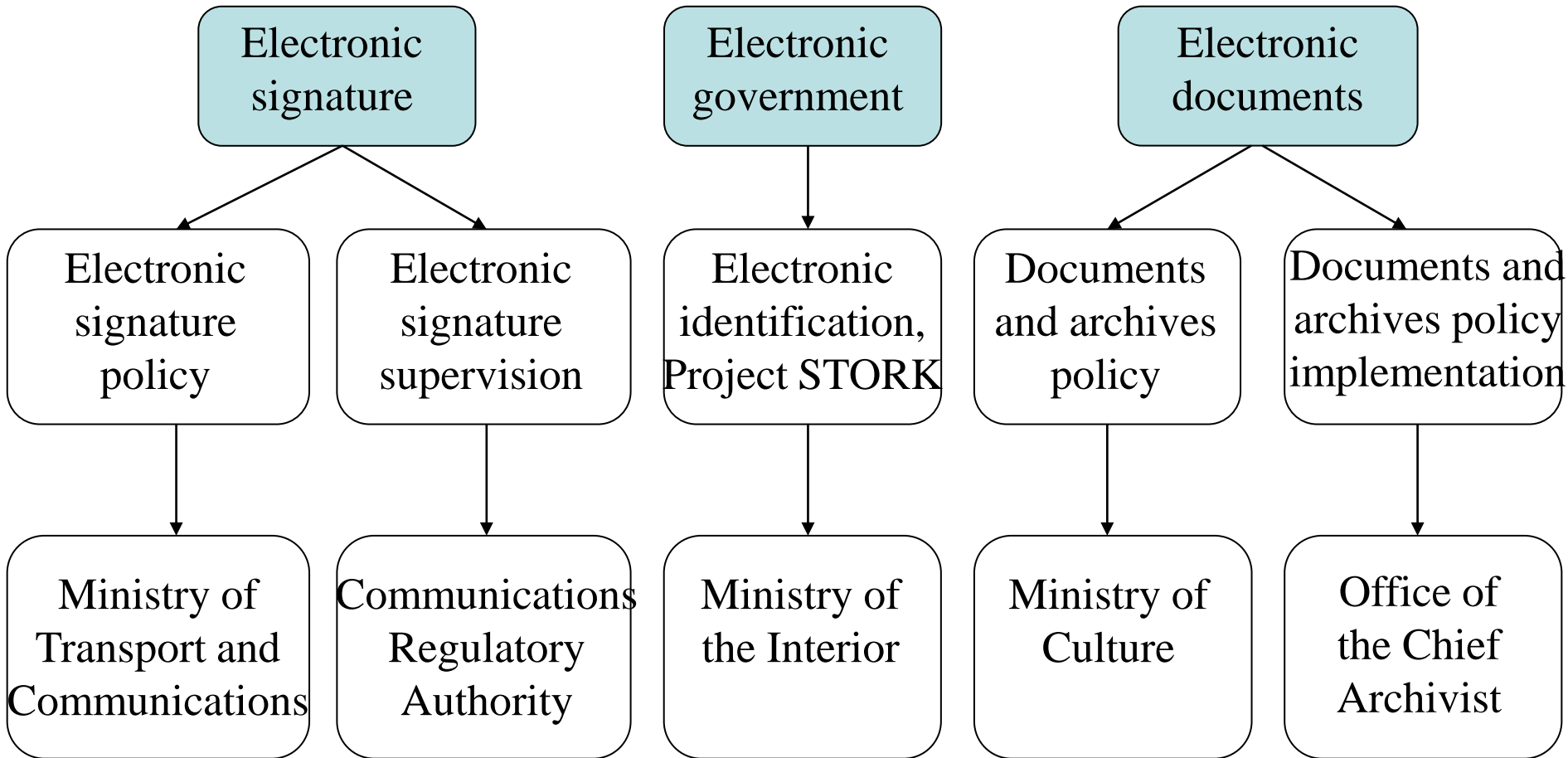


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- **Sharing of institutional responsibilities**
- **Legal framework of E-Signature in Lithuania**
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Institutional responsibilities in Lithuania



Legal regulation in Lithuania

Law of the Republic of Lithuania on Electronic Signature, 2000.



REPUBLIC OF LITHUANIA LAW ON ELECTRONIC SIGNATURE

July 11, 2000. No. VIII – 1822
(amended as of June 6, 2002. No. IX – 934)
Vilnius

The Law of the Republic of Lithuania on Electronic Signature defines:

- the legal force creation and verification of e-signature;
- issuance, processing and validity of e-signature certificates;
- the functions of certification service providers and their monitoring.



Legal regulation in Lithuania



Law on electronic signature is rather outdated...

The Communications Regulatory Authority of the Republic of Lithuania as e-signature supervision institution has legislated the following implementing acts:

- requirements for e-signature equipment;
- requirements for e-signature verification procedure;
- requirements for time-stamping services provision.



Legal regulation in Lithuania

The Communications Regulatory Authority of the Republic of Lithuania has released these e-signature implementing acts, related with certification service providers:



- requirements for certification service providers, creating qualified certificates;
- procedure of registration of certification service providers issuing qualified certificates;
- requirements for certification service providers accreditation and accreditation procedure.



The gaps of the legal regulation of e-signature



Law on electronic signature regulates only e-signature and supervision. It does not regulate the following necessary aspects regulated with e-signature:

- e-identification;
- e-time stamp;
- e-documents;
- e-delivery services;
- trusted lists.



Regulation on e-signature – Lithuanian presidency priority



In July 2012 the European Commission proposed a Regulation on Electronic identification and trust services for electronic transactions in internal market (COM (2012) 238 final):

- is Lithuanian presidency priority;
- Lithuania will pay a great attention to the discussions on e-signature issues;
- we are planning to achieve an agreement on this regulation at the end of Lithuanian presidency (the end of 2013).



Lithuania's actions after the Regulation adoption



- **abolished** the Law on Electronic Signature;
- **approached** Government of the Republic of Lithuania decision;
- **modified** released implementing acts;
- **adopted** new implementing law acts, regulating e-identification and new trust services.



New EU Regulation and its main principles

Proposal for a **Regulation on Electronic identification and trust services for electronic transactions in the internal market**

Regulation should strengthen European Union single market by boosting trust and convenience in secure and seamless cross-border electronic transactions



The aim of the proposed Regulation

- 1. Provide for mutual recognition and acceptance of eIdentification (eID) across borders**
- 2. Improve the current electronic signature framework, in particular by strengthening national supervision of trust service providers**
- 3. Give legal effect to trust services related to e-signatures:**
 - Electronic signatures interoperability and usability
 - Electronic seals interoperability and usability
 - Cross border dimension of:
 1. Time stamping
 2. Electronic delivery service
 3. Electronic documents
 4. Website authentication



Mutual recognition of electronic identification

EU Member State:

1. May **'notify'** to European Commission the 'national' electronic identification scheme(s) used at home for, at least, access to public services;
2. Must recognise and accept 'notified' eIDs of other Member States for cross-border access to its public services requiring e-identification;
3. Must provide online free eID **authentication** facility;
4. Is **liable** for unambiguous identification of persons and for authentication;
5. May allow the private sector to use 'notified' eID



Electronic trust services

Common principles:

- **Mutual recognition of qualified electronic trust services**
- **Strengthens and harmonises national supervision of qualified trust service providers and trust services**
- **Reinforces data protection and obligation for data minimisation**
- **Uses delegated and implementing acts as a mechanism to ensure flexibility between technical developments**



Electronic trust services

Electronic signature:

- **Clarifies the concepts related to electronic signature**
- **Introduces electronic seals (legal persons)**
- **Clarifies validation of qualified electronic signature**
- **Ensures long term preservation**
- **Allows for full reference to standards**
- **Allows server and mobile signing**



Significant Positive Changes

Creates confidence in electronic trust services

- Effective state supervision
- Systematic usage of "trusted lists"

Easy eSignature

- Harmonisation power of Regulation
- Enables full eSig specification via secondary legislation + standards

Related trust services

- Address clear market needs: eSeals, eDelivery, eDocuments, "indefinite" value of an eSignature
- Harmonise national legislation: time stamping, eDelivery
- E-Document admissibility: « big bang » for de-materialisation
- Website authentication is an implicit expectation of the citizens



Significant Positive Changes

Comprehensive “toolbox” of trust building instruments

- One single legislation across EU

Foster eID usage (“world premiere”)

- Leverage eID cards and mobile ID infrastructure
- Reliable eID to allow cross border eBusiness and enable eGov services
- Private sector is invited to build on «notified» eID schemes
- Leverage Large Scale Pilot project STORK



Thank you!

Questions?