

EU Commission Eases Use of Qualified Signatures for Cross Border Business Communications

Comments relating to the EU decision dated Oct. 16, 2009, effective as of Dec 28, 2009

about measures to ease the use of electronic processes for "points of single contact" in accordance with the guideline 2006/123/EG

Düsseldorf, Dec 2009 - The decision of the EU Commission about measures to ease the use of electronic processes will become effective as of Dec 28, 2009.

In it, the EU Commission establishes a position regarding the use and recognition of electronic signatures in an international context. With its decision, it eases the use of signatures and time stamps in cross border electronic business processes.

In its latest decision, the EU Commission addresses the discussions of the last few months about the recognition of different types of electronic signatures, and the EU Commission shows that cross border use of secure, qualified signatures is meaningful and it is possible to make it uniform.

The EU Commission emphasizes two core items and shows a way to use qualified electronic signatures and time stamps for the cross border business communication.

The core items of the EU decision include:

- The EU Commission ascertains especially that the member states can continue to request the use of qualified signatures to secure business processes (article 1, para. 1)
Member states, such as Germany, Italy, Poland, etc., which, for example, dictate electronic invoices for the use of qualified signatures, continue to meet the requirements and general conditions specified by the EU. The current EU decision integrates national requirements for a qualified signature into a uniform framework, which achieves a harmonization across the EU. In return, advanced signatures can be used - for example - for less relevant transactions with lower risks.

- The verification of qualified signatures must be simplified to enable a cross border use of qualified signatures, assumed that this has not yet been established in individual member state (article 2, para. 1).

The EU Commission therefore asks the member states to publish so-called "trustworthy lists", which clearly list the supervised certification service provider in the respective member states. This process ensures that qualified signatures generated by one member state can be verified without problems in another member state and can be accepted after a successful verification.

Relevance of the EU decision for companies

For many years, a high number of companies use qualified signatures for the electronic invoice exchange or they have the intention to convert hardcopy invoicing to a more cost effective electronic version. This is especially true for internationally acting corporations, which receive and send a high number of cross border invoices.

In almost all cases, these companies also exchange invoices with other companies in Germany or they may even have an office in Germany and therefore they are obligated to adhere to the German requirements for electronic invoices. It requires the use of qualified signatures for electronic invoice exchanges to protect against pretax fraud and manipulation. This also applies in the same manner to other EU member states such as Italy, Poland, etc.

In the past, this raised the question whether a company with a single signature solution meets the requirements for signed electronic invoices in Germany as well as in other EU member states. The current decision emphasizes exactly this uniform approach for all EU member states.

Signature solutions, which establish or verify qualified signature solutions in accordance with the German signatures law are predestinated for two reasons:

- Qualified signatures in accordance with the German signature law, which require a qualified signature in other EU member states, can be used for invoices in other EU member states since they adhere automatically to the requirements for qualified signatures in other EU member states,

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In addition, a qualified signature also fulfils automatically the requirements for advanced signatures. This means that a qualified signature can also be used for those invoices that would only require an advanced signature.

- In addition, based on the EU decision and by using a signature solution in accordance with the German signature law, a significant advantage with respect to the international verifiability of the signature exists.

This advantage - based on the international recognition - is the result of the EU decision to enable the verifiability of signatures in the member states in a transparent and safe manner and under central control of the respective member state. This means that the use of qualified certificates provided by certification service providers accredited in Germany, and therefore qualified signatures in accordance with the German signature law, provides a significant advantage as compared to other signatures.

A "trustworthy list" under central supervision of the Federal Network Agency already exists for many years in Germany. The Federal Network Agency is the highest authority for all signature questions regarding the supervised certification providers, which establish public qualified certificates. In addition, processes for the verification of qualified certificates up to the so-called root authority, namely the Federal Network Agency, already exist in Germany. One of these processes is the web service provided by AuthentiDate, which is available at www.signature-check.de or at www.signature-check.com in multi-lingual versions, e.g. English.

For many years, companies are using uniform, central and international signature solutions, for example for electronic invoicing. The current EU decision supports this central solution concept for all EU member states.

Signature solutions that use qualified certificates in accordance with the German signature law provide the required conformity and in addition a very high investment security in accordance with the German as well as the international requirements. Therefore many requirements of the EU member states can be fulfilled by using a single central signature solution.

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For many years, AuthentiDate has specialized in central, international solutions for electronic invoice exchanges. The signature specialist provides signature services as well as IT solution in accordance with the German signature law for the implementation at companies. The AuthentiDate signature solutions and services are used by a high number of international corporations.

You can find the detailed text of the EU decision for download at www.authentidate.de. Please also find additional information about internationally usable signature solutions.

About AuthentiDate

AuthentiDate (www.authentidate.de) is the inventor of the central, qualified mass signature and it is one of the leading suppliers in the international signature market. The signature and IT security specialist provides cutting edge products for many years and shapes the market with its innovations.

More than 50% of the German health insurers and many domestic and foreign companies and organizations, such as Dow Chemical, EnBW, HAYS, Klinikum Braunschweig, METRO Group, SOLVAY Chemicals and TÜV Rheinland successfully use AuthentiDate signature products for many years.

AuthentiDate technologies meet the stringent requirements of the German signature laws and the EU signature guideline. The signature software SLMBC, tested and certified in accordance with the signature laws, is only available from AuthentiDate Deutschland GmbH. AuthentiDate International AG is a certification supplier, accredited by the Federal Network Agency, and it operates a trust center in accordance with the German signature laws.

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