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**Lawyer's perspective on
digital signatures in Europe**

E-signature Laws

- 1996 Utah Digital Signature Act
- Signatur Gesetz vom 22. Juli 1997 (BGBl. I S. 1870, 1872).
- D.P.R. 10 novembre 1997, n. 513.
- UNCITRAL Model Law on Electronic Commerce, General Assembly Resolution, br. 51/162.

EU Directives

- Directive 1999/93/EC of the European Parliament and the Council of 13 December 1999 on a Community Framework for Electronic Signatures
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

Requests

For the Advanced electronic signature:

- it is uniquely linked to the signatory;
- it is capable of identifying the signatory;
- it is created using means that the signatory can maintain under his sole control; and
- it is linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.

Limits

EU Directive 2000/31/EC

- a) contracts that create or transfer rights in real estate, except for rental rights;
- b) contracts requiring by law the involvement of courts, public authorities or professions exercising public authority;
- c) contracts of suretyship granted and on collateral securities furnished by persons acting for purposes outside their trade, business or profession;
- d) contracts governed by family law or by the law of succession.

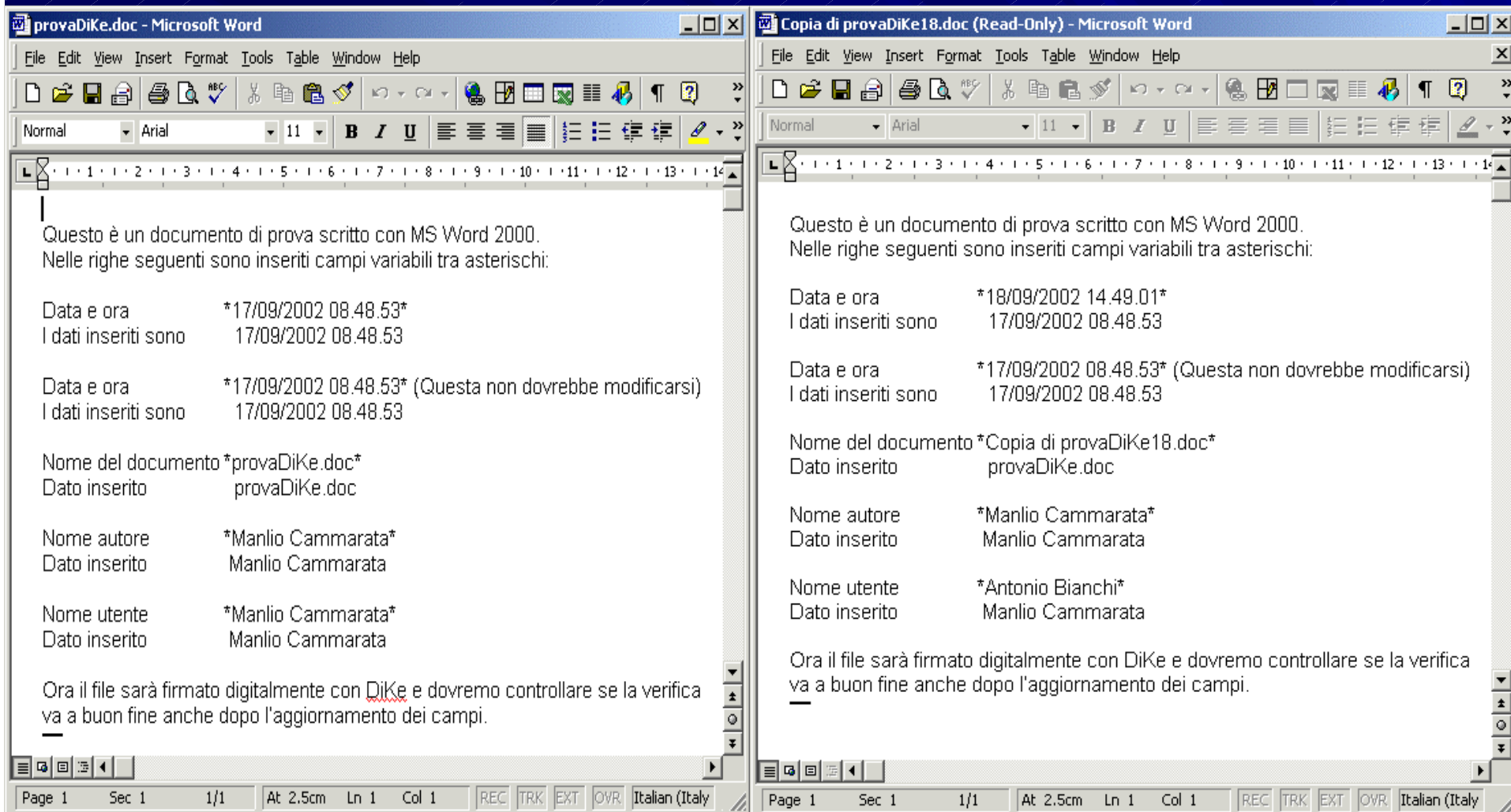
Germany

- 1) the breach of work contract,
- 2) to make a certificate of state of work,
- 3) contract of suretyship,
- 4) the declaration of promise to do something,
- 5) admission of debt and
- 6) conclusion of the contract on consumer credit.

Croatia

1. Contracts with it is transferred property of an immobile or is created a right on immobile;
2. succession legal acts;
3. prenuptial or nuptial agreements;
4. all acts that requires social services consent;
5. succession contracts stipulated during life;
6. contracts on life long maintenance;
7. gift contracts;
8. all other legal acts that should be as notary act;
9. all other legal acts that other law or sub law regulations requires handwritten signature or notary confirmation of signature.

MS Word problems



Conclusion

E-signatures requires educated users, and most of all lawyers that don't consider computer just a mean for their secretaries.

Thanks for yours attention!