

# Final exploratory seminar on e-signatures for e-business transactions in the Southern Mediterranean region

22-23 January 2014, Palau de Pedralbes, Barcelona, Spain

## Common Conclusions

### Description:

*In order to promote e-signature solutions for e-business development in the Euro Mediterranean region, the European Commission organised two seminars.*

*The first explanatory seminar took place in Amman, Jordan on November 11/12, 2013 and was co-hosted by the Telecommunications Regulatory Commission (TRC). The principle aim was to identify some of the common business needs for intra-regional and EU-Southern Mediterranean transactions, compare the existing legislation in place and discuss the common and local challenges of implementing an e-signature framework. The seminar was attended by around 100 government and private stakeholders from over 23 different European, Southern Mediterranean and Gulf countries, as well as from UNCITRAL (United Nations Commission on International Trade Law). It confirmed that the potential and the interest to cooperate is indeed great.*

*The final explanatory seminar took place in Barcelona, Spain on January 22/23, 2014 and was co-hosted by the Union for the Mediterranean (UfM). The principle aim was to build on the findings of the previous seminar, include any additional information, and reach a set of concrete common conclusions and recommendations through the organisation of panels. The seminar was attended by around 60 government and private stakeholders from over 19 different European and Southern Mediterranean countries. The seminar reached 9 main conclusions. These are listed below:*

### **Conclusion 1 - Survey on the status of e-trust services in the Euro Mediterranean:**

To promote e-signature solutions for e-business development in the Euro Mediterranean region, knowing the status of electronic trust services in Euro Mediterranean is a prerequisite. Today no comprehensive overview is available.

There is consensus on the strong need for a **dynamic survey on the status of electronic trust services in the Euro Mediterranean region**<sup>1</sup>. It could include a stocktaking exercise to collect for each ENP South country, information on its legal framework for e-trust services, related technical aspects and infrastructure (e.g. PKI), available e-government services requesting e-trust services, e-trust services usage by the private sector, overview of local providers of e-trust services as standalone services or embedded in value-added services.

Terms of reference for such a survey could take into account the current EU survey conducted, and expanded to ensure meeting the objectives and points raised during the Barcelona seminar. This could be proposed to the UfM to be dealt with within an expert group.

### **Conclusion 2 – Easing access to best practice on e-trust services:**

Electronic trust services are a complex technical and organisational matter. Exchanges of information and best practice amongst Euro Mediterranean countries could help to build a

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<sup>1</sup> The IDABC “*Study on mutual recognition of eSignatures for eGovernment applications*” of 2010 which provides a survey for Europe for the European Commission could be a best practice source, in particular the profiles it made for each European country (<http://ec.europa.eu/idabc/en/document/6485.html>).

common understanding to promote e-signature solutions for e-business development in the Euro Mediterranean region. There may be a need to create **a mechanism for structured and regular exchanges of information such as the establishment of common Euro Mediterranean multi-stakeholder network for electronic trust services**. The participants of the Amman and Barcelona seminars can already be considered as a part of the nucleus of this so-called network. Furthermore, such a network of experts may serve to raise the awareness on the business benefits brought by electronic trust services, and to provide information to the political level.

### **Conclusion 3 – National 'trusted lists':**

To promote e-signature in the EU, the set-up end of 2009 of “trusted lists” of providers of qualified e-signature certificates established in EU Member States, has demonstrated to be efficient<sup>2</sup>. Similarly, to promote e-signature solutions for e-business development in the Euro Mediterranean region, **there is a need for national "trusted lists"**.

Once national trusted lists are made available, an analysis should be conducted to evaluate the **establishment of a list of trusted lists at Euro Mediterranean level**. This could be further supported by the information coming out of the survey.

### **Conclusion 4 – E-Government services that would benefit most from e-trust services:**

E-government is an important tool to improve the efficiency of an administration, and an equally important area for enterprises, in particular at a local level. Electronic trust services are instrumental to secure many e-government services, especially those with **a common cross-border factor**. Areas discussed included electronic procurement and tendering, electronic health care, e-voting, custom and trade-related forms, tax declaration, e-invoicing, etc. The participants from the Amman and Barcelona seminars concluded that the area of custom and trade-related forms is the most promising.

### **Conclusion 5 – Promotion of usage of e-trust services by businesses in the Euro Mediterranean:**

Electronic trust services are instrumental for many e-business transactions. The seminars underlined the need to promote electronic trust solutions for e-business development in the Euro Mediterranean region and increase take-up by the private sector. Depending on sector and application, the importance of data protection, free market principles, consumer protection etc... are different, as is the added value of electronic trust.

There was a common feeling among the participants that **awareness should be further enhanced for the possibilities offered by electronic trust services**.

There may thus be a **need to identify which business transactions would benefit most from electronic trust services and to launch related cross-border projects**, for instance electronic contracting, electronic invoicing, electronic financial services etc.

### **Conclusion 6 – Political vision on e-trust services:**

Using electronic trust services is an instrument to help seamless and secure transactions among citizens, businesses and administrations, thereby increasing the reliability of the Internet and enhancing the economy. Their adoption reflects a paradigm shift in a given society and therefore requires a buy-in from all stakeholders nationally for national

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<sup>2</sup> European Commission Decision 2009/767/EC.

transactions and regionally for cross-border transactions, **in particular at high political level. The natural body to develop the political support and vision would seem to be the UfM.**

**Conclusion 7 – Converging laws across the Euro Mediterranean:**

The three Uncitral principles of non-discrimination, technological neutrality and functional equivalence were highlighted in the seminar. **These principles should form the basis of any e-commerce legislation in the region.<sup>3</sup> There is still a need to set up common terminology in electronic trust services,** as done in the EU legal framework.<sup>4</sup> **Such a common terminology for the Euro Mediterranean region could be established by the network of experts** and supported by the outcome of the survey.

In order to further facilitate mutual recognition, additional convergence elements could be envisaged by the network of experts.

**Conclusion 8 - Mutual recognition of e-trust services:**

The market is global. To support cross-border transactions, electronic trust services originating from one country should be recognised in other countries. To promote e-signature solutions for e-business development in the Euro Mediterranean region, there may be **a need to define the conditions allowing for mutual recognition of electronic trust services at regional and global levels.**

**Conclusion 9 - Common standards for e-trust services:**

Electronic trust services are based on technology. **Cross-border interoperability can be best achieved by using common standards.** As discussed in the Amman and Barcelona seminars, promoting e-signature solutions for e-business development in the Euro Mediterranean region may require common standards for electronic trust services. To that end, the advantages of the **involvement of south Euro Mediterranean region with the standardisation work currently going on in the EU and at international level, should be considered** (ETSI membership or becoming an ETSI stakeholder).

The organisation of **regional guidance workshops as a mechanism to enhance the capabilities of the regional stakeholders,** potentially in collaboration with ETSI could be instrumental in this.

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<sup>3</sup> See: 1995 Uncitral model law on ecommerce, the 2001 Uncitral model law on e-signatures and the 2005 UN Convention on the use of electronic communications in international contracts. [http://www.uncitral.org/uncitral/uncitral\\_texts/electronic\\_commerce.html](http://www.uncitral.org/uncitral/uncitral_texts/electronic_commerce.html)

<sup>4</sup> See: <http://ec.europa.eu/digital-agenda/en/trust-services-and-eid>



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