

Questionnaire on electronic signatures

1) Can you name the key legislation(s) on electronic signatures in your jurisdiction?

In Lithuania, electronic signatures are legally recognized and governed by both national laws (The Law on Electronic Identification and Trust Services for Electronic Transactions) and European Union regulations, particularly the eIDAS Regulation (Regulation (EU) No 910/2014). The eIDAS Regulation, which is directly applicable in Lithuania, provides the legal framework for electronic identification and trust services, including electronic signatures.

The Law on Electronic Identification and Trust Services for Electronic Transactions:

<https://www.e-tar.lt/portal/lt/legalAct/88ad61b052c111e884cbc4327e55f3ca/asr>

2) Are there various categories of electronic signature in your legal system?

In Lithuania, electronic signatures function under the same principles as outlined by the eIDAS Regulation. There are three main types of electronic signatures: simple electronic signatures, advanced electronic signatures, and qualified electronic signatures.

Civil registry offices in Lithuania utilize qualified electronic signatures to sign records of acts of civil status and extracts confirming the record of such acts.

Individuals may apply to a civil registry office through the Centre of Registers self-service portal, utilizing online banking, e-signatures (such as USB tokens or chip cards), mobile e-signatures, or the e-Government Gateway for foreigners.

Documents provided through the Centre of Registers self-service platform can be signed by the individual using a qualified electronic signature via integrated GoSign signing platform.

3) Is the electronic signature used in your legal system?

a. Generally?

Yes.

b. For civil status documents in particular?

The electronic extract confirming the record of an act of civil status, as issued by the civil registration office, consular office, and the Centre of Registers, is signed with a qualified electronic signature. Additionally, the Centre of Registers provides an extract certified by a qualified electronic seal.

c. For ICCS forms?

No.

- 4) **Can you describe what an electronic signature is in your legal system?**
a. **How does it work from a technical point of view?**

Qualified Electronic Signature (QES) (used to sign extract confirming the record of the act of civil status) is the highest level of security and is equivalent to a handwritten signature under Lithuanian law. It is created using a qualified electronic signature creation device (e.g., a smart card or USB token) and based on a qualified certificate issued by a certified Trust Service Provider. In addition to this, Centre of Registers provides remote qualified electronic signature which can be accessed free of charge in app store.

Qualified Trust Service Providers:

In Lithuania, qualified certificates for QES are issued by trusted service providers. The list of qualified reliability assurance service providers registered and supervised in Lithuania is published on the specialized website of the Communications Regulatory Authority <https://elektronisparasas.lt/Lietuvos-patikimas-sarasas/>

- b) What safeguards are provided in terms of the authentication of documents by this technique?**

Authentication and Verification:

- **Identity Verification:** For QES, the identity of the signatory must be verified before the certificate is issued. The identification process meets the requirements specified in eIDAS regulation.
- **Certificate Validation:** The validity of the qualified certificate can be checked in real-time against the issuing provider's database to ensure the certificate is still active and has not been revoked.

Document Integrity:

- **Tamper-Proof:** QES ensures that any modification to the signed document after the signature has been applied will render the signature invalid. This is achieved through the hashing and encryption process, which binds the signature to the document's specific contents at the time of signing.
- **Audit Trail:** Many electronic signature platforms in Lithuania provide a detailed audit log, including information about when and where the document was signed, ensuring transparency and traceability.

Non-repudiation:

- **Legal Assurance:** Under Lithuanian law, a QES provides non-repudiation, meaning the signatory cannot later deny having signed the document. This is particularly important in legal and commercial transactions where the proof of intent and authenticity is critical.

Secure Storage:

- **Qualified Signature Creation Devices:** These devices, which are used to create QES, are designed to prevent the unauthorized use of the private key. They are typically certified and regularly audited to meet high-security standards.

- 5) **If electronic signatures are used or are in the process of being introduced in your legal system, is this accompanied by the dematerialisation of civil status?**

a. **Totally?**

Acts of civil status shall be registered by making records of acts of civil status and by electronically submitting these records to the Population Register of the Republic of Lithuania. Records of acts of civil status are compiled in the Information system for civil registry and declaration of residence. Paper forms are not utilized for the registration of civil status acts.

b. **Partially?**

Individuals may obtain extracts confirming a record of an act of civil status confirming the registration of a civil status act in either paper or electronic form.

6) **In your opinion, is the use of electronic signatures**

- a. Is likely to increase the risk of fraud
- b. Is likely to reduce the risk of fraud
- c. Is neutral and has no impact on the risk of fraud

We have no information regarding the falsification of extracts confirming records of acts of civil status.

7) **Are there any reservations in your country about using electronic signatures? If so, can you describe the reasons for this?**

In Lithuania, electronic signatures are widely accepted and legally recognized, particularly after the implementation of the eIDAS Regulation. However, there are some reservations and challenges associated with their use. These reservations are typically related to trust, security concerns, technological barriers, and legal uncertainties in specific contexts.

8) **Have there been any practical difficulties in implementing electronic signatures?**

Might require advanced technology. Many transactions already involve an in-person component, so parties can collect a wet signature or share e-signature tools for fully remote transactions.

Long-term validity. As technology continues to advance, so do cybersecurity best practices. Because of this, e-signature software or features could become less secure if they aren't kept up to date.

Trust. Many people do not trust technology, so organizations should accommodate wet signatures.

Compliance. Some jurisdictions might not allow e-signatures in legal cases, so businesses that operate internationally must tread carefully.

Resistance to change. People can trust technology and still resist change, which is why wet signatures are still common.

Costs. Like most critical business initiatives, proper e-signature strategies require software to support them.

Knowledge. Depending on age and IT skills, certain groups of people may find it difficult to operate with electronic signatures.

9) Have electronic signature techniques been or are they being introduced in your State spontaneously or by adopting foreign models?

Information cannot be provided as the electronic signature has been in use for an extended period.

10) What is the impact of using electronic signatures in financial terms?

Typically, there is positive impact due to reduced amount of paper and improved efficiency in processes.

11) Are foreign electronic signatures recognised in your legal system?

a. If so, under what conditions?

Yes, documents are accepted if they are signed with a qualified electronic signature, signed in accordance with the eIDAS Regulation (Regulation (EU) No 910/2014). For electronic signatures from non-EU countries, recognition depends on whether there are specific agreements in place between the Lithuania and the non-EU country. If there is no specific agreement, the recognition of foreign electronic signatures from non-EU countries may depend on whether the standards used in the creation of the electronic signature are deemed equivalent to those required under eIDAS.

b. If not, why not?

12) If an international convention requires a handwritten signature, do you nevertheless accept an electronic signature?

See answer above (12).

13) Has the resolution adopted by the ICCS General Assembly on 22 September 2022 assimilating electronic signatures to handwritten signatures had an impact on your positive law?

Yes, documents are accepted if they are signed with a qualified electronic signature by a Member State of Convention.

14) Has the development of the use of electronic signatures had the effect of strengthening the procedures for checking foreign documents?

In our view, the development and adoption of electronic signatures have substantially enhanced the procedures for verifying foreign documents. The legal and technical frameworks established by regulations such as eIDAS ensure that electronic signatures are reliable, secure, and easily verifiable, even in cross-border contexts.

15) Is your State in favour of the ICCS taking action on electronic signatures? If so, in what form?

a. Informal exchanges within the framework of an annual working group

b. The introduction of a practical guide to the solutions offered by foreign systems,

available on the ICCS website.

- c. The adoption of a recommendation
- d. The adoption of an international convention

We believe that options a through c would be appropriate when addressing issues related to the use of electronic signatures.