

ELEMENTS OF ANSWER - ROMANIA

1. Law No. 214/2024 on the use of electronic signatures, timestamps, and trust services based on them, adopted by the Romanian Parliament and published in the Official Gazette on July 8, 2024, marks a significant step in the digitization of administrative and legal processes. It will come into force on October 8, 2024, aligning with Regulation (EU) No. 910/2014 on electronic identification and trust services for electronic transactions in the internal market

Law No. 214/2024 repeals the following legislative acts:

- Law No. 455/2001 on electronic signatures;
- Law No. 451/2004 on timestamps;
- Government Emergency Ordinance No. 38/2020 on the use of electronic documents at the level of public authorities and institutions.

2. According to Regulation (EU) No. 910/2014, the following signatures are used:

- Qualified signature;
- Advanced signature;
- Simple signature;

3. The electronic signature is used generally.

4. The technical process is fully compliant with the Regulation (EU) No. 910/2014, consisting in complex and trusted chain, and trusted providers, dedicated architectures and systems.

As safeguards are provided in terms of the authentication of documents, public lists and registries are available in order to check the authenticity of the signatures and documents.

5. The use of the electronic signature is accompanying a partial dematerialisation of civil status (some documents continue to be circulated in paper format).

6. In our opinion, the use of electronic signatures is neutral and has no impact on the risk of fraud.

7. There are no reservations in Romania about using electronic signatures.

8. It is difficult to name practical difficulties in implementing electronic signatures, maybe the cost relatively high of the certificates delivered by the authorized providers.

9. The first national regulation is an old one (2001). The new one (from 2024) aims to fully implement an EU regulation (910/2014)

10. For the persons acting within the public authorities, the certificates are delivered free of charge by a public body, so that is difficult to precise the financial impact.

11. According to law, the foreign electronic signatures are recognised in our legal system if complying with EU regulation 910/2014.

12. According to law, the force of the electronic signatures is the same as the handwritten signature.

13. The resolution adopted by the ICCS General Assembly on 22 September 2022 assimilating electronic signatures to handwritten signatures encouraged the civil status authorities to take into consideration the effect of electronic signatures.

14. No information is available.

15. As a national level authority in the field of civil status, we think that the ICCS could efficiently influence the member states by all options enounced.