



Electronic Signatures and Cyprus Law

EU Regulation 910/2014/EU sets out a comprehensive legal framework for the validity and admissibility of electronic signatures with direct effect on all member states.

Even though such EU Regulations are directly applicable in Cyprus, Cyprus has incorporated the provisions of the Regulation into local legislation in the form of Law 55(I)/2018 “Providing for a legal framework for electronic identification and related issues”.



Three types of electronic signatures, are distinguished by the Regulation:

1 an “**electronic signature**” defined as “data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign”;

2 an “**advanced electronic signature**” is “an electronic signature which is uniquely linked to the signatory, is capable of identifying the signatory, is created by using electronic signature creation data that the signatory can, with a high level of confidence, use under their sole control and is linked to the data therewith in such a way that any subsequent change in the data is detectable”; and

3 a “**qualified electronic signature**”, which is an advanced electronic signature created by a qualified electronic signature creation device having the added comfort of being based on a qualified certificate for electronic signatures.

The Department of Electronic Communications of the Ministry of Communications and Works of Cyprus has been designated as the competent authority for the implementation of the legislative framework for electronic signatures in Cyprus and for granting authorisation to designated Certification Service Providers, enabling them to issue qualified certificates on electronic signatures.

The Regulation indicates that **an electronic signature cannot be denied legal effect or be deemed inadmissible** as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic signatures. However, it grants the “qualified electronic signature” the most significant judicial value deeming that it shall be equivalent to a handwritten signature. Further, section 9 of the Law provides that even if the Electronic Signature does not meet the conditions of a qualified signature, it may still be considered as admissible evidence in legal proceedings in Cyprus. However, in case of the latter, the court must exercise its discretion on whether to accept such electronic signatures as admissible based on the circumstances of the case.

It should, however, be noted that due to the recent enactment of the Law, many institutions and bodies, not being well accustomed with digital signatures, seem reluctant to accept them and as there have been no substantial judgments on their use and validity, there is no sufficient guidance yet as to the manner in which electronic signatures will be treated by the courts or as to the interpretation of the various provisions of the Law.

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