

# Electronic signature and Land Registry

## I. Introduction

## II. Electronic signature

## III. The use of electronic signature by Land Registry services

## I. INTRODUCTION

Regulation (EU) No 910/2014, of 23 July 2014  
(eIDAS – Electronic Identification Authentication and Signature)

- To enhance trust in electronic transactions in the internal market by providing a common foundation for secure electronic interaction [see Recital (2)];
- To promote a fully integrated digital single market by facilitating the cross-border use of online services [see Recital (5)];
- To create appropriate conditions for the mutual recognition of key enablers across borders [see Recitals (6) and (14)].

## I. INTRODUCTION

### Recital (21)

The Regulation shouldn't “[...] cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form laid down by national or Union law. **In addition, it should not affect national form requirements pertaining to public registers, in particular commercial and land registers.**”

## I. INTRODUCTION

European legislator → the legal value of the electronic document depends on the typology of electronic signatures on the document:

- Simple electronic signature;
- Advanced electronic signature;
- Qualified electronic signature.

## I. INTRODUCTION

Different degrees of electronic signature:

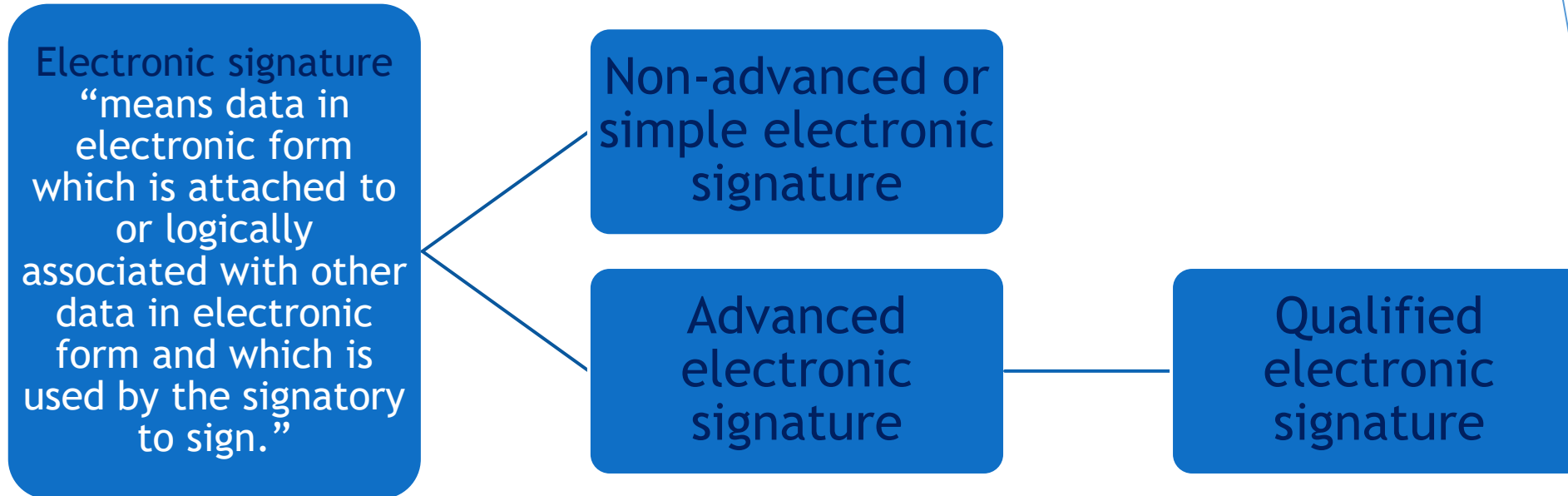


At a higher level, it establishes the document with a qualified electronic signature (Article 25(2) of the Regulation)



And at a lower level, simple electronic signature (Article 25(1) of the Regulation).

## II. Electronic signature



## II. ELECTRONIC SIGNATURE

### *Simple electronic signature*

- Any method of imputation of the authorship of an electronic document;
- Identifies the subscriber but does not absolutely ensure that only the subscriber has access to the document, not ensuring that the document was not modified after its creation.



## II. ELECTRONIC SIGNATURE

### *Advanced electronic signature*

- The signature with certain requirements: Articles 3, 11) and 26 of Regulation No 910/2014.

## II. ELECTRONIC SIGNATURE

### *Qualified electronic signature*

- A subspecies of advanced electronic signature;
- “[M]eans an advanced electronic signature that is created by a qualified electronic signature creation device, and which is based on a qualified certificate for electronic signatures.”

### III. THE USE OF ELECTRONIC SIGNATURE BY LAND REGISTRY SERVICES

- Land Registry has the function of publicizing the legal situation of the immovables for the security of legal transactions;
- Legal and organizational rules in all land registry systems, that is, structuring principles, relating to the operation of registries, their viability, their purposes and their effects: principle of legality; principle of legitimacy; principle of priority; principle of publicity.

### **III. THE USE OF ELECTRONIC SIGNATURE BY LAND REGISTRY SERVICES**

With the decline of the use of paper and handwritten signatures and with the rise of electronic documents, it is urgent to reflect on the form of requirements pertaining to public registers and land registers, in particular to applications and documents.



The qualified electronic signature must be the minimum requirement?

### III. THE USE OF ELECTRONIC SIGNATURE BY LAND REGISTRY SERVICES

A secure and interoperable system of information transmission similar to that regulated in the E-Codex Regulation (e-Justice Communication via On-line Data Exchange), could be a way forward?

Thank you very much for your attention!