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Beyond Digital Business



# Qualified Electronic Signature





## Qualified Electronic Signature: What it is and how it can be used

A Qualified Electronic Signature or QES is considered the most complete and secure method to digitally prove the identity of a person and acceptance of the content of a document.

### What does a qualified electronic signature mean?

Under the eIDAS Regulation<sup>1</sup> a Qualified Electronic Signature is an advanced electronic signature based on a qualified certificate with the purpose of identifying the signatory. This certificate consists of an electronic document that associates the signatory's data and the QES signature's validation to the subject's unequivocal identification.

In order for an electronic signature to be considered a qualified electronic signature, it must fulfil the following requirements:

- ✓ It is uniquely linked to the signatory.
- ✓ It is capable of identifying the signatory.
- ✓ It is generated using electronic signature creation data that the signatory can, with a high level of confidence, use under his exclusive control.
- ✓ It is linked to the data signed in such a way that any subsequent change is detectable.

### What type of entities can issue qualified electronic signatures?

A qualified electronic signature can only be issued by a Qualified Trust Service Provider (QTSP), which is supervised by a member state supervisory authority and included in the national Trusted Lists<sup>2</sup>.

<sup>1</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.257.01.0073.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0073.01.ENG)

<sup>2</sup> <https://eid.ec.europa.eu/efda/tl-browser/#/screen/home>

## What differentiates a qualified electronic signature from other types of electronic signatures?

Among the different types of electronic signatures stipulated in eIDAS (simple, advanced, and qualified), QES is the only type of electronic signature that has the same legal effect as a handwritten signature, protecting the signed documents against fraud attempts and forgery. That is, QES is the one providing the highest level of security and authenticity, regarding identity verification, document integrity and nonrepudiation and benefits from a presumption of legal validity. Benefiting from a presumption of authenticity, it will be the contestant's responsibility to rebut the presumption.

Another legal effect that should be highlighted, and which distinguishes it from other types of electronic signatures, is that a qualified electronic signature based on a qualified certificate issued in one Member State is recognised in all other Member States.



## When issuing certificates for trust services, what shall a qualified trust service provider verify?

When issuing certificates for trust services, qualified trust service providers must verify, according with national law, the identity and any specific attributes of the natural or legal person to whom the qualified certificate is being issued.

Either by using their own resources or relying on third parties, trust service providers have the following options for carrying out this verification:

- ✓ The physical presence of the natural person.
- ✓ An authorised representative of the legal person.
- ✓ Through other nationally recognised identification methods providing a guarantee of reliability equivalent to physical presence. The equivalent assurance shall be confirmed by a conformity assessment body.

There are countries that accept other digital identification methods that provide equivalent guarantees in terms of trust and physical presence, such as video-assisted interviews, as is the case in Portugal<sup>3</sup> and in Italy, or non-assisted video interviews, as is the case in Spain<sup>4</sup>.

## Is it possible to resort to qualified trust service providers as a form of identification?

In accordance with European anti-money laundering legislation and regarding the means of proof of identification of a natural person, with whom the obliged entity wishes, for example, to establish a business relationship, it is settled that the identification of the customer and the verification of their identity based on documents, data or information obtained from an independent and credible source, including electronic identification means, can be done by relevant trust services within the meaning of Regulation (EU) No 910/2014 of the European Parliament and of the Council (1) or any other secure electronic or remote identification process regulated, recognised, approved or accepted by the relevant national authorities.

At national level, the Article 25(1) of Law No. 83/2017 of 18 August 2017 states that for the purposes of verifying the identification of natural persons, the referred entities always require the presentation of valid identification documents containing the following identification elements:

- ✓ Photograph
- ✓ Full Name
- ✓ Signature
- ✓ Date of birth
- ✓ Nationality as stated on the identification document
- ✓ Type, number, validity date and issuer of the identification document. It is also necessary that the proof of the referred data can be carried out through the use of qualified trust service providers, according to Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014.

<sup>3</sup> <https://www.gns.gov.pt/docs/despacho-154-2017-id-videoconferencia.pdf>

<sup>4</sup> <https://www.boe.es/buscar/pdf/2021/BOE-A-2021-7966-consolidado.pdf>

## Does the LOQR Platform support qualified trust service providers?

LOQR's Platform allows qualified certificates to be issued through a non-assisted video interview, with LOQR acting as the Registration Authority for a Certifying Authority duly registered on the European Union's Trusted Lists. LOQR's Platform supports documents to be signed with a qualified electronic signature using Chave Móvel Digital (CMD).

Since the Certifying Authority is based in Spain, other identification methods recognised at national level (Spain) can be used, as long as they provide equivalent guarantees in terms of trust to physical presence.

Through an automated journey, we are providing the signatory with improved customer experience, given the more autonomous, faster and simpler process that a qualified electronic signature solution allows. This enables the remote signing of documents and contracts anywhere and at any convenient time with indisputable identity, providing greater security, integrity and authenticity since the document, once signed, cannot be altered. Our clients can benefit from a legally compliant solution that saves time, reduces operational costs and optimises resources.

# LOQR



## Talk to Us

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