

**Journal of Laws (Dz.U.01.130.1450)**

2004-01-01	amendment Dz.U.02.153.1271 Article 83
	amendment Dz.U.03.124.1152 Article 158
	amendment Dz.U.03.217.2125 Article 6
2004-05-01	amendment Dz.U.04.96.959 Article 68
2005-07-21	amendment Dz.U.05.64.565 Article 45

**THE ACT**

of 18 September, 2001

**on Electronic Signature<sup>1</sup>**

(*Journal of Laws* of 15 November, 2001)

**Chapter I**

**General provisions**

**Article 1.** The present Act specifies the conditions of the use of electronic signature, legal effects thereof, as well as the rules for the provision of certification services and for the supervision of certification-service-providers.

**Article 2.** The provisions of this Act shall apply to certification-service-providers established on the territory of the Republic of Poland or those who provide certification service on this territory.

**Article 3.** In this Act:

- 1) "electronic signature" means data in electronic form which, together with other data, either attached thereto or logically associated therewith, capable of identifying the signatory;
- 2) "secure electronic signature" means electronic signature which:
  - a) is uniquely assigned to the signatory,
  - b) is made using secure signature-creation device and signature-creation data that the signatory can maintain under his sole control,
  - c) is related to the data to which it has been attached in such a manner that any subsequent change of the data is recognizable,
- 3) "signatory" means a natural person who holds a signature-creation device and acts either on his own behalf or on behalf of another natural person, legal person or an organisational unit not endowed with legal personality,
- 4) "signature-creation data" means unique data which are assigned to a natural person and are used by this person to create an electronic signature;
- 5) "signature-verification data" means unique data which are assigned to a natural person and are used for the purpose of identifying the signatory,
- 6) "signature-verification device" means configured software and hardware which allows creating of an electronic signature or an electronic authentication by the use of signature-creation data or electronic-authentication-creation data
- 7) "secure signature-creation device" means a device used to create electronic signature which meets the requirements laid down in this Act,
- 8) "signature-verification device" means configured software and hardware capable of identifying of the natural person who created an electronic signature by the use of signature-verification data or in the manner capable of identifying of a certification-service-provider or the authority issuing provider's certificates, with the use of authentication-verification data,

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<sup>1</sup> This Act, within the scope of its regulation, implements Directive 1999/93/EC of 13 December 1999 on a Community framework for electronic signatures (OJ L 13 of 19.01.2000).

On the date of the Republic of Poland becoming a Member State of the European Union, the references pertaining to publications of the EU legal acts given in this Act shall pertain to the publication of these acts in the Official Journal of the European Union – special edition.

- 9) "secure signature-verification device" means a device, used to verify electronic signature, which meets the requirement, laid down in this Act,
- 10) "certificate" means an electronic attestation which links signature-verification data to a person creating electronic signature, and which are capable of identifying this person,
- 11) "provider's certificate" means an electronic attestation which assigns data used to verify electronic authentication to a certification-service-provider or to the authority referred to in article 30 paragraph 1 and which are capable of identifying of the said service-provider or the said authority,
- 12) "qualified certificate" means a certificate which meets the requirements stipulated hereby and is provided by a qualified certification-service-provider who fulfils the requirements laid down in this Act,
- 13) "certification services" means issuing certificates, confirmation of time and the provision of other services related to electronic signatures,
- 14) "certification-service-provider" means an entrepreneur within the meaning of the Act of November 19, 1999 on Business Activity (*Journal of Laws* of 2000, No. 101 item 1178, No. 86 item 958 and No. 114 item 1193 and of 2001, No. 49 item 509, No. 67 item 679 and No. 102 item 1115), the National Bank of Poland or a public authority, which provide at least one of the services referred to in subparagraph 13,
- 15) "qualified certification-service-provider" means a certification-service-provider who has been entered in the register of qualified certification-service-providers,
- 16) "confirmation of time" means the provision of services by which data in electronic form logically linked to data identified by an electronic signature or electronic authentication are marked by the specification of exact time at the moment provision of these services and at the moment an electronic authentication of such data is issued by the certification-service-provider,
- 17) "certification policy" means detailed solutions, including technical and organisational specification which determine the procedure, scope and security requirements for the creation and application of certificates,
- 18) "certification-service-consumer" means a natural person, a legal person or an organisational entity not endowed with legal personality, which:
  - a) has concluded a contract for provision of certification services with a certification-service-provider, or
  - b) within the limits specified by the certification policy, is entitled to act on the basis of the certificate or on the basis of other electronic data certified by a certification-service-provider,
- 19) "electronic authentication" means data in electronic form which, attached to or logically associated with other electronic data, are capable of identifying a certification-service-provider or an authority issuing provider's certificates, and which fulfil the following requirements:
  - a) have been created with the use of secure signature-creation devices and authentication-creation data which a certification-service-provider or the authority issuing provider's certificates maintain under their sole control,
  - b) any subsequent change of the data authenticated is recognizable,
- 20) "authentication-creation data" means unique data assigned to a certification-service-provider or to the authority issuing provider's certificates used by the provider or by the authority to create electronic authentications,
- 21) "authentication-verification data" means unique data which are assigned to a certification-service-provider or to the authority issuing provider's certificates, used for the purpose of identifying an entity or authority issuing an electronic authentication,
- 22) "verification of secure electronic signature: means operations which are capable of identifying the signatory and of confirming that the signature has been created with the use of signature-creation data assigned to the signatory, as well as the fact that the data bearing the signature have not been changed since the signature was created.

**Article 4.** A certificate issued by a certification-service-provider who is not established on the territory of the Republic of Poland and does not provide services on its territory, shall be legally recognized as equivalent to qualified certificates issued by a qualified certification-service-provider who is established or provides services on the territory of the Republic of Poland, :

- 1) certification-service-provider issuing the certificate has been entered in the register of qualified certification-service-providers,
- 2) it is stipulated by an international agreement on mutual recognition of certificates to which the Republic of Poland is a Party,
- 3) the certification-service-provider that issued the certificate fulfils the requirements laid down in this Act and has been granted accreditation in a Member State of the European Union,
- 4) a certification-service-provider established on the territory of the European Union, which meets the requirements laid down in this Act issued a guarantee with respect to the certificate,

- 5) the certificate has been recognized as qualified by an international agreement concluded between the European Union and third countries or international organisations,
- 5a) the certificate has been recognized as qualified by an agreement on the European Economic Area
- 6) the certification-service-provider that issued the certificate has been recognized by an international agreement concluded between the European Union and third countries or international organisations,

## **Chapter II**

### **Legal effects of electronic signature**

**Article 5.** 1. A secure electronic signature verified by a qualified certificate shall result in the legal effects specified by this Act if it has been created within the validity period of the certificate. A secure electronic signature created within the period of suspension of the validity of the qualified certificate used to verify the signature shall result in legal effects upon repealing of the suspension.

2. Data in electronic form bearing a secure electronic signature verified by a valid qualified certificate shall be legally recognized as equivalent to documents bearing handwritten signatures, unless separate provisions state otherwise.

3. A secure electronic signature verified by a valid qualified certificate shall ensure the integrity of the data bearing the signature and unambiguous indication of the qualified certificate by assuring that any subsequent changes of the data and any subsequent changes of the indication of the certificate used to verify the signature are recognizable.

**Article 6.** 1. A secure electronic signature verified by a valid qualified certificate shall be considered as a proof of the fact that it was created by the person indicated in the certificate as the signatory.

2. The provisions of paragraph 1 shall not apply to a certificate whose validity expired and following certificate's revocation or throughout the period of its suspension, unless it has been proved that the signature had been created prior to the date of expiry of the certificate, its revocation or suspension.

3. The validity of an electronic signature verified by a valid qualified certificate may not be questioned by invoking the fact that the signature has not been created with the use of secure devices or data that the signatory could maintain under his sole control.

**Article 7.** 1. Electronic signatures may have a time stamp attached.

2. The time stamp provided by a qualified certification-service-provider shall have, in particular, the legal effects of the authenticated date within the meaning of the provisions of the Polish Civil Code.

3. An electronic signature with a time stamp attached by a qualified certification-service-provider shall be regarded as created not later than at the moment the service is provided. The above presumption shall be effective until the validity of the provider's certificate used to verify the process of time stamp expires. Prolongation of the above presumption's effectiveness shall require another time stamp attached to the electronic signature together with the data used previously by the qualified provider of this service.

**Article 8.** The electronic signature may not be denied validity and legal effectiveness solely on the grounds that it is in the electronic form or that the signature verification data do not have a qualified certificate or that the signature has not been created with the use of a secure signature creation device.

## **Chapter III**

### **Obligations borne by certification-service-providers**

**Article 9.** 1. The performance of certification service shall not require obtaining any permits or licences.

2. Public authorities and the National Bank of Poland are entitled to provide certification service, subject to the provisions of paragraph 3, solely for the use of these institutions or other public authority bodies.

3. A unit of local self-government may provide certification service on a non-profit basis also for the members of self-governing community.

**Article 10.** 1. A qualified certification-service-provider issuing qualified certificates shall be obliged to:

- 1) provide technical and organisational means sufficient for prompt and reliable issuance, suspension and revoking of certificates and specifying the time of executing these actions,
- 2) verify the identity of a person who applies for the certificate,
- 3) take measures against forgery of certificates and other data electronically authenticated by the above entities - in particular by protection of devices and data used for the provision of certification-service,
- 4) conclude a contract of civil liability insurance with respect to any damage suffered by certification-service-consumers,
- 5) before entering into a contractual relationship with a person seeking a certificate, inform that person of the terms and conditions regarding the obtaining and the use of the certificate, including any limitations on its use,
- 6) use systems to create and store certificates in the manner ensuring that only authorised persons can make entries and changes,
- 7) if the certification-service-provider provides public access to certificates, their publication shall require prior consent of the person to whom the certificate has been issued,
- 8) provide certification-service-consumers with a comprehensive list of secure signature creation and verification devices, as well as technical requirements to be met by the devices,
- 9) in the event that provider generate signature-creation-data, assure the confidentiality of generation procedures; not store or copy signature-creation data or other data which could be used to re-produce the former; not make the data available to anyone but the person that intends to use the data for creation of an electronic signature,
- 10) in the event of provider's generation of signature-creation-data, ensure that, with the probability bordering on certainty, each set of data appears only once,
- 11) publish the data which allow verification, including electronic verification, of the authenticity and validity of certificates and other electronically certified data by the certification-service-provider and provide certification-service-consumers with free-of-charge access to the said data,

2. A qualified certification-service-provider which renders certification services providing time stamps shall meet the requirements referred to in paragraph 1, subparagraphs 3, 4 and 8, and shall use time stamp systems and systems to create and store provider's certificates in the manner assuring that only authorised persons can enter data and change them and shall also guarantee that the time indicated therein is the time when the electronic authentication was submitted and that the systems used prevent the attachment of any time stamp other than the one stamping the time of service provision.

3. The person who renders certification services:

- 1) shall have full capacity to enter into legal transactions,
- 2) must not have been convicted under a final and valid court decision of an offence against: the credibility of documents, business transactions, circulation of money and the trade in securities, of a fiscal offence or of offences referred to in Chapter VIII of this Act.
- 3) shall possess necessary knowledge and skills of certificate generation technology and of the provision of other services concerning electronic signatures.

4. The Council of Ministers may specify, by ordinance, the detailed technical and organisational requirements to be met by qualified certification-service-providers, including the requirements pertaining to the protection of premises housing the data referred to in Art. 12 paragraph 1 - considering the scope of application of the certificates issued by certification-service-providers, requirements pertaining to the protection of certificates and the necessity to protect the interests of certification-service-consumers.

5.<sup>(2)</sup> A minister in charge of financial institutions shall, in consultation with the minister in charge of economy, having first sought the opinion of the Polish Chamber of Insurance [Polska Izba Ubezpieczeń], by ordinance, specify the detailed scope of mandatory insurance referred to in paragraph 1 subparagraph 4, including, in particular, the date of arising of the obligation to conclude the contract of insurance and the minimum guarantee amounts, , taking consideration, in particular, the specific character of a profession and the scope of tasks executed.

**Article 11.** 1. Subject to paragraphs 2 and 3, certification-service-provider shall be liable for damages suffered by certification-service consumers, and caused by failure to perform or incorrect performance of the obligations concerning the provision of service, unless such failure to perform or incorrect performance of the obligations has been caused by the circumstances for which the certification-service-provider is not responsible and which he could not prevent despite his observance of due diligence.

2. Certification-service-provider shall not be liable for damages in respect of damage suffered by certification-service consumers, if the damage has been caused by the use of the certificate outside the scope laid out in the

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certification policy indicated in the certificate, including, in particular, damages caused by exceeding a maximum limit value of the transaction, if the value has been disclosed in the certificate.

3. Certification-service-provider shall not be liable for damages in respect of damage suffered by certification-service consumers, if the damage has been caused by untruthful data included in the certificate at signatory's request.

4. Certification-service-provider, who has issued a guarantee with respect to the certificate pursuant to article 4 point 4, shall be liable for damages suffered by certification-service-consumers as a result of the use of the certificate, unless the damage has been caused by the use of the certificate outside the scope laid down in the certification policy, indicated in the certificate.

**Article 12.** 1. Information pertaining to the provision of certification service the unauthorised disclosure of which might cause damage to certification-service-provider or certification-service-consumer, in particular, information used to create electronic authentications, are confidential. Confidentiality shall not apply to information on the violation of the provisions of this Act by the certification-service-provider.

2. The following persons shall be obliged to observe the confidentiality referred to in paragraph 1:

- 1) representing certification-service-provider,
- 2) under a contract of employment, work order contract or any other legal relationship of similar nature with a certification-service-provider,
- 3) under a contract of employment, work order or any other legal relationship of similar nature with an entity whose operation includes provision of services for a certification-service-provider,
- 4) persons and official bodies which have acquired confidential information pursuant to the procedure referred to paragraph 3.

3. Persons referred to in paragraph 2 shall be obliged to disclose information referred to in paragraph 1, apart from the data used to create electronic authentications exclusively at the request of:

- 1) court or public prosecutor, with respect to pending proceedings,
- 2) a minister in charge of the economy, with respect to his supervision of certification-service-providers referred to in Chapter VII,
- 3) other state bodies authorised to obtain the information pursuant to the provisions of separate acts, with respect to proceedings they conduct, concerning the operations of certification-service-providers.

4. The obligation to observe the secrecy referred to in paragraph 1, subject to the provisions of paragraph 5, shall remain in force for the period of 10 years as of the date of cessation of legal relationships referred to in paragraph 2.

5. The obligation to observe the confidentiality of the data used to create electronic authentications shall be unlimited in time.

**Article 13.** 1. Subject to the provisions of paragraph 5 and Article 10 paragraph 1 subparagraph 9, a certification-service-provider shall store and archive, all relevant documents and data in the electronic form, directly concerning certification service provided, in the manner ensuring the security of the stored documents and information..

2. In the case of qualified certification-service-providers, the obligation to store documents and information referred to in paragraph 1 shall remain in force for the period of 20 years after the date on which such documents or data have been created.

3. In the event that a qualified certification-service-provider ceases operation, documents and data referred to in paragraph 1 shall be stored by the minister in charge of the economy or an entity appointed by the minister. A fee shall be charged by the minister for the storage of documents and data referred to in paragraph 1, not exceeding the PLN equivalent of EUR 1 per each certificate issued, the documentation of which is to be stored, calculated according to the average exchange rate announced by the National Bank of Poland on the day the qualified certification-service-provider ceases his operation. The fee should be allocated to financially support the activities referred to in the first sentence hereof.

4. The minister in charge of the economy shall, by ordinance, lay down procedures of charging and the amount of the fees referred to in paragraph 3, taking into consideration the number of documents to be stored and envisaged costs with respect to the documents and data referred to in paragraph 1.

5. Certification-service-providers shall destroy the data used to create electronic authentications forthwith, following the revocation or expiry of the provider's certificate used to verify electronic authentications.

## Chapter IV

### Provision of certification services

**Article 14.** 1. Certificates shall be issued by certification-service-providers on the basis of a contract.

2. Prior to the conclusion of a contract referred to in paragraph 1, certification-service-provider shall be obliged to inform, in a clear and generally understandable form, in writing or in the form of an electronic document, within the meaning of the provisions of the Act of 17 February, 2005 on the computerisation of the activities of bodies carrying out public responsibilities (*Journal of Laws* No. 64, item 565), , about the detailed terms and conditions regarding the use of the certificate, including complaints and dispute settlement procedures, and in particular about the essential terms and conditions thereof, including:

- 1) the scope of application and limitations thereon,
- 2) legal effects of the creation of electronic signatures verified by the certificate,
- 3) the information about a voluntary accreditation scheme of the qualified entities and their significance 3. In the event that certificates issued are not of qualified nature, the information referred to in w paragraph 2, shall also indicate that electronic signatures verified by the certificate shall not have legal effects equivalent to a handwritten signature.

4. The certification-service-provider shall be obliged to disclose, at anyone's request, the essential parts of the information referred to in w paragraph 2.

5. Prior to the conclusion of the contract, the certification-service-provider shall be obliged to obtain a written confirmation that the consumer has familiarised himself with the information referred to in w paragraph 2.

6. Subject to the provisions of Article 10 paragraph 1 subparagraph 2, the certification-service-provider may use notarially authenticated identity of the certification-service-consumer,- if the relevant certification policy so provides.

7. The certification-service-provider, when issuing qualified certificates, shall be obliged to apply procedures which result in obtaining, from the person to which the certificate is issued, a written consent to the application of the data which are included in the certificate to be used to verify that person's electronic signature.

**Article 15.** Certification-service-consumer shall be obliged to store the data used to create electronic signature in the manner which protects them against unauthorised use within the validity period of the certificate used to verify the signatures.

**Article 16.** 1. Contract for the provision of certification service should be concluded in writing under pain of invalidity.

2. The invalidity of a contract for the provision of certification service shall not result in the invalidity of the certificate if at the issuing of the certificate the requirements referred to in article 14, paragraphs 2 and 5 have been met and if the consent referred to in article 14 paragraph 7 has been given.

**Article 17.** 1. A qualified certification-service-provider shall be obliged to draw up a certification policy. The certification policy shall include, in particular:

- 1) scope of application,
- 2) specification of the procedure for generation and transfer of electronic data to be provided with electronic authentications by a certification-service-provider,
- 3) maximum validity periods of certificates,
- 4) procedures for identification and authentication of the persons to whom certificates are issued, and of the certification-service-provider,
- 5) methods and procedures for generation of and making available certificates, announcing listings of revoked and suspended certificates and other electronically authenticated data,
- 6) specification of an electronic record of data structures included in certificates and other electronically authenticated data,
- 7) document management procedures with respect to the provision of certification services.

2. The Council of Ministers shall, having first sought the opinion of the Governor of the National Bank of Poland, by ordinance, specify fundamental technical and organisational requirements for certification policies for qualified certificates, considering the scope of application and periods of validity thereof, as well as the necessity of compatibility of various signature-creation and signature-verification devices, of assuring the security of legal transactions and the European Union standards.

**Article 18.** 1. As a minimum, secure electronic signature creation device should:

- 1) prevent obtaining information used to create electronic signature or authentication,
- 2) not alter the data to be signed or authenticated electronically, whereas it should allow the presentation of the data to the signatory prior to his creating the signature.
- 3) guarantee that a clear warning shall be displayed prior to signature's creation advising that the continuation of the operation shall result in the creation of an electronic signature,
- 4) ensure easy identification of any security-relevant changes of the signature-creation or authentication-creation device,

2. A secure electronic signature verification device should meet the following requirements:

- 1) data used to verify an electronic signature correspond to the data displayed to the person verifying the signature,
- 2) electronic signature is verified reliably, and the result of verification is correctly displayed,
- 3) the person verifying signature can reliably establish the contents of the signed data,
- 4) authenticity and validity of certificates or other electronically authenticated data are reliably verified,
- 5) the result of the verification of signatory's identity is correctly and clearly displayed,
- 6) the use of a pseudonym is clearly indicated,
- 7) any security-relevant changes in the signature-verification device are reported.

3. The Council of Ministers shall, by ordinance, specify the detailed technical and organisational requirements to be met by secure signature-creation and secure signature-verification devices and the necessity of preservation of the integrity and confidentiality of the data bearing the said signature.

4. The examination of the devices' (referred to in paragraphs 1 and 2) compliance with the requirements laid down in this Act shall be carried out pursuant to separate provisions.

5. The usefulness of the devices referred to in paragraphs 1 and 2 for the protection of confidential data shall be subject to evaluation performed by national security agencies within the meaning of the provisions of the Act on Protection of Confidential Data, and the agencies shall issue applicable security certificates.

**Article 19.** 1. Fee shall be charged with respect to the activities referred to in article 18, paragraphs 4 and 5.

2. With respect to the fees referred to in paragraph 1, the provisions referred to in article 18 paragraph 4 shall apply, as well as the provisions of the Act of 22 January, 1999 on Protection of Confidential Data (*Journal of Laws* of 2000, No. 11 item 95, No. 12 item 136 and No. 39 item 462 and of 2001, No. 22 item 247, No. 27 item 298, No. 56 item 580, No. 110 item 1189 and No. 123 item 1353).

**Article 20.** 1. As a minimum, a qualified certificate shall include the following data:

- 1) certificate number,
- 2) an indication that the certificate has been issued as a qualified certificate pursuant to a relevant certification policy,
- 3) identification of the certification-service-provider issuing the certificate and identification of the country where the provider is established, number of entry in the register of qualified certification-service-providers,
- 4) name and surname or a pseudonym of the person who creates an electronic signature; the use of a pseudonym shall be clearly indicated,
- 5) electronic signature verification data,
- 6) indication of the initial date and expiry of the validity of a certificate,
- 7) electronic authentication of the certification-service-provider that has issued the certificate,
- 8) limitation on the scope of validity of the certificate - if a given certification policy requires such indication,
- 9) limitations on the maximum limit value of the transaction in which the certificate may be used - if a given certification policy or the contract referred to in Art. 14 paragraph 1 require such indication.

2. While issuing qualified certificates, certification-service-providers shall be obliged, at the request of the signatory, to include in the certificate data other than specified in paragraph 1, in particular an indication whether the signatory acts:

- 1) on his own behalf, or
- 2) as a representative of another natural person, legal person or an organisational entity not endowed with legal personality, or
- 3) as a member of a body or as a body of a legal person or an organisational entity not endowed with legal personality, or
- 4) a public authority.

3. Issuing qualified certificates, certification-service-providers shall verify the truthfulness of the data referred to in paragraph 2, notify the entities referred to in paragraph 2 subparagraph 2-4 of the contents of the certificate and informs of the option of certificate's revocation at the request of the said entities.

## Chapter V

### Validity of certificates

**Article 21.** 1. A certificate is valid for the term indicated therein.

2. The certification-service-provider revokes a qualified certificate before the expiry of its validity term if:

- 1) such a certificate has been issued on the basis of untrue or no longer valid data referred to in Article 20 paragraph 1 subparagraph 4 and Article 20 paragraph 2,
- 2) the provider failed to comply with requirements specified in this Act,
- 3) the signatory of an electronic signature verified on the basis of such certificate failed to meet the requirements referred to in Article 15,
- 4) certification-service-provider ceases to provide certification services and its rights and obligations are not assumed by another qualified certification-service-provider,
- 5) upon a request from the signatory of an electronic signature or the third person indicated in the certificate,
- 6) upon a request from the minister in charge of the economy,
- 7) signatory of an electronic signature has lost the full capacity to perform legal transactions.

3. The revocation of the certificate in accordance with Article 21 paragraph 2 subparagraph 2 does not exclude the certification-service-provider's liability for damage against the signatory of an electronic signature.

4. In the case of a justified doubt that there might be grounds for revoking a qualified certificate, the certification-service-provider is obliged to immediately suspend the certificate and take steps necessary to clarify such doubts.

5. The suspension of a qualified certificate may not exceed seven days.

6. After the expiry of the period referred to in paragraph 5 runs out, in the event that the certification-service-provider is not able to clarify such doubts, it shall immediately revoke the qualified certificate.

7. The certificate which was suspended may be later revoked or its suspension may be lifted.

8. The certificate which was revoked may not be later held valid.

9. The minister in charge of the economy files a request referred to in paragraph 2 subparagraph 6, if the premises referred to in paragraphs .paragraph 2 subparagraphs 1-4 and paragraph 2 subparagraph 7 are met.

10. The certification-service-provider shall immediately notify the signatory of the revocation or suspension of a certificate on the basis of which the electronic signature is verified.

11. The suspension or revocation of a certificate may not have retrospective effect.

**Article 22.** 1. The certification-service-provider publishes the list of suspended and revoked certificates.

2. The information concerning the suspension or revocation of a certificate is included in each list of suspended and revoked certificates, published prior to an expiry date of the certificate's validity period and on the first list published following the expiry of this period.

3. The list of suspended and revoked qualified certificates should include in particular:

- 1) the list's serial number and a statement saying that the list was published in accordance with a specified certification policy and applies to certificates issued in accordance with such policy,
- 2) the date and the time of the list's publication, with accuracy specified in the certification policy,
- 3) the date of expected publication of next list,
- 4) specification of the certification-service provider publishing the list and the country in which it is established together with its entry number in the register of qualified certification-service-providers,
- 5) the number of each suspended or revoked certificate with an indication whether it was suspended or revoked,
- 6) the date and time, with accuracy specified in the certification policy, of each certificate's suspension or revocation,
- 7) electronic authentication of certification-service-provider publishing the list.

4. The certification-service-provider publishes information on the certificate's suspension and revocation in a list referred to in paragraph 1, in accordance with the relevant certification policy, however, not later than within one hour of such revocation or suspension.



5. The suspension and revocation of a certificate produces legal effects as of the date referred to in paragraph 3.6, which cannot precede the date and time of the publication of the previous list of suspended and revoked certificates.

## Chapter VI

### Granting accreditation and making entries in the register of qualified certification-service-providers

**Article 23.** 1 A certification-service-provider or an entity wishing to commence the provision of certification services may move for its entering in the register of qualified certification-service-providers.

2. Provision of certification services as a qualified certification-service-provider requires an entry in the register of qualified certification-service-providers and the obtainment of provider's certificate used for verifying electronic authentications of such authority, issued by the minister in charge of the economy, subject to the provisions of paragraphs 4 and 5.

3. The minister in charge of the economy shall publish, in the electronic form, the list of issued provider's certificates referred to in Article 23 paragraph ,2 as well as data used for verification of provider's certificates issued by him.

4. The minister in charge of the economy may, under the provisions of public procurement regulations, commission a certification-service-provider to make and issue provider's certificates referred to in paragraph 2, and publish the list referred to in paragraph 3 and the data used for verification of issued provider's certificates.

5. The minister in charge of the economy, upon a request from the Governor of the National Bank of Poland, authorises the National Bank of Poland or an entity, named in the request, related as a subsidiary to the National Bank of Poland in terms of offered services, to provide the services referred to in paragraph 4. The authorisation for the dependent entity expires by operation of law if such entity ceases to be related as a subsidiary to the National Bank of Poland.

6. Authorities referred to in paragraphs 4 and 5 are obliged to meet the requirements of the Act for qualified certification-service-providers with respect to the protection, issuance, storage and revocation of certificates and may not offer certification services which consist in issuing certificates.

7. In cases referred to in paragraphs 4 and 5, the minister in charge of the economy, while making an entry in the register referred to in paragraph 1, advises the certification-service-provider of the name and head office of an entity authorised to make and issue provider's certificates.

**Article 24.** 1. The entry in the register of qualified certification-service-providers is made upon an application from a certification-service-provider or an entity intending to provide or providing certification services.

2. The application for the entry in the register of qualified certification-service-providers should include:

- 1) applicant's name and surname or company name (business name),
- 2) description of certification policy, according to which the qualified certificates or other services connected with the electronic signature are to be made, used or offered,
- 3) place of residence or head office and the applicant's address,
- 4) current excerpt from the register of entrepreneurs or a certificate of entry into the business register, and current excerpt from the register of bankrupts,
- 5) names and surnames of persons referred to in Article 10 paragraph 3 whom such authority employs or intends to employ,
- 6) information on the qualifications and professional experience as well as clear certificates from the records of criminal convictions of the persons referred to in Article 10 paragraph 3,
- 7) indication of technical and organisational capabilities to perform the actions within the scope of providing certification services,
- 8) description of methods of preventing the disclosure of information which, if used, might infringe on the interest of certification service customers,
- 9) documents showing the applicant's financial situation and the organisational and financial plan for his business activity,
- 10) receipt of payment of a fee for the consideration of the application for the entry in the register of qualified certification-service-providers,
- 11) data used for verification of electronic authentications made by the certification-service-provider as part of certification services rendered thereby,
- 12) the applicant's Tax Identification Number (NIP),

13) the statistic identification number (REGON) of the applicant.

3. The provisions of paragraph 2 subparagraphs 4, 9 and 13 do not apply to an application filed by a public authority or the National Bank of Poland.

4. In the case of defects in the application, the minister in charge of the economy calls upon the applicant to complete it, appointing a period not shorter than seven days.

5. The period referred to in paragraph 4 may be extended upon a justified request from the applicant, made prior to the expiry of that period.

6. The failure to complete the application within the appointed period results in its dismissal.

7. The consideration of an application for the entry in the register of qualified certification-service-providers is subject to a fee. The fee paid in is not refundable.

8. The minister in charge of the economy shall lay down, by ordinance:

- 1) application form and its detailed scope, taking into account the possibility of electronic processing of the data included in the forms,
- 2) detailed method of making and issuing provider's certificate, including by the entities empowered to do so under Article 23 paragraph 4 or Article 23 paragraph 5, taking into account the necessity to guarantee the confidentiality of making and issuing provider's certificate,
- 3) the amount of fees for the consideration of an application for the entry in the register of qualified certification-service-providers, including reasonable costs incurred in connection with the registration activities and the register maintenance.

**Article 25.** 1. The minister in charge of the economy, after a review, makes an entry in the register of qualified certification-service-providers or decides to refuse to make such an entry within a period of two months from the date of the submission of an application meeting the requirements specified in Article 24 paragraph 2.

2. Obtaining of an entry in the register referred to in paragraph 1 by a certification-service-provider constitutes a confirmation that it is an institution having sufficient business and technical potential for an issuer of qualified certificates and that it meets the requirements set out in this Act.

3. The decision on the entry should particularly include the name of a certification policy under which a given certification-service-provider may issue qualified certificates or offer other services connected with the electronic signature.

4. The minister in charge of the economy shall refuse to make an entry in the register referred to in paragraph 1 if:

- 1) the application and documents attached hereto do not meet the requirements specified in this Act,
- 2) documents pertaining to the organisation of a certification-service-provider include provisions which may pose a threat to the security of certification-service-customers or otherwise infringe on their interests,
- 3) the certification-service-provider was entered in the register of bankrupts,
- 4) technical and organisational capabilities to perform actions with respect to providing certification services, indicated in the application, do not meet the requirements specified under Article 10 paragraph 4, Article 17 paragraph 2 and Article 18 paragraph 3,
- 5) persons referred to in Article 24 paragraph 2 subparagraph 5 do not meet the requirements detailed in Article 10 paragraph 3.

**Article 26.** 1. The entry of a qualified certification-service-provider in the register of qualified certification-service-providers includes:

- 1) name and surname or company name (business name) of a qualified certification-service-provider,
- 2) the method of representation of a qualified certification-service-provider and the entry number in the register of entrepreneurs with the designation of a court maintaining such register or the number of entry in the business activity register and the designation of the registering authority,
- 3) names and surnames of persons representing a qualified certification-service-provider,
- 4) designation of certification policy under which a given certification-service-provider may issue qualified certificates or provide other services connected with the electronic signature,
- 5) information on the amount of insurance and terms and conditions of the contract referred to in Article 10 paragraph 1 subparagraph 4 and insurer's name,
- 6) date of entry or date of issuing a decision on entry deletion.

2. The certification-service-provider which has obtained the entry in the register of qualified certification-service-providers is obliged, within the period of 30 days from the date of service of the decision about the entry,

deliver the proof of executing the contract referred to in Article 10 paragraph 1 subparagraph 4 and provide the information referred to in Article 10 paragraph 1 subparagraph 5.

3. The minister in charge of the economy, immediately following the receipt of the information referred to in Article 26 paragraph 1 subparagraph 5, shall add it to the entry in the register of qualified certification-service-providers.

4. If a certification-service-provider which has obtained the entry in the register of qualified certification-service-providers does not fulfil the obligation referred to in paragraph 2 within the appointed time, the minister in charge of the economy shall decide to delete its entry from the register of qualified certification-service-providers.

5. Following the entry in the register of qualified certification-service-providers, the minister in charge of the economy, shall, immediately issue provider's certificate referred to in Article 23 paragraph 2, however, not sooner than at the date of the certification-service-provider's fulfilling the obligation referred to in paragraph 2.

**Article 27.** 1. The register of qualified certification-service-providers is kept by the minister in charge of the economy.

2. The register referred to in paragraph 1 and the provider's certificates referred to in Article 23 paragraph 2 are public and freely available, including also the electronic form.

3. The minister in charge of the economy shall lay down, by ordinance, the method of keeping the register of qualified certification-service-providers, its form and a detailed mode of procedure for making entries in the register, including the necessity to ensure access to the register for third persons and the possibility of entering all data collected in the course of procedure for making the entry in the register of qualified certification-service-providers, including the information about the liquidation or bankruptcy of a certification-service-provider.

**Article 28.** 1. The qualified certification-service-provider is obliged to immediately notify, and not later than within seven days of the change of factual or legal status, the minister in charge of the economy about any change in the data included in the application referred to in Article 24 paragraph 2.

2. The certification-service-provider referred to in paragraph 1 is obliged to immediately notify the minister in charge of the economy about a date of discontinuation of certification services, however, not later than with three months' notice before the planned date of discontinuation of such activity.

**Article 29.** 1. In the case of opening the liquidation proceedings of a qualified certification-service-provider, the minister in charge of the economy shall decide on the deletion of its entry from the register of qualified certification-service-providers.

2. In the case of declaration of bankruptcy of a qualified certification-service-provider, the deletion of its entry from the register of qualified certification-service-providers is made by operation of law.

3. If separate regulations do not provide for the liquidation of a certification-service-provider, the minister in charge of the economy shall decide on the deletion of its entry from the register of qualified certification-service-providers in the case of such certification-service-provider's ceasing to conduct its activity.

4. The obligation of notifying the minister in charge of the economy about the declaration of bankruptcy or closing the liquidation proceedings shall rest with a receiver or liquidator.

5. In the case of dismissal of a motion for the declaration of bankruptcy due to reasons named in Article 13 of the Decree of the President of the Republic of Poland of 24 September, 1934 – Bankruptcy Law (*Journal of Laws* of 1991, No. 118 item 512, of 1994, No. 1 item 1, of 1995, No. 85 item 426, of 1996, No. 6 item 43, No. 43 item 189, No. 106 item 496 and No. 149 item 703, of 1997, No. 28 item 153, No. 54 item 349, No. 117 item 751, No. 121 item 770 and No. 140 item 940, of 1998, No. 117 item 756, of 2000, No. 26 item 306, No. 84 item 948, No. 94 item 1037 and No. 114 item 1193 and of 2001, No. 3 item 18), paragraph 2 shall be applied accordingly. The obligation to notify the minister in charge of the economy rests with the members of a legal entity's governing bodies, partners of a partnership company or limited partners of a registered company.

## Chapter VII

### Supervision over certification-service-providers' activity

**Article 30.** 1. The minister in charge of the economy shall oversee the observance of the provisions of the Act, protecting the interests of certification services customers.

2. The objective referred to in paragraph 1 is achieved by the minister in charge of the economy particularly through:

- 1) keeping the register of qualified certification-service-providers,
- 2) issuance and revocation of providers' certificates referred to in Article 23 paragraph 2,
- 3) checking certification-service-providers' activities for their compliance with this Act,
- 4) imposing fines provided for in this Act.

3. The minister in charge of the economy may authorise the entities, referred to in Article 23 paragraph 4 and Article 23 paragraph 5, meeting the requirements of the Act for qualified certification-service-providers with respect to the security, issuance, storage and revocation of certificates and which do not offer certification services consisting in issuing certificates, to maintain the register of qualified certification-service-providers.

**Article 31.** 1. The minister in charge of the economy decides on the deletion of an entry from the register of qualified certification-service-providers if a certification-service-provider:

- 1) conducts its activity contrary to the provisions of this Act and in a manner threatening the interests of certification- service-customers or
- 2) files a request for the deletion of its entry from the register or
- 3) intends to close its business activity and notifies the minister in charge of the economy in accordance to Article 28 paragraph 2 or
- 4) refuses to be subjected to inspection referred to in Article 38.

2. In the case referred to in paragraph 1 subparagraph 1, the minister in charge of the economy may, instead of issuing passing decision, call a certification-service-provider to remedy the found irregularities and bring its activity into compliance with the provisions of this Act.

3. When passing the decision referred to in paragraph 1, the minister in charge of the economy may revoke the provider's certificate referred to in Article 23 paragraph 2 and enter it on the list of revoked provider's certificates of qualified certification-service-providers. The provisions concerning the list of revoked certificates referred to in Article 22 are applied accordingly.

4. The revocation of provider's certificate referred to in Article 23 paragraph 2, used for the verification of electronic authentications made by qualified certification-service-providers, results in the invalidity of those authentications, unless it is proved that an authentication was made prior to the revocation of the provider's certificate.

5. The revocation of electronic authentication referred to in paragraph 4, used for the verification of the validity of certificates issued by a qualified certification-service-provider, results in the invalidity of those certificates.

6. In the case of revoking an electronic authentication referred to in paragraph 4, used for the verification of the validity of the time stamp service, offered by a qualified certification-service-provider, Article 7 paragraph 2 and paragraph 3 do not apply.

**Article 32.** 1. While making the call referred to in Article 31 paragraph 2, the minister in charge of the economy may impose a fine on a certification-service-provider, at the amount up to PLN 50,000, in the case of especially gross irregularities found.

2. In the case of a failure to remedy the irregularities within a appointed period, the minister in charge of the economy may impose a fine on a certification-service-provider, at the amount up to PLN 50 000.

3. While determining the amounts of fines referred to in paragraph 1 and paragraph 2, the minister in charge of the economy is obliged to take into consideration type and gravity of the found irregularities.

4. The fines are subject to enforcement under the regulations on administrative enforcement proceedings.

**Article 33.** 1. If an electronic authentication is made with gross breach of the Act, the decision to delete an entry from the register of qualified certification-service-providers is instantly enforceable.

2. In the case referred to in paragraph 1, the provisions of Article 61 of the Act of 30 August, 2002 on proceedings before administrative courts (*Journal of Laws* No. 153 item 1270) shall not apply.

**Article 34.** Commencing from the date of service of a decision about the deletion of the entry from the register of qualified certification-service-providers, certification-service-provider may not enter into contracts for the provision of certification services with respect to certification policy concerned by the decision.

**Article 35.** 1. Inspections are carried out by the employees of the ministry's organisational unit which provides support services to the minister in charge of the economy, hereinafter referred to as "inspectors," on the basis of an

identification card and personal authorisation specifying the certification-service-provider subjected to the inspection and the scope of inspection together with legal grounds for it.

2. The personal authorisation to carry out the inspection is issued by the minister in charge of the economy or by an authorised director of the ministry's organisational unit which provides support services to the minister in charge of the economy.

3. The inspection referred to in paragraph 1 may be also carried out by inspectors, acting on the minister in charge of the economy's authority, who are the employees of the entity referred to in Article 23 paragraph 5 or who are the employees of a certification entity within the meaning of the regulations referred to in Article 18 paragraph 4.

4. If the inspection is carried out on the basis of authorisation issued by the minister in charge of the economy, the entity and the certification entity mentioned in paragraph 3 are entitled to remuneration for the inspection conducted.

5. The minister in charge of the economy shall lay down, by way of ordinance, the principles governing the remuneration for conducted inspections, on the basis of his authority to order such inspections, taking into consideration the scope and type of inspection and reasonable costs involved with its performance.

**Article 36.** The minister in charge of the economy orders the inspection:

- 1) *ex officio*,
- 2) upon a request from a prosecutor or court or other state authorities authorised to do so under relevant acts in connection with proceedings conducted by them, in the cases concerning the activity of certification-service-providers.

**Article 37.** The aim of an inspection is to establish whether the certification-service-provider's activity meets the requirements of the Act. The scope of inspection is regulated by the authorisation referred to in Article 35 paragraph 1 or paragraph 3.

**Article 38.** In order to secure the appropriate manner of conducting the inspection:

- 1) executives of certification-service-providers subjected to inspection are required to produce, upon the inspector's request, all documents and materials necessary for the inspection preparation and performance, in conformity with the regulations concerning the protection of legally protected information,
- 2) inspectors have the right to:
  - a) enter premises of the inspected certification-service-providers,
  - b) have access to documents and other data carriers, excluding the data used for executing electronic signatures and authentications and other information which might be used for the reproduction of those data, directly connected with the activity covered by the inspection, and to secure documents and other evidence, subject to the regulations concerning the protection of legally protected information,
  - c) carry out inspections of buildings, other assets, and the records of operations connected with the provision of certification services,
  - d) demand that the employees of the inspected certification-service-providers give oral or written explanations,
  - e) use the assistance of experts and specialists.

**Article 39.** The provisions of Articles 31, 32, 35-41, 53-55, 57 and 59 of the Supreme Chamber of Control Act of 23 December 23, 1994 (*Journal of Laws* of 2001, No. 85, item 937) apply respectively to inspection procedure, subject to the following interpretation: whenever the act makes reference to::

- 1) the Supreme Chamber of Control – shall be construed as a ministry which provides support services to the minister in charge of the economy,
- 2) the President of the Supreme Chamber of Control – shall be construed as the minister in charge of the economy,
- 3) director of a relevant inspection unit – shall be construed as a director the ministry's relevant organisational unit which provides support services to the minister in charge of the economy, referred to in Article 35 paragraph 1,
- 4) inspector – shall be construed as the inspector referred to in Article 35 paragraph 1 or paragraph 3.

**Article 40.** The minister in charge of the economy, after getting acquainted with the protocol and qualifications and statements made by the inspected certification-service-provider, shall notify such certification-service-provider of the inspection results and, in the case of found irregularities, appoints a period for their removal, not shorter than 14 days.

**Article 41.** 1. The inspector is obliged to maintain the secrecy the information obtained in connection with discharge of professional duties.

2. The non-disclosure obligation remains in force also after the termination of employment.

**Article 42.** The minister in charge of the economy shall hear complaints against certification-service-providers, applying the provisions of the Code of Administrative Procedure accordingly.

**Article 43.** 1. The employees of the organisational units of the ministry which provides support services to the minister in charge of the economy, discharging the duties specified in this Act, may not conduct business activity, be members or shareholders or act as proxies or members of the supervisory board or audit committee of a certification-service-provider or to remain under the contract of employment, work-order contract or other legal relation of similar nature with the certification-service-provider.

2. The provision of paragraph 1 does not infringe on the provisions concerning the restrictions on conducting business activity by persons holding public positions.

**Article 44.** The employees of the organisational units of the ministry which provides support services to the minister in charge of the economy, discharging the duties specified in this Act, as well as persons discharging the duties specified herein for the benefit of such organisational units on the basis of work order contract or other legal relation of similar nature, are obliged to maintain the secrecy of the information obtained in connection with discharging such duties.

## Chapter VIII

### Penal provisions

**Article 45.** Anyone who provides certification services as a qualified certification-service-provider without prior execution of the required third party liability insurance contract for damage caused to certification services customers shall be liable to a fine of up to PLN 1 000 000.

**Article 46.** Anyone who, while providing certification services, contrary to the obligation set forth in this Act, does not inform a person applying for a certificate about the terms and conditions of its obtainment and use, shall be liable to a fine at an amount up to PLN 30 000.

**Article 47.** Anyone who executes a secure electronic signature using the data for the execution of an electronic signature which were assigned to another person shall be liable to a fine or a penalty of deprivation of liberty for up to three years or both these penalties jointly.

**Article 48.** Anyone who, while providing certification services, copies or stores data used for the execution of a secure electronic signature or electronic authentication or other data which might be used for their reproduction, shall be liable to a fine or penalty of deprivation of liberty for up to three years or both these penalties jointly.

**Article 49.** 1. Anyone who, while providing certification services, issues a certificate containing false data referred to in Article 20 paragraph 1, shall be liable to a fine or penalty of deprivation of liberty for up to three years or both these penalties jointly. .

2. Any person who, on behalf of a certification-service-provider, makes it possible to issue a certificate referred to in paragraph 1, shall be liable to the same penalty.

3. Any person using a certificate referred to in paragraph 1, shall be liable to the same penalty.

**Article 50.** Anyone who, while providing certification services, contrary to the obligation set forth in Article 21 paragraph 2 subparagraphs 5 and 6, abandons the certificate revocation, shall be liable to a fine or penalty of deprivation of liberty for up to three years or both these penalties jointly..

**Article 51.** Anyone who, while providing the time-stamp service as a qualified certification-service-provider, makes it possible to mark data with a time-stamp other than time of the performance of that service and issues electronic authentication of the data obtained in such manner, shall be liable to a fine or penalty of deprivation of liberty for up to three years or both these penalties jointly.

**Article 52.** 1. Anyone who, being obliged to maintain the secrecy connected with the provision of certification services, discloses or uses, contrary to the requirements set forth in the Act, the information covered by this secrecy, shall be liable to a fine of up to PLN 1 000 000 or penalty of deprivation of liberty for up to three years or both these penalties jointly.

2. If the perpetrator commits an act referred to in paragraph 1 as a certification-service-provider or as an inspector or acting with a view to attain financial or personal gain, he shall be liable to a fine of up to PLN 5 000 000 or penalty of deprivation of liberty for up to five years or both these penalties jointly.

**Article 53.** Anyone who commits the acts referred to in Articles 45 –51, acting for or on behalf of other natural person, legal entity or an organisational unit not endowed with legal personality shall also be liable to penalties specified therein.

## Chapter IX

### Amendments to binding regulations, transitional and final provisions

**Article 54.** The Civil Code Act of 23 April 1964 (*Journal of Laws*. No. 16 item 93, of 1971, No. 27 item 252, of 1976, No. 19 item 122, of 1982, No. 11 item 81, No. 19 item 147 and No. 30 item 210, of 1984, No. 45 item 242, of 1985, No. 22 item 99, of 1989, No. 3 item 11, of 1990, No. 34 item 198, No. 55 item 321 and No. 79 item 464, of 1991, No. 107 item 464 and No. 115 item 496, of 1993, No. 17 item 78, of 1994, No. 27 item 96, No. 85 item 388 and No. 105 item 509, of 1995, No. 83 item 417, of 1996 , No. 114 item 542, No. 139 item 646 and No. 149 item 703, of 1997, No. 43 item 272, No. 115 item 741, No. 117 item 751 and No. 157 item 1040, of 1998, No. 106 item 668 and No. 117 item 758, of 1999, No. 52 item 532, of 2000, No. 22 item 271, No. 74 item 855 and 857, No. 88 item 983 and No. 114 item 1191 and of 2001, No. 11 item 91 and No. 71 item 733) is amended as follows:

1) Article 60 shall read as follows:

"Article 60. Subject to exceptions prescribed by a law s, the will of a person performing an legal transaction act in law may be expressed by conduct of that person which reveals his or her will in a sufficient manner, including the expression of such will in the electronic form (declaration of will).";

2) Article 78 shall read as follows:

"Article 78. § 1. In order to observe the written form of legal transaction it is sufficient to append one's handwritten signature to a legal document containing the terms of the declaration of will. In order to conclude the contract it is sufficient to exchange documents each of which contains the terms of the declaration of will of one of the parties and it is signed by him.

§ 2. Declaration of will made in the electronic form and with affixed secure electronic signature verified using a valid qualified certificate is equivalent to the written form."

**Article 55.** The Banking Law of 29 August, 1997 (*Journal of Laws* No. 140 item 939, of 1998, No. 160 item 1063 and No. 162 item 1118, of 1999, No. 11 item 95 and No. 40 item 399, of 2000, No. 93 item 1027, No. 94 item 1037, No. 114 item 1191, No. 116 item 1216, No. 119 item 1252 and No. 122 item 1316 and of 2001, No. 8 item 64, No. 100 item 1084 and No. 111 item 1195) is amended as follows:

1) In Article 6 paragraph 1, a new paragraph 6a is added, which shall read as follows:

"6a) provide certification services within the meaning of provisions concerning the electronic signature, excluding the issuance of qualified certificates used by banks in transactions to which they are parties,";

2) Article 7.4 shall read as follows:

"4. The Council of Ministers shall lay down, by ordinance, upon hearing the opinion of the Governor of the National Bank of Poland, the rules governing the creation, saving, storage and securing, including the use of the electronic signature, of bank documents referred to in paragraph 2."

**Article 56.** In the Act of 4 September, 1997, on sectors of the governmental administration (*Journal of Laws* of 1999, No. 82 item 928, of 2000, No. 12 item 136, No. 43 item 489, No. 48 item 550, No. 62 item 718, No. 70 item

816, No. 73 item 852, No. 109 item 1158 and No. 122 item 1314 and 1321 and of 2001, No. 3 item 18, No. 5 item 43 and 44, No. 42 item 475, No. 63 item 634, No. 73 item 761, No. 76 item 811, No. 87 item 954, No. 102 item 1116, No. 113 item 1207, No. 115 item 1229, No. 123 item 1353 and No. 125 item 1371, No. 126 item 1382 and No. 129 item 1441), in Article 9 paragraph 2, following subparagraph 4, subparagraph 5 is added, which shall read as follows:

"5) supervision over the provision of services connected with the electronic signature within the meaning of provisions concerning the electronic signature."

**Article 57.** (repealed).

**Article 58.** 1. By 31 December 2002, banks and public authorities, b, shall adjust their activity with respect to the provision of certification-service-providers and use of IT systems connected with the provision of such services to the requirements of this Act.

2. Within the period of four years from this Act coming into force, public authorities will make it possible for certification services customers to submit applications and requests as well as other actions in the electronic form, in the cases when the law requires that they be made in a specified form or according to a specified template.

3. The minister in charge of information technology in consultation with the minister in charge of the economy and with the minister in charge public administration shall lay down, by ordinance, technical and security requirements for providing the forms and templates, referred to in paragraph 2, to the public, with consideration given to assuring the proper level of security.

4. The minister in charge of public finances, within a period of one year from the Act coming into force, shall adjust the regulations governing the methods of making payments for administrative actions to the requirements of legal transactions using the electronic signature.

**Article 59.** 1. This Act comes into force nine months after its promulgation, with the exceptions of Article 4 paragraphs 3–6 and Article 11 paragraph 4, which come into force as of the date of the Republic of Poland becoming a Member State of the European Union.

2. As of the date of the Republic of Poland becoming a Member State of the European Union, the provision of Article 4 paragraph 2 will expire.