

19/10/2017

Serbia: New Law on Electronic Document, Electronic Identification and Trust Services for Electronic Transactions

—
Regulatory

[Mario Kijanović](#)

Publisher: Bojović & Partners

Despite numerous attempts in the past few years to switch from the classic form to the electronic form of conducting business, this process did not yield the desired results, considering the lack of adequate legal framework which would regulate the respective area.

The new Law on Electronic Document, Electronic Identification and Trust Services for Electronic Transactions (the "**Law**") was adopted on 17 October 2017, with the aim to establish fundamental legal framework which will provide more room for implementation of electronic forms of conducting business operations and bringing it to the same level of use as the existing classic forms. It is also expected that the Law will induce faster and more efficient manner of conducting business for companies, and more efficient functioning and work of public authorities as well.

The Law inter alia governs e-document, electronic identification, trust services for electronic transactions, e-signature, e-stamp and time stamp, as well as electronic delivery.

An e-document is considered valid and its credibility cannot be disputed due to its form, whereas the digitalisation of documents in paper form is also allowed under prescribed conditions and such digitalised documents have the same validity and probative value as the original paper form.

E-signature and e-stamp are equal as the handwritten signature or actual stamp. The law envisages that, during the provision of electronic services, public authorities, as well as private companies, may perform electronic identification of the person to which the respective service is being provided. It remains to be seen how this provision of the Law will be implemented in practice, considering that it could enable introduction of new types of services. The aforementioned particularly applies to the banking sector where the practice was that the physical presence of a person is required in the moment of initial commencement of cooperation between a bank and a client, which was the main hindrance for electronic opening of bank accounts or provision of loans without the physical presence of a client.

Delivery of documents via e-mail between the public authorities and natural/legal persons is now considered as a valid manner of delivery and a substitute for a delivery via registered mail.

The deadline for adoption of the relevant secondary acts of legislation, which will regulate questions such as conditions for creation of qualified e-signature and stamp, procedure for their validation, conditions for provision of trust services for electronic transactions and electronic delivery, is 12 months as of entry into force of the Law.