

Draft law No. 994 amending Law No. 1.383 of 2 August 2011 on Digital Economy

The planned, long awaited and far-reaching reform, with major challenges for local professionals, is part of the Principality's economic development strategy.

Draft law No. 994 amends:

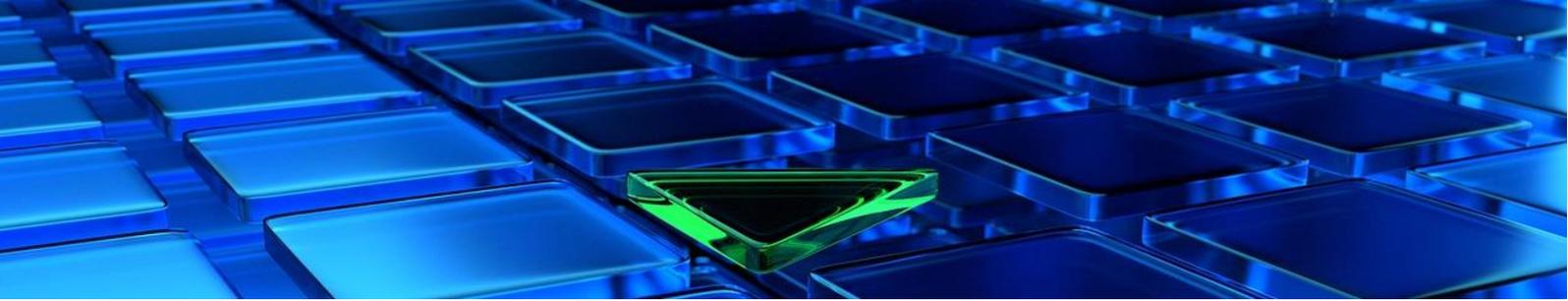
- Law No. 1.383 on Digital Economy, amended (e-commerce, online service platforms, cryptology, electronic safe and other trust services, liability of service providers, digital exchanges with the public administration, budgetary and accounting documents...);
- The preliminary provisions of the Civil Code on contract and evidence (digital exchanges, copying, electronic archiving);
- Law No. 638 of 11 January 1958 establishing the control of payment and declaration of wages (electronic pay slip).

The proposed text is based on the standards of the United Nations Commission on International Trade Law (UNCITRAL) and the European Union, including the neighbouring country:

- UNCITRAL Model Law on Electronic Commerce adopted on 12/06/1996 [legal concept of technological neutrality];
- Regulation (EU) No. 910/2014 of 23/07/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) [applicable since 01/07/2016 for the major part];
- Regulation (EU) No. 2015/2120 of 25/11/2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union [applicable since 30/04/2016 for the major part];
- Article 1379 of the French Civil Code relating to the reliability of copying.

Proposed amendments to the Civil Code:

- New provisions concerning the **electronic seal**.
- Modification of the conditions relating to the requirement of a **plurality of originals**: new reference to the availability of a copy on durable medium (USB keys, external memories, DVD, hard disk, Internet sites guaranteeing the integrity of information).



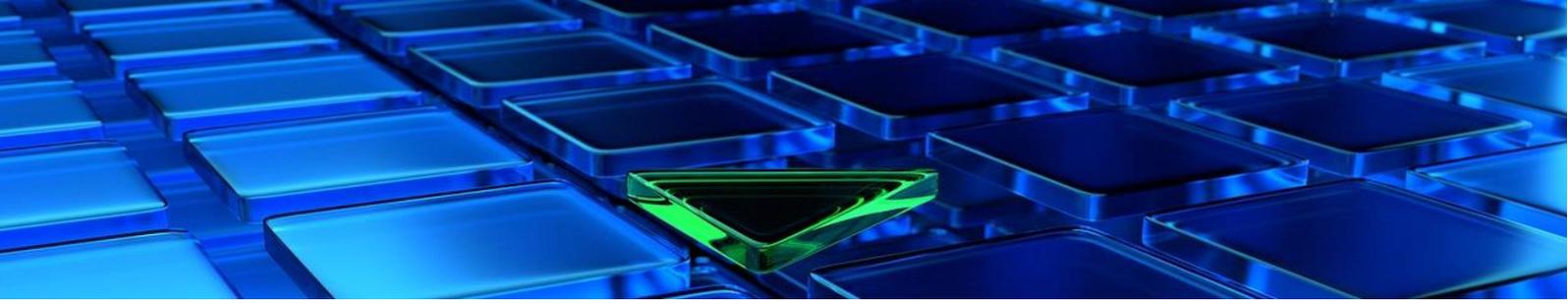
- Transposition of the “paper” **contractual formalities** to the electronic context
- Recasting of the rules of evidence of **copying**.

Proposed amendments to Law No. 638:

- Dematerialization of **pay slips**.

Proposed amendments to Law No. 1.283 on Digital Economy:

- **New title:** “Law for a digital Principality”.
- New definitions and recasting of existing **definitions**.
- Recognition of the principle of **network neutrality**.
- Accessibility for **people with disabilities**.
- New derogations for **contracts for the supply of goods or provision of a service** that are entered into exclusively by exchange of e-mails.
- Creation of a **tax** relating to the attribution or the renewal of the **domain name «.mc»**.
- **New Title III** deleting the reference to the "electronic signature" due to the integration of the scanned copy within the Civil Code and the principle of technological neutrality: « Evidence ».
- New provisions on **electronic registered mail** and **electronic time stamping**.
- New provisions on **qualified certificates for website authentication**.
- Strengthening the **secrecy of private electronic correspondence**.
- Obligations of **online platform operators** (search engines, price comparators, marketplaces, classified ad sites, social networks ...).
- Obligations of **online notice suppliers** (from consumers)
- **Modification of Title V** whose scope is extended beyond digital security: "Security, trusted services and their providers".
- New provision on the **import and export of cryptology services**.
- Consecration of "**trust services**" provided by "**trusted service providers**".



- Respect by trusted service providers of the **“Référentiel général de sécurité”** (general security database) published by ministerial decree.
- **Liability of trust service providers** (assumption of liability of qualified trust service providers)
- **New Title VI:** "Facilitation of Digital Uses".
- Consecration of the **digital safe service**.
- Admissibility of an electronically archived document as **evidence in legal proceedings**.
- New provisions on e-administration and **relations between users and public sector bodies**.
- General principle of non-discrimination in the case of the **use of an electronic document in commercial activities**, and conditions of reliability.