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E-INVOICES AND DIGITAL SIGNATURES

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AGREEMENT

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English version

E-invoices and digital signatures

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Contents

Contents	2
Foreword	3
Introduction	4
1 Scope	5
2 Normative References	6
3 Definitions, symbols and abbreviations	7
3.1 Definitions	7
3.2 Abbreviations	8
3.3 Key words	8
4 Issuing and receiving electronically signed invoices	9
4.1 Legal environment	9
4.2 Basic e-invoicing workflow	10
4.3 Basic requirement for electronic signatures for e-invoicing	11
4.4 Major parts and parties in the e-invoicing workflow	11
4.5 Facts and recommendations	14
5 Advanced Electronic Signature used for electronic invoices	15
5.1 AdES bound to a natural or legal person	15
5.2 "Electronic seals" versus "electronic signatures"	15
5.3 Batch e-invoice signing	16
5.4 Responsibility in invoices signing	16
5.5 Guidelines for electronic invoice certificates	17
5.6 Signature Creation Data	17
5.7 Certificate structure	18
5.8 Signature formats	20
5.9 Facts and recommendations	21
6 Verification and documentation of the integrity and authenticity of an electronic invoice	22
6.1 Long term verification of an electronic signature of an invoice	22
6.2 Providing long term validity of electronic signatures for electronic invoices	23
6.3 Proposed organisation types	24
7 e-Invoice signature profile requirements	25
7.1 Basic signature	25
7.2 Short term signature	25
7.3 Long term signature	25
Annex I: Informative Annex	28
I.1 Directive on Electronic Signatures	28
I.2 Minimizing organizational measures using XAdES/CAAdES Formats	29
I.3 Time Stamp Token Chain (TST Chain)	30
I.4 Short term and long term verification of e-Invoices	30
I.5 Supplying Verification Information – Verification Logging	33
I.6.1 Example for a verification log from XiCrypt	34
I.6.2 Example for a verification log from SAP	35

Foreword

This CWA is part of a set of CWAs which has been prepared by the CEN/ISSS Workshop on Interoperability of Electronic Invoices in the European Community, with the view to supporting the effective implementation of the related Council Directive 2001/115/EC of 20 December 2001, with a view to simplifying, modernising and harmonising the conditions laid down for invoicing in respect of Value Added Tax, as well as regulations on electronic signatures and EDI. The set of CWA is as follows:

- Commission Recommendation 1994/820/EC October 1994, proposed revision with the requirements of Directive 2001/115/EC, present day e-Commerce practices and revised definition of EDI Electronic Data Interchange
- The list of invoice content details expressed as UN/CEFACT Core Components
- Recommendation to allow coded identifiers as an alternative to the current unstructured clear text identifications.
- A standardised set of codes with definitions to replace plain text clauses in eInvoice messages.
- Survey of VAT Data Element usage in the Member States and the use of codes for VAT Exemptions.
- eInvoices and digital signatures.
- Storage of Electronic Invoices.
- Guidelines for e-Invoicing service providers.
- eInvoice Reference Model for EU VAT purposes specification

An executive summary of these CWAs is available at:

ftp://ftp.cenorm.be/PUBLIC/e-Invoicing/CWA/Executive_Summary.pdf

This CWA summarizes findings and issues identified by the e-Invoicing Focus Group set up by CEN/ISSS regarding electronic invoicing using electronic signatures. Issues surrounding electronic signatures relating to e-Invoicing and VAT in relation to the Council Directive 2001/115/EC are covered, which had to be implemented by Member States by 1st January 2004. Council Directive 2001/115/EC, details the requirements on taxable persons and their service providers to guarantee the integrity and the authenticity of electronic invoices for VAT purposes.

Electronic signatures are a valuable technique to ensure the integrity and authenticity of electronic business data such as invoices. This value, which is based on electronic signatures – under certain conditions – providing integrity and authenticity assurances regardless of time and type of electronic (transport or storage) medium, has been recognized within the EU through the e-Signature Directive, as well as more recently through Council Directive 2001/115/EC where they are one of a limited set of compliance options for sending and storage of electronic invoices.

The final review/endorsement round for this CWA was successfully closed on 12 June 2006.

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Introduction

According to the Council Directive 2001/115/EC invoices sent by electronic means shall be accepted by Member States provided that the authenticity of the origin and integrity of the contents are guaranteed. This could be guaranteed by means of an advanced electronic signature within the meaning of Article 2 (2) of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures; Member States may ask for the advanced electronic signature to be based on a qualified certificate and created by a secure signature-creation device, within the meaning of Article 2(6) and (10) of the aforementioned Directive.

Although many technologies exist that may be called 'advanced electronic signatures'. In practice, the more widely used Advanced Electronic Signatures in an EU context are typically Public Key Infrastructure (PKI)-based digital signatures using the X.509v3 standard, which have been issued by a Certification Authority using a minimum set of rules and agreements to ensure compliance with the four-part EU definition. At least digital signatures based in X.509v3 certificates should be accepted by all Member States. EESSI standards should be adopted as common technical interpretation, instead of creating new standards, to foster interoperability.

Authenticity and integrity are the sole and clear requirements of the Invoicing Directive for electronic invoices. In addition, Directive 2001/115/EC clearly states "*Member States shall not require invoices to be signed*", thus excluding giving signatures, even qualified electronic signatures, the meaning of "content commitment", as per ISO/IEC 9594-8: 2001/Cor 3:2005. Following this intention it has to be indicated that these requirements can be fulfilled by any electronic invoice, may it be signed by a legal or a physical person. Both scenarios are possible.

The key words "MUST", "MUST NOT", "REQUIRED", "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "MAY", and "OPTIONAL" in the present document are to be interpreted as described in RFC 2119 [10].

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