

15 November 2022

## Use of Electronic Signatures

The Malta Financial Services Authority (the “MFSA” or the “Authority”) shall accept electronically signed documents, provided that such documents shall be signed with a qualified electronic signature as defined and regulated under Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC’ (‘eIDAS’). The foregoing shall be without prejudice to any applicable provision of the law relating to documents to be submitted to the Authority, and the signing and signatories thereof.

A qualified electronic signature is the only type of electronic signature under the eIDAS which has the equivalent legal effect of a handwritten signature<sup>1</sup>, hence its validity for the purposes of signing a document to be submitted to the Authority. Any person making use of electronic signatures to sign a document to be submitted to the MFSA in terms of the above shall be obliged, and solely responsible, to ensure that such signature and the use thereof is in line with the provisions of the eIDAS.

Notwithstanding the above, the Authority reserves the right to independently verify the validity of electronic signatures used to sign documents submitted to it. If the Authority determines that an electronically signed document received uses a signature which is in breach of the eIDAS or any provision of the law, the Authority shall consider the submission thereof to be invalid and the document in question shall have to be resubmitted.

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<sup>1</sup> Article 25(2), eIDAS.