

Law No. 43-20 on Trust Services for Electronic Transactions

Reference: Dahir No. 1-20-100 of 16 Joumada I 1442 (31 December 2020) promulgating Law No. 43-20 on trust services for electronic transactions, repealing and replacing Law No. 53-05 on the electronic exchange of legal data

Practice areas: Business law, Civil law, Commercial law and debt recovery

Law 43-20 sets out the legal regime for electronic signatures, electronic seals, timestamping and trust services. It recognises the legal value of electronic documents and electronic signatures, with three levels (simple, advanced, qualified), and organises the accreditation of providers by the national authority.

Electronic documents and signatures

- A document in electronic form has the same evidential value as a paper document, provided that its author can be identified and its integrity is ensured.
- A qualified electronic signature, based on a qualified certificate, benefits from a presumption of reliability equivalent to a handwritten signature.
- Simple and advanced signatures are admissible as evidence, subject to assessment by the judge.

Providers and trust services

- Qualified trust service providers are accredited by the national accreditation and supervisory authority and are subject to security obligations.
- The services cover the issue of certificates, electronic timestamping, electronic registered delivery and preservation.
- The provider is liable for damage resulting from a breach of its obligations.

Key articles

ART. 2

The law defines an electronic signature as data in electronic form which is attached to or logically associated with other electronic data and which the signatory uses to sign; it distinguishes simple, advanced and qualified levels.

Points to watch

- For deeds subject to an authentic form or specific rules (family law, real property security), an electronic document does not replace the statutory formalities.

- Keep the technical evidence (certificate, timestamp, signature log): it determines evidential value before the court.
- The Code of Obligations and Contracts (DOC) (Art. 417-1 et seq.) supplements this regime for civil evidence.

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