

**DECISION**  
**No. 525, dated 13.05.2009**

**ON APPROVAL OF ORDINANCE ON ELECTRONIC SIGNATURE**

Pursuant to Article 100 of the Constitution, and articles 14, 19, 28, 52 and 54 of the Law no. 9880, dated 5.02.2008 "On Electronic Signature", upon proposal of the Minister of Interior, the Council of Ministers

DECIDES:

1. The approval of the Ordinance "On electronic Signature" according to the text attached to this decision.
  2. The Ministry of Interior is in charge of enforcing this decision.
- This decision enters into force after its publication in the Official Journal.

Prime Minister  
**Sali Berisha**

Ordinance  
on Electronic Signature

I GENERAL PROVISIONS

1. Scope of ordinance

On basis of the Law no. 9880, dated 25.02.2008 "On electronic signature", this ordinance specifies as follows:

- a) Modality of registration at the National Authority of Electronic Certification;
- b) Necessary functional, technical and legal requirements, that must be fulfilled and maintained by the Certification Service Providers, pursuant to articles 19 and 28 of the Law;
- c) Procedures on invalidation of the qualified certificates and modalities of information, pursuant to article 14 of the Law;
- d) Testing and Confirmation Body, pursuant to article 52 of the Law;
- e) Recognition and acceptance of foreign electronic signatures and products, pursuant to article 54.

II REGISTRATION

2. Registration

a). Certification Service Provider must register at the Authority, no later than the date of commencement of service, at the same time he must present the necessary documents proving that the subject fulfills all criteria specified by the Law and this Ordinance.

b). The Authority has the right to request additional information or prepare detailed technical directives, regarding technical, professional and legal requirements that are specified by the Law

and this Ordinance, that involve the exercising of activity by the Certification Service Provider or Testing and Confirmation Bodies.

c). Registration at the Authority must be followed by at least these information and documents:

- i) Name and address of the Certification Service Provider;
  - ii) Respective evidences of the start of activity;
  - iii) Documents, which prove that the legal, professional, technical and financial terms are fulfilled as provided for in the Law and in this Ordinance;
  - iv) Other documentation regarding the exercising of activity.
- d). All the documentation that is to be submitted to the Authority shall be conform to laws of the Republic of Albania.

### III.LEGAL, PROFESSIONAL, TECHNICAL AND FINANCIAL TERMS

#### 3. Legal credibility

The certification service provider must prove that it fulfills the following requirements:

- a) To be a legal or natural person, registered according to the Albanian laws,
- b) To have no prior conviction by a court order, for the following penal offence:
  - i) Theft;
  - ii) Fraud;
  - iii) Corruption;
  - iv) Money laundering;
  - v) Participation in criminal organizations;
  - vi) Penal offence related to professional activity;
- c) To be not under bankruptcy and to have its capitals under confiscation or in possession of bailiffs; and when its business activity is suspended; or under prosecution for any of the matters mentioned in point 3(b) of this Ordinance.

#### 4. Professional credibility

The certification service provider must prove that it has the organizational and professional abilities as well as the suitable personnel, according to the following requirements:

- a) To ensure the professional and organizational abilities, the Certifications Service Provider shall:
  - i) Be organized in a way that creation and issuance of certificates or advanced electronic signature be separated from any other of his activities;
  - ii) Provide and document in written form every detailed measure concerning security, in accordance to legal requirements and security standards;
  - iii) Draft procedures to evaluate and ensure the trust of the personnel;
  - iv) Draft procedures to evaluate and ensure the continuity of his activities in emergencies following from natural disasters, human faults or intentional intrusion;
  - v) Provide that the creation, archiving, use and recovery of private codes is performed with concurrent participation of at least two authorized employees;
  - vi) Clearly define the physical protected zone, where the controlling codes are stored and certificates are the issued certificates are managed, also authorize certain employees to have the right for entering at the protected zone.
- b) To ensure the reliability of the personnel the Certification Service Provider must:
  - i) Hire specialized personnel in the fields of computer science, informatics and cryptography;

ii) Hire personnel that complies with the requirements of section 3 (b) of this ordinance;  
iii) Provide clear job descriptions, at the beginning of activity for some necessary and separate minimum functions as system administrator, security administrator, and daily system operator; supervise the administration of archives and files containing data relating to the operations performed by the system.

5. Technical credibility

a) Certification Service Provider applies methods in concordance with international well-known standards for the security administration;

b) System credibility and technical and cryptographic security of performed processes is confirmed after the required tests are conducted by the organisms defined in article 52 of the Law and in this Ordinance;

c) System security evaluation methods must be based on the standards defined by ISO 15408 (International Organization for Standardization), equivalent or more advanced standards that are able to make an evaluation of the security;

d) Every device or system used for certification by the service provider for the creation, signature, preservation and administration of certificates, shall be designed only for that purpose;

e) Every system and technical device used by Certification Service Provider to offer the service of creation, preservation and administration of certificates, shall be designed for that purpose;

f) Tests to verify the credibility of systems and devices used by the Certification Service Providers and required according to point 5 (b) of this Ordinance, are carried out every 2 (two) years, and every time there are changes in the system, which will require the verification of credibility preservation after changes are made;

g) Creation, preservation and use of private keys for every Certification Service Provider must be carried out within the system, with a security profile in accordance with the security requirements of EAL 3 level (Evaluation of Assurance Level) on evaluation of security ore more advanced, in accordance with the standard ISO 15408 or other equivalent security level specifications .

h) Certification Service Provider uses equipments and technology that enables the fulfillment of the basic functions as described below:

i) Prove the origin of the information received and exchanged;

ii) Prove the integrity of the exchanged messages;

iii) Signing of the exchanged messages;

iv) Information archiving on the tasks performed and electronic signatures;

v) Security and integrity for exchanged and stored data, including the used cryptographic keys;

vi) Preserve private keys used by the Certification Service Provider;

vii) Administration of access to source information, related to data for creation of advanced signatures, the list of certificates and official correspondence saved into the system;

viii) Creation and archiving of internal audit records.

i) Every Certification Service Provider shall perform through his installed devices and technology, these functions:

i) Test the advanced electronic signatures in concordance with the technical requirements for electronic signatures specified in CEN/ISSS (European Committee for Standardization);

ii) Be capable of using OCSP protocol (Online Certificate Status Protocol);

iii) Certification Service Provider, for the device and technology standards not mentioned in this Ordinance uses international standards of specialized organizations such as European Telecommunication Standards Institute (ETSI), European Committee for Standardization (CEN/ISSS).

#### 6. Financial credibility

a). Certification Service Provider shall demonstrate it possesses the required financial insurance that enables the coverage of legal liabilities deriving from article 41 of the Law. The minimum financial insurance must be 100 million LEK.

b). The insurance value defined in article 6 (a) of this Ordinance shall be covered by a bank deposit or insurance, or unrestricted insurance policy issued by an insurance licensed company which also covers this category of service. The financial insurance should be valid for the entire duration of activity of the Service Provider and must cover all insured situations.

c). Regardless of the financial insurance provided for in article 6 (a), the Service Provider for any issued Qualified Certificate must be insured against all damages that may be caused to the signature's owner due to violations of Law or malfunctioning of its product as follows:

i) Up to 5 million LEK for damages caused when a Qualified Certificate is restricted in some financial actions or other restrictions specified by the parties.

ii) Up to 10 million LEK when a Qualified Certificate is unrestricted and universal.

The above specifications do not prevent the Certification Service Provider to offer voluntarily higher insurance policies that those specified in this point.

#### 7. Information obligation

Pursuant to article 32 of the Law, the Certification Service Provider is obligated to inform the applicants for Qualified Certificate regarding:

i). Storage and creation of signature device and measures to be taken in case of loss or suspicion of appropriation;

ii). Storage devices and clarifications about the confidentiality of the used personal data;

iii). Security measures applied by the Certification Service Provider for safety of electronic signature;

iv). Possible limitations of Qualified Certificate;

v). Notice that use of Qualified Certificate will be voluntary;

vi). Notice on revocation procedures;

vii). Notice on ways of complaint and dispute settlement.

The information provided in this point shall be comprehensible and shall be made available to each party concerned.

### IV. TESTING AND CONFIRMATION BODIES

#### 8. Recognition of testing and confirmation body

a) Every organism that fulfills the below requirements can be recognized as a testing and confirmation body:

i) Has all the necessary certificates and knowledge needed to certify the Certification Service Providers, equipment and processes related to advanced certification services, recognized by the best international practices or standardization institutions in this field;

ii) Fulfills the requirements of point 3 of this Ordinance;

iii) Does not have conflict of interests and its personnel is not involved in any other activity that might influence in their professional and independent evaluation;

iv) Can prove financial independence to cover the specified activity;

- v) Assures full transparency in their activities and possesses detailed reports for each conducted activity;
- vi) Has the necessary personnel and equipment in the area or activity that will be certified;
- vii) Assures information confidentiality during exertion of the duty as well as readiness to make them available to the Authority whenever he interrupts his activity in question.
- b). Authority must draw a full list of specified requirements as required in point 8 (a) and must publish an updated list of Testing and Confirmation Bodies;
- c). Authority may recognize Testing and Confirmation Bodies for the entire or parts of the processes related to electronic signature;
- d). Testing and Confirmation Bodies shall make public at least before the start of testing services all fees related to Certification Service Providers;
- e). Testing and Confirmation Bodies certify in written form or denies entirely or partially the tested subject. The conclusions shall be sent to the Authority within the time-limits established by the Authority;
- f). Disputes between the Testing and Confirmation Bodies and the Certification Service Providers shall be settled by mediation of the Authority and/or court of law;
- g). In cases when no Testing and Confirmation Body results to be registered with the Authority, the Certification Service Provider's activity shall be valid and shall continue, but the reporting and inspection period shall be reduced by half.

#### 9. Exceptions

The foreign products accompanied by a manufacturer's statement that assures the fulfillment of international technical standards recognized by the Testing and Confirmation Bodies in the origin country are exempted from evaluation.

### V. INVALIDATION, REVOCATION AND THIRD PARTY NOTIFICATION

#### 10. Invalidation and revocation of certificates

Invalidation and revocation of certificates shall be in cases provided under law no.9880, dated.25.02.2008, "On Electronic Signature".

#### 11. Revocation/invalidation procedures

- a). A revoked/invalidated certificate cannot be used in any circumstance;
- b). Certification Service Provider enables the immediate suspension of the certificate, until causes of revocation or suspension of the certificate are discovered and verified or not;
- c). Certification Service Provider notifies the electronic certificate owner immediately about the certificate suspension/revocation and verifies if the notice has been sent;
- d). Certification Service Provider offers continuous service for certificate revocation, 24 hours a day, every weekday including holidays so that the qualified certificate holder and/or legally authorized persons can submit a revocation request or the Authority issues an invalidation order. In any case, prior to revocation, the Certification Service Provider verifies if the request is presented by a person legally authorized.
- e). Request for revocation of Qualified Certificate is processed immediately. The Certification Service Provider provides appropriate electronic communication devices and informs the certificate holders on it, including telephone numbers, faxes and other means of communication.
- f). Certification Service Provider offers the service of information on certificate status (valid/revoked/invalid) 24 hours a day, 7 days a week, including holidays. This information must include:

- i) Certificate's status,
- ii) Date, time and identification code of revoked/invalid certificates,
- iii) Be open and free of charge for recipients of certificates or for the third parties.

## VI. FOREIGN SIGNATURES AND PRODUCTS

### 12. Recognition of the foreign certificates

The foreign electronic signatures and foreign products are recognized and applied in accordance with the signed agreements concluded by the Republic of Albania and other countries to ensure their acceptability and exchange of data when they have at least the technical and security credibility specified in Law no. 9880, date.25.02.2008, "On Electronic Signature" and this Ordinance.

### 13. Authentication procedures of foreign certificate and products

a. Products and qualified certificates issued by Certification Service Provider operating in a foreign country, with which the Republic of Albania has an agreement, are recognized only after a local certification service provider will hand over all the documentation required for recognition of the qualified certificate according to Law and this Ordinance;

b. The documentation of the foreign Certification Service Provider must be confirmed that it fulfills the evaluation and security level requirements specified in the Law and this Ordinance by the Authority in the country of origin. In any case, the Certification Service Provider is accountable to security of foreign certifications, which it intends to use in our country and for the consequences that may come by their misunderstanding;

c. The Authority publishes in the updated certificates' register, the public codes for the certificates verification, issued by the foreign certification service provider recognized in the Republic of Albania.

## VII. TRANSITORY PROVISION

14. Every subjects that has started the activity before this Ordinance enters into force, is required to begin the registration procedures within 30 (thirty) days following its approval as specified in the Law and this Ordinance.