



**No. 295/64**

**(2)**

## **Regulation on the Conformity Assessment of Secure Signature Creation Devices and Secure Cryptographic Modules.**

### **THE NATIONAL TELECOMMUNICATIONS AND POSTS COMMISSION (EETT)**

#### **Taking into account:**

- a. Law . 2867/2000 on the Organization and Operation of Telecommunications and other Provisions (Government Gazette Issue No. 273/A/2000) and more specifically Article 3 (14) (y) and (aa),
- b. Presidential Decree No. 150/2001 on the Adaptation of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures (Government Gazette Issue No. 125/A/2001), and in particular Article 4 (2.5), (5), (8), and Article 7 (1),
- c. EETT Decision No. 248/71/2002 on the Regulation regarding the provision of electronic signature certification services (Government Gazette Issue No. 603/B/2002),
- d. EETT Decision No. 295/63/2003 on the Regulation on the Designation of Bodies for the Conformity Assessment of Secure-Signature-Creation Devices and Secure Cryptographic Modules and on the Designation of Bodies for the Conformity Assessment of Certification Service Providers with the Voluntary Accreditation Criteria,
- e. Commission Decision of 6.11.2000 (E(2000) 3179 final), 2000/709/EC on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures,
- e. the fact that the provisions of this Decision do not lead to any expenditures to be charged to the State Budget, has adopted this Decision:

**issues a Regulation on the Conformity Assessment of Secure Signature Creation Devices and Secure Cryptographic Modules, the contents of which are as follows:**

### **Article 1**

#### **Scope and Aim**

The purpose of this Decision is to establish the criteria and procedures for the assessment of the conformity of Secure Signature Creation Devices and Secure Cryptographic Modules with Annexes III and II (f) to Presidential Decree 150/2001, respectively.

### **Article 2**

#### **Definitions**

1. **Secure Cryptographic Module means:** the unit used by the Certification Service Providers issuing Qualified Certificates, Electronic-Signature Products which is protected against modification and ensures the technical and cryptographic security of the certification processes pursuant to Annex II (f) to PD 150/2001 and which complies with the requirements of Article 3 (2) of this Regulation.

2. **Secure-Signature-Creation Devices and Secure Cryptographic Modules Body or Body for Products means:** the Body responsible for the conformity assessment of Secure-Signature-Creation Devices pursuant to Annex III to PD 150/2001 and Secure Cryptographic Modules designated in accordance with the procedure provided for under EETT Decision No. 295/63/2003 on the Regulation for the Designation of Bodies for the Conformity Assessment of Secure-Signature-Creation Devices and Secure Cryptographic Modules and Bodies for the Conformity Assessment of Certification Service Providers with the Voluntary Accreditation Criteria.

3. **Conformity Assessment for Products or Conformity Assessment means:** the examination by the Body of the design of a product and assessment of its conformity with the requirements regarding Secure Signature Creation Devices and Secure Cryptographic Modules in accordance with Annexes III and II (f) to Presidential Decree 150/2001, respectively.

4. **Conformity Certificate means:** the certificate issued by the Body for Products based on the procedure laid down in Article 4 of this Regulation.

5. **Standards mean:** the technical specifications having been approved by an accredited standardization organization pursuant to Article 2 of Presidential Decree 39/2001 on the establishment of an information procedure in the field of technical standards and specifications, as well as of the rules regarding the services of the Information Society in compliance with Directives 98/34/EC and 98/48/EC, as well as the technical specifications aiming at the specialization of

Annexes II (f) and III to Directive 1999/93/EC and which have been published in the Official Journal of the European Communities, as have been amended from time to time and are in force.

**6. Evaluation Level means:** the document including all security requirements and specifications for a product, against which it is assessed.

**7. Evaluation Report means:** the document including all evaluation results of a Secure Signature Creation Device or Secure Cryptographic Module pursuant to the requirements of Article 3 hereof.

8. The words or phrases used herein shall have the meaning attributed to them in Presidential Decree 150/2001, EETT Decision 248/71/2002, EETT Decision 295/63/2003 on the Regulation on the Designation of Bodies for the Conformity Assessment of Secure-Signature-Creation Devices and Secure Cryptographic Modules and on the Designation of Bodies for the Conformity Assessment of Certification Service Providers with the Voluntary Accreditation Criteria, or if not mentioned therein, they shall have the meaning attributed to them in Law 2867/2000, or if not mentioned therein they shall have the meaning attributed to them in the relevant secondary Community legislation.

### **Article 3**

#### **Evaluation Requirements and Criteria**

1. Secure Signature Creation Devices must at least meet the requirements under Annex III of Presidential Decree 150/2001.

2. Secure Cryptographic Modules must at least meet the following requirements:

a) the secrecy and integrity of the Signature Creation Data produced, stored, and used must be ensured throughout their life,

b) the Signature Creation Data used for signature generation cannot, with reasonable assurance, be derived and the signature is protected against forgery using currently available technology,

c) the signature creation data used for signature generation can be reliably protected by the legitimate signatory against the use of others.

3. Conformity Assessment or not to the requirements under paragraphs 1 and 2 of this article for Secure Signature Creation Devices and Secure Cryptographic Modules, respectively, shall be carried out based on the criteria established in the Annex to this Regulation.

4. The evaluation of Secure Signature Creation Devices and Secure Cryptographic Modules, performed based on the procedure laid down in Article 4 hereof, must be mentioned in the following operations to the extent that these are available:

a) Signature Creation Data Generation,

b) Transfer of Signature Creation Data to a storage medium,

c) Signature Creation Data Storage,

d) Signature Creation

### **Article 4**

#### **Conformity Assessment Procedure**

1. Conformity Assessment of Secure Signature Generation Devices and Secure Cryptographic Modules is carried out by the Body for Products.

2. The manufacturer or its authorized representative shall submit an application with the Body for Products where it shall list in detail all information related to the product, accompanied by the required documents for each product for which it requests Conformity Assessment. These include at least the following:

(a) the Evaluation Level ,

(b) the Evaluation Report,

(c) the "Protection Plan" describing the security requirements pursued if the evaluation is carried out based on the Common Criteria in accordance with the Annex hereto, and any other documents considered necessary by the Body for Products.

3. The Body for Products shall, within a reasonable time period which only in objectively justified cases may exceed 15 working days, issue a justified decision including the Evaluation Report for the product and the result of the assessment carried out on the basis of the information of paragraph 2 of this Article and notify it to the interested party. If the conformity of any given product of the interested party is assessed, the Body for Products shall issue a Conformity Certificate.

4. The Conformity Certificate shall include at least the following information:

a) detailed description of the product, particularly the manufacturer's name and address of establishment, product name, kind, type, version and functions,

- b) a certification attesting to the conformity of the product with at least the requirements of Annex III to PD 150/2001 and Article 3 (1) and (3) hereof, in the case of Secure Signature Creation Devices or of Annex II (f) to PD 150/2001 and Article 3 (2) and (3) hereof in case of Secure Cryptographic Modules,
- c) any environmental requirements for the safe use of the product,
- d) the Evaluation Level and the validity of security mechanisms,
- e) the period of validity of the certificate, if and where required.

EETT may by its Decision establish additional information to be included in the minimum contents of the Conformity Certificate.

5. Any party with legitimate interests, may, by submitting an application, request of EETT to evaluate the Body for Products Decision related to the issuance of a Conformity Certificate. The application must be submitted within fifteen (15) days from the publication of the relevant Decision of the Body for Products at the EETT website in accordance with Article 8 (3) hereof. The decision shall be issued within thirty (30) days from the date of submission of the application. Once the above deadline has elapsed, and if no relevant application has been submitted or if EETT has examined the matter of the application submitted and rejected it, the decision of the Body for Products shall apply.

6. The Conformity Certificates of Secure Signature Creation Devices or Secure Cryptographic Modules shall enter into force as of their publication in the Record kept by EETT pursuant to Article 8 hereof.

## Article 5

### **Rights and Obligations of Conformity Assessment applicants and Conformity Certificate holders**

1. The Body for Products shall set the fees and expenses for the provision of its services to any interested party either at the time of request of the conformity assessment or upon supply of the Conformity Certificate.

2. The holder of a Conformity Certificate is required to ensure conformity of the product for which a Conformity Certificate has been granted on the basis of the requirements of this Regulation and the legislation on electronic signatures forming the basis for the issuance of such certificate.

3. The holder of the Conformity Certificate as well as any party responsible for marketing the product as a Secure Signature Creation Device or Secure Cryptographic Module is required to market the product for which a Conformity Certificate has been issued accompanied by the Conformity Certificate. Use of and reference to the Conformity Certificate must not be misleading. Should the Conformity Certificate be revoked, its holder, as well as any other party responsible for marketing the product must immediately cease any use of and reference to it.

## Article 6

### **Revocation of Conformity Certificates by the Body for Products**

1. The Body for Products may, by its justified decision, revoke a Conformity Certificate if it finds that the product for which the Conformity Certificate has been issued does not comply with the requirements on the base of which the Conformity Certificate had been issued, or if the product does not meet the security requirements as laid down in Annexes III or II (f) to PD 150/2001 and Article 3 hereof.

2. Any party with legitimate interests, may, by submitting an application, request of EETT to evaluate the Body for Products Decision related to the revocation of a Conformity Certificate. The application must be submitted within fifteen (15) days from the publication of the relevant Decision of the Body for Products at the EETT website in accordance with Article 8 (3) hereof. The decision shall be issued within thirty (30) days from the date of submission of the application. Once the above deadline has elapsed, and if no relevant application has been submitted or if EETT has examined the matter of the application submitted and rejected it, the decision of the Body shall apply.

3. The Conformity Certificates of Secure Signature Creation Devices or Secure Cryptographic Modules shall cease to be into force as of the publication of their revocation in the Record kept by EETT pursuant to Article 8 hereof.

## Article 7

### **Supervision**

1. The Body for Products shall submit to EETT within two (2) working days from the date of issuance of the Conformity Certificate a certified copy of its decision with regard to the conformity of the product, as well as of the relevant Conformity Certificate pursuant to the provisions of Article 4 hereof, paying to that

end the fees provided for under Article 11 of this Decision, otherwise, EETT may impose the sanctions provided for under Article 9 hereof.

2. Likewise, the Body for Products shall submit to EETT within two (2) working days from the date of revocation of the Conformity Certificate, a certified copy of its relevant decision, otherwise EETT may impose the sanctions under Article 9 hereof.

3. EETT is entitled to request any other additional relevant piece of information and the Body for Products is required to provide all information to it.

4. In the event of indications based on which the assessments carried out for the purpose of conformity assessment are deficient or the certified products show defects or deficiencies in terms of their security or to the effect of sampling checks, EETT or the experts designated by it complying with the independence criterion may carry out checks to assess the extent to which the said products have been checked pursuant to the requirements of Articles 3 and 4 hereof, and comply to the requirements of applicable legislation on electronic signatures. The manufacturers, their authorized representatives, the persons responsible for the marketing of the products, as well as the Bodies responsible for assessing the conformity of and evaluating such products are required work with EETT and provide it with all information and facilities for the performance of the assessment.

5. EETT may disclose information that is needed for performing its duties, observing the principle of proportionality and professional secrecy.

## **Article 8**

### **Publication of certificates**

1. EETT keeps a Record of the Secure Signature Creation Devices for which the competent Body for Products has issued a Conformity Certificate. This record includes product details (name, type, version), the manufacturer's information and where applicable the information of the authorized representative (name, distinctive title, seat, Tax Identification Number, legal representatives) and a certified copy of the respective Conformity Certificate is also kept. The same Record includes all modifications to the above information and any revocation of Conformity Certificates.

2. Any changes to the above information must be immediately notified to EETT.

3. The information under paragraph 1 is published at the EETT website.

## **Article 9**

### **Complaints - Sanctions**

Any complaints against Bodies or holders of Conformity Certificates must be filed with EETT, which shall examine them and be able to impose the administrative sanctions under Article 12 (1) of Law 2867/2000 in conjunction with Article 9 of EETT Decision 295/63/2003 on the Regulation on the Designation of Bodies for the Conformity Assessment of Secure-Signature-Creation Devices and Secure Cryptographic Modules and on the Designation of Bodies for the Conformity Assessment of Certification Service Providers with the Voluntary Accreditation Criteria.

## **Article 10**

### **International aspects**

1. Conformity Certificates for products issued by a Body for Products established in an EU Member State and has been designated in accordance with applicable Community legislation are immediately valid in Greece.

2. In case of a Body for Products designated based on the legislation of a third country (non EU Member State), EETT or the persons designated by it shall examine whether the electronic signature products having been certified, the conformity assessment and control procedures for such products, as well as the rules applicable to conformity assessment Bodies ensure their equivalence in terms of the Evaluation Level of Conformity Certificates. The above Conformity Certificates may be also recognized based on bilateral or multilateral agreements between EETT and National Regulatory Authorities or International Organizations.

3. EETT, for the purposes of assessing equivalence, as set out under paragraph 2 hereof, may agree with the competent authority of the country where the Body for Products is established the equivalence recognition procedure, unless bilateral or multilateral agreements are in place.

**Article 11****Fees**

1. The fee for the notification of the issuance of a Conformity Certificate by the Body for Products is set to € 100.
2. EETT may by its decision readjust such fees.

**Article 12****Entry into force**

This Regulation shall enter into force from the date of its publication in the Government Gazette.

**ANNEX****A. Criteria for the Evaluation of Secure Signature Creation Devices**

Secure Signature Creation Devices shall be evaluated based on the following criteria: a) Information Technology Security Evaluation Criteria- ITSEC, Version 1.2 (Office of Official Publications of the European Communities, June 28, 1991) or the version in force at each time, the lowest evaluation level being E3 and marking "high" for the minimum validity of security mechanisms.

or

b) Common Criteria for Information Technology Security Evaluation –CC, as laid down in the ISO/IEC 15408:1999 standard, version 2.1 or the version applicable each time with minimum Evaluation Assurance Level 4 Augmented - "EAL4+. The augmentation concerns the following assurance components, as set out in the said standard: i) AVA\_VLA.4: Vulnerability Assessment against high potential attacks (Vulnerability Assessment-Vulnerability Analysis-Highly resistant), and ii)AVA\_MSU.3: assessment of insecure states due to bad use (Vulnerability Assessment - Misuse - Analysis and testing for insecure states).

**B. Criteria for the Evaluation of Secure Cryptographic Modules**

Secure Cryptographic Modules shall be evaluated based on the following criteria:

a) Information Technology Security Evaluation Criteria -ITSEC, Version 1.2 or the current applicable version with minimum Evaluation Level "E3",

or

b) Common Criteria for Information Technology Security Evaluation –CC, as laid down in the ISO/IEC 15408:1999 standard, version 2.1 or the current applicable version with minimum Evaluation Assurance Level 4.

This decision to be published in the Government Gazette.

Maroussi, October 10, 2003

The President

EMMANOUIL A. GIAKOUMAKIS