

No. 295/65 (3)
Regulation on the Voluntary Accreditation of Certification Service Providers

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), (8),
 - 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. EETT Decision 295/64/2003 on the Regulation on the Conformity Assessment of Secure Signature Creation Devices and Secure Cryptographic Modules,
 - 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 Voluntary Accreditation of Certification Service Providers, the contents of which are as follows:

Article 1

Scope and Aim

The purpose of this Decision is to establish the rules regarding the Voluntary Accreditation criteria and procedures for Electronic Signature Certification Service Providers.

Article 2

Definitions

1. **Voluntary Accreditation means:** Accreditation under Article 2 (13) of PD 150/2001 granted by EETT upon request of the interested Certification Service Provider issuing Qualified Certificates.
2. **Main Certification Services in the context of Voluntary Accreditation:** a) registration of subscribers , b) creation of certificates , c) directory services, and d) certificate revocation services.
3. **Voluntary Accreditation Revocation:** the individual administrative act by means of which EETT revokes the Voluntary Accreditation by virtue of a justified decision and following a hearing of the Certification Service Provider.
4. **Voluntary Accreditation Body means:** the body responsible for the assessment of the conformity of Certification Service Providers with the Voluntary Accreditation criteria pursuant to the provisions hereof, which has been designated following the procedure provided for in EETT Decision 295/63/2003.
5. **Secure-Signature-Creation Devices and Secure Cryptographic Modules Body or Products Body means:** the Body responsible for the conformity assessment of Secure-Signature-Creation Devices pursuant to the provisions of EETT Decision 295/64/2003, 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.
6. **Conformity Assessment for Voluntary Accreditation or Conformity Assessment means:** the examination by a Body for Voluntary Accreditation of the infrastructure, the services and procedures of Certification Service Providers and assessment of their conformity with the Voluntary Accreditation requirements.
7. **Conformity Certificate means:** the certificate issued by the Body for Voluntary Accreditation pursuant to the procedure laid down in Article 5 hereof.
8. **Report means:** the report submitted by the party requesting Assessment of Conformity with the Voluntary Accreditation Criteria of the Body for Voluntary Accreditation and EETT, and which includes all

the information listed in Article 5 (1) (b) hereof.

9. Certification Service Provider Evaluation Report or Evaluation Report: the document including all results of the evaluation of the Voluntary Accreditation related services of a Certification Service Provider, in accordance with the procedure laid down in Article 5 hereof.

10. 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 in EETT Decision 295/64/2003 on a Regulation on the Conformity Assessment of Secure Signature Creation Devices and Secure Cryptographic Modules, 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

Beneficiaries – Voluntary Accreditation Eligibility

Voluntary Accreditation is granted to Certification Service Providers issuing Qualified Certificates, which have been previously notified pursuant to the provisions of Article 10 of EETT Decision 248/71/2002 on a Regulation on the Provision of Electronic Signature Certification Services (Government Gazette Issue No. 603/B/2002), provide at least the Basic Certification Services and meet the criteria of Article 4 hereof.

Article 4

Criteria for the Voluntary Accreditation of Certification Service Providers

1. The Certification Service Providers requesting Voluntary Accreditation must demonstrate their compliance with the requirements of PD 150/2001 and EETT Decision 248/71/2002, as well as with all other regulations regarding the issuance of Qualified Certificates.

2. The beneficiaries to which a Secure Cryptographic Module or Secure Signature Creation Device conformity certificate has been issued pursuant to the provisions of EETT Decision 295/64/2003 on a Regulation on the Conformity Assessment of Secure Signature Creation Devices and Secure Cryptographic Modules, are required to see to the satisfaction of the requirements of the surrounding space in order to ensure the following functions: a) generation of the Signature Creation Data they use for signing the Qualified Certificates of beneficiaries and the information about the status of Certificates, b) generation of the Signature Creation Data of the beneficiaries of Qualified Certificates, c) signature of the Qualified Certificates of beneficiaries, d) signature of information regarding the status of Certificates.

3. The security of the services provided of beneficiaries must have been assessed by the Body for Voluntary Accreditation in accordance with the procedure laid down in Article 5 hereof.

4. The Certification Service Provider requesting Voluntary Accreditation and stating to the beneficiaries of Qualified Certificates, to EETT or third parties that the Signature Creation Data of the beneficiaries of Qualified Certificates are generated by or stored in or applied by means of a Secure Signature Creation Device, must be able to demonstrate how that is ensured whenever so requested by EETT or anybody else with a legitimate interest. To that end, the Certification Service Provider shall notify to all interested parties the method by means of which it considers that the above are ensured.

Article 5

Conformity Assessment Procedure regarding the Purpose of Voluntary Accreditation of Certification Service Providers

1. Upon request by the interested Certification Service Provider, the Body for Voluntary Accreditation shall check the security of the services provided by such interested party with regard to the suitability of the security measures and their implementation. To that end, the interested party shall submit to the Body for Voluntary Accreditation the following documents:

a) The Conformity Certificates issued by the Body for Products which must correspond to the products used by the interested party and be described in the Report submitted pursuant to indent b of this paragraph. The Body for Voluntary Accreditation shall check in particular the validity of the above Certificates and whether the requirements of the surrounding space referred to in them are effectively implemented by the interested party.

- b) A Report including at least the following:
- i) a description of the facilities and necessary technical and organizational security measures and their suitability,
 - ii) a list with the products used for creating Advanced Electronic Signatures,
 - iii) the security measures provided for in order to ensure the uninterrupted provision of the services, especially in cases of emergency,
 - iv) the file and data protection measures,
 - v) a description of the procedures in place for ensuring the reliability of the personnel employed,
 - vi) the texts describing the Certification Policy and the Practice Declaration of the Certification Service Provider, The Practice Declaration must include at least the information listed in Annex I to EETT Decision 248/71/2002 as is in force.
2. The Body for Voluntary Accreditation shall check the implementation of the security measures described in the Report, proceeding to autopsy to that end.
3. The Body for Voluntary Accreditation shall, within a reasonable time period which may not exceed twenty (20) working days, issue a decision including the Evaluation Report and the result of the assessment carried out on the basis of the information of paragraph 1 of this Article and notify it to the interested party. Should conformity of the interested party be assessed, the Body for Voluntary Accreditation shall issue a Conformity Certificate.
4. The Conformity Certificate shall include at least the following information:
- a) The information of the Certification Service Provider (name, distinctive title, seat, Tax Identification Number, legal representatives),
 - b) the services of the Certification Service Provider related to the issuance of Qualified Certificates in the context of Voluntary Accreditation,
 - c) a certification attesting to compliance of the Certification Service Provider with at least the requirements of PD 150/2001, EETT Decision 248/71/2002 and Articles 3 and 4 hereof,
 - d) any requirements of the surrounding space regarding the safe provision of the Certification Service Provider's services,
 - e) if the Certification Service Provider provides part of its services to other Certification Service Providers or if it assigns part of the certification procedure to third parties, a description of such services.
5. The Voluntarily Accredited Certification Service Provider shall be evaluated every three (3) years in order to assess its conformity.

Article 6

Procedure for the Voluntary Accreditation of Certification Service Providers

1. EETT shall grant Voluntary Accreditation to all interested Certification Service Providers.
2. The interested party shall submit a written application where it shall list the category of services for Voluntary Accreditation as well as the following supporting documents:
 - a) a certified copy of the Conformity Certificate issued by the Body for Voluntary Accreditation and of its decision including the Evaluation Report and the relevant result,
 - b) the Report established in Article 5 (1) (b) hereof,
 - c) a copy of the standard contract entered into between the Certification Service Provider and the beneficiaries of Qualified Certificates, as well as any relevant documents governing the Contract,
 - d) a copy of the document by means of which the Certification Service Provider meets the requirement under Article 8 (obligation to inform) of EETT Decision 248/71/2002,
 - e) a Solemn Statement to the effect that there has been no modification in the Conformity Certificate since its issuance.
3. EETT is required, five (5) working days from submission of the application, to confirm that the application contains all documents under paragraph 2 of this article or to establish the documents missing and request it in writing by the party requesting Voluntary Accreditation. The applicant is required to supply any document(s) requested of it within fifteen (15) days from notification of the relevant EETT document. Should the applicant fail to timely submit the required information, its application shall be rejected.
4. Within fifteen (15) days from due submission of the application, EETT may request all necessary clarifications in order to check that the criteria under Article 4 hereof are met, based on the documents furnished.
5. EETT shall, by means of a justified decision, decide on the Voluntary Accreditation of the applicant within fifteen (15) working days from the date it has been confirmed that the application contains all documents required or from the date that the deadlines mentioned in paragraphs 3 and 4 of this article have elapsed.

6. With the exception of the case under paragraph 3 of this article, the application shall be rejected in the following cases:

- a) failure to provide the required clarifications pursuant to paragraph 4 of this article;
- b) insufficient documentation regarding compliance with one or more of the criteria under Article 4 hereof based on the documents submitted, or
- c) non compliance with the requirements imposed under PD 150/2001 and EETT Decision 248/71/2002 upon Certification Service Providers issuing Qualified Certificates.

7. All interested parties the applications of which have been admitted shall be granted Voluntary Accreditation for the services for which it has been requested and which includes any terms for the secure provision of such services, especially the requirements of the surrounding space listed in the Conformity Certificate under Article 5 (4) (d) hereof.

8. Prior to the granting of Voluntary Accreditation and the recording of the relevant information in the Record under Article 12 hereof, the provision of Certification Services with reference to the Voluntary Accreditation is prohibited.

Article 7

Rights and obligations of the applicants for Voluntary Accreditation and Accredited Certification Service Providers

1. Accredited Certification Service Providers shall make available to all interested Authorities the documents related to the Conformity Assessment carried out by a Body for Voluntary Accreditation for at least 10 years from the date of performance of the Conformity Assessment.

2. The applicant, for the purpose of the performance of the Conformity Assessment by the Body for Voluntary Accreditation, and the Accredited Certification Service Provider, for the purpose of the assessments carried out in accordance with paragraph 5 of this article or by order of EETT in accordance with Article 8 hereof, are required to work with the Body for Voluntary Accreditation and provide it with all assistance required.

3. The applicant, for the purpose of the performance of the Conformity Assessment by the Body for Voluntary Accreditation and the Accredited Certification Service Provider for the purpose of the assessments carried out in accordance with the provisions of paragraph 2 of this article, are required to pay to the Body for Voluntary Accreditation a fee for the services provided by the latter either at the time the conformity assessment is requested, or upon issuance of the Conformity Certificate, or during the performance of an assessment as provided for under Article 8 hereof.

4. The accredited Certification Service Provider is required throughout the term of the Voluntary Accreditation to ensure its conformity with the requirements of PD 150/2001, EETT Decision 248/71/2002 and Article 4 hereof, as are in force at each time.

5. The accredited Certification Service Provider is required to submit to a Body for Voluntary Accreditation and EETT, without undue delay, any change to the information mentioned in the Report under Article 5 (1) (b) hereof. The Body for Voluntary Accreditation shall check such modifications, perform an assessment, if considered necessary, on the accredited Provider's facilities and issue a justified decision within a reasonable time period on the modification of the Conformity Certificate issued. Such decision shall be notified to the interested party, which shall next submit it along with any modified Certificate to EETT. EETT shall approve or reject the suggested modifications within ten (10) days from the submission of the above documents. The accredited Provider may not implement such modifications prior to the issue of a decision by the Body for Voluntary Accreditation, any possible modification to the Conformity Certificate issued, as well as prior to the granting of approval by EETT.

6. The accredited Certification Service Provider is required to timely see to the renewal of the Conformity Certificate and submit a certified copy of such certificate to EETT without any delay.

7. The accredited Certification Service Provider may invoke Voluntary Accreditation with regard to the services for which it has been accredited and is required to avoid any misleading reference to it. Upon revocation of Voluntary Accreditation, the Certification Service Provider shall immediately cease any mention to it.

Article 8

Supervision

1. EETT shall supervise all accredited Certification Service Providers. To that end, EETT or the persons designated by it shall be entitled ex officio or following a complaint to request information and carry out inspections at the premises of establishment and operation of accredited Certification Service Providers.

2. The accredited Certification Service Provider shall, without delay, notify EETT of any possible

problem and any important incident related to the security of the services rendered.

3. EETT, in the cases under paragraph 2 hereof, shall request of the accredited Certification Service Provider to modify its minutes of certification, submit an updated version of the Report under Article 5 (1) (b) hereof, as well as to submit a modified Conformity Certificate issued by a Body for Voluntary Accreditation. EETT may also order the performance of a assessment by a Body for Voluntary Accreditation, which shall suggest the appropriate measures.

4. Should EETT consider the measures under paragraph 3 of this article inadequate to effectively prevent any risk in terms of the security of the certification services provided, until the modification of the certification minutes, EETT may temporarily suspend its operation pursuant to the provisions of Article 10 hereof. EETT may use any suitable means to inform the Certification Service Providers issuing Qualified Certificates, as well as any other affected party about the possible security problem or incident having arisen.

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

Article 9

Voluntary Accreditation Revocation

1. EETT may revoke the Voluntary Accreditation by means of a justified decision, observing the principle of proportionality, in the following cases:

- a) if the Voluntarily Accredited Certification Service Provider does or did not meet the criteria for Voluntary Accreditation at the time of granting of Voluntary Accreditation if
- b) it fails to perform its obligations under this Regulation,
- c) it fails to fulfill the obligations imposed upon notified Certification Service Providers issuing Qualified Certificates under PD 150/2001 and EETT Decision 248/71/2002,
- d) if the measures under Article 8 (3) and (4) are considered inadequate,
- e) if it becomes bankrupt, is wound up, in receivership, composition or any other state or an equivalent procedure has been launched against it or if it has ceased its activities for any reason whatsoever.

2. The decision by which the Voluntary Accreditation of a Certification Service Provider shall be revoked, shall be immediately published in the Certification Service Providers Record kept by EETT, pursuant to the provisions of Article 12 hereof.

Article 10

Suspension of the Provision of Voluntary Accreditation Services

1. EETT may, until the issuance of a final decision on the revocation of Voluntary Accreditation or the imposition of sanctions on the Certification Service Provider, order the suspension of the provision of Voluntary Accreditation services if all of the following conditions are met:

- a) pursuant to the applicable legislation it is conjectured that the voluntarily accredited Certification Service Provider does not meet the requirements for the provision of Voluntary Accreditation services,
- b) suspension is necessary for avoiding an immediately imminent or otherwise unavoidable risk or irreversible damage especially to public interest;
- c) a relevant procedure has been launched either ex officio by EETT or following a complaint.

For the implementation of this article with regard to the deadlines, the provisions of the Regulation on the issuance of injunction in implementation of Article 12 (4) of Law 2867/2000, added by means of Article 12 (2) of Law 3082/2002 (Government Gazette Issue No. 316/A/2002), (Government Gazette Issue No. 158/B/2003) shall be proportionally implemented.

2. EETT may issue a temporary order, proportionally to the provisions of the Regulation on the issuance of injunction in implementation of Article 12 (4) of Law 2867/2000, added by means of Article 12 (2) of Law 3082/2002 (Government Gazette Issue No. 316/A/2002), (Government Gazette Issue No. 158/B/2003).

3. Once a temporary order or decision has been issued on the suspension of the Voluntary Accreditation services provided, and until a final decision has been issued on the revocation of the Voluntary Accreditation, the Accredited Certification Service Provider is required to avoid any misleading mention to Voluntary Accreditation.

Article 11

International aspects

1. The Qualified Certificates issued by a Certification Service Provider established in an EU Member State and accredited under its legislation, are legally equivalent to the certificates issued by

a Certification Service Provider accredited under the applicable Greek legislation if it is demonstrated that the security of the Certification Services rendered is equivalent to that rendered in compliance with the requirements of the applicable Greek legislation. EETT, for the purposes of assessing equivalence, as set out above, may agree with the competent authority of the country where the accredited Certification Service Provider is established or accredited the equivalence recognition procedure, unless bilateral or multilateral agreements are in place.

2. In case of Voluntarily Accredited Providers accredited under the legislation of a third country (non EU Member State), EETT or the parties designated by it shall examine whether

a) the requirements in compliance with which the above Certification Service Provider has been voluntarily accredited,

b) the Electronic Signature Products it uses,

c) the procedures in place for the conformity assessment and control of such products and Certification Service Providers,

d) the rules applicable to Conformity Assessment Bodies, and

e) the accreditation and supervision system of such State

ensure equivalence in terms of the security of the Certification Services provided. Alternatively, the Qualified Certificates issued by the above Certification Service Providers shall be recognized based on bilateral or multilateral agreements between EETT and National Regulatory Authorities or International Organizations.

Article 12

Publication of decisions and certificates

1. EETT keeps a Record of accredited Certification Service Providers. Besides the information provided for under Article 10 of EETT Decision 248/71/2002, this Record also includes the Voluntary Accreditation information, inclusive of the Conformity Certificate issued by the Body for Voluntary Accreditation. In the same Record is also recorded the cessation of the works of Voluntarily Accredited Certification Service Providers, any modifications of the above information, as well as the suspension of the services provided and the revocation of the Voluntary Accreditation. It also includes the details of the Certification Service Providers (name, distinctive title, seat, Tax Identification Number, legal representatives) the Voluntary Accreditation of which has been recognized as equivalent by EETT.

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

Article 13

Sanctions – Complaints

1. Any complaints against Bodies for Voluntary Accreditation or accredited Certification Service Providers must be filed with EETT, which shall examine them and may impose the administrative sanctions under Article 9 (1) of EETT Decision 295/63/2003 on a 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, as well as the sanctions under paragraph 2 of this article, by issuing a specially justified decision following a hearing of the interested parties.

2. Notwithstanding the provisions of Articles 9 and 10 hereof, failure on the part of an accredited Certification Service Provider to fulfill its obligations shall lead to the imposition of 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 14

Fees

1. The fees correspond to the cost of the procedure for granting Voluntary Accreditation and supervising accredited Certification Service Providers.

2. Upon submission of their application, the parties requesting the granting of Voluntary Accreditation pursuant to the provisions hereof, are required to pay a duty to EETT, the sum of which shall be proportional to the cost of granting Voluntary Accreditation. The fees imposed are set to € 600.00.

3. For each calendar year and until January 31st each year, an annual fee for the supervision of Voluntarily Accredited Certification Service Providers shall be paid, and which shall be set by decision of

EETT.

4. For each notification of change to the information of Voluntarily Accredited Certification Service Providers a fee of € 100.00 shall be paid.

5. Should EETT carry out an assessment for revoking Voluntary Accreditation pursuant to Article 9, a fee shall be paid to be determined by an EETT decision.

6. EETT may by its decision readjust such fees.

Article 15

Notification of the European Commission

1. EETT shall notify to the European Commission the information of all Certification Service Providers to which Voluntary Accreditation is granted, as well as the criteria and other conditions accompanying the relevant acts of Voluntary Accreditation.

2. The above obligation for informing the European Commission also applies in the event of suspension of the services provided or revocation of Voluntary Accreditation.

Article 16

Entry into force

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

This decision to be published in the Government Gazette.

Maroussi, October 10, 2003

The President

EMMANOUIL A. GIAKOUMAKIS