

Regulation for the Provision of Electronic Signature Certification Services

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

Having regard to:

- a. Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions" (Government Gazette 273/A/2000), in particular article 3, par. 14, subpar. xxvi and xxviii;
- b. Presidential Decree No. 150/2001 "Adapting to Directive 99/93/EC of the European Parliament and of the Council on the community framework for electronic signatures" (Government Gazette 125/A/2001), in particular article 4, paragraphs 5 and 8;
- c. the fact that the provisions of this present Regulation do not create any cost for the State Budget, decides:

To issue a Regulation for the Provision of Electronic Signature Certification Services, which is as follows:

Article 1
Objective and Scope of Application

Subject to article 3, par. 1 of this present Decision, this Regulation regulates:

- issues pertaining to the provision of electronic signature certification services;
- in particular, issues pertaining to Qualified Certificates;
- the supervision and inspection of the electronic signature Certification Service Providers established in Greece that issue Qualified or Non-Qualified Certificates or provide other electronic signature related certification services.

Article 2
Definitions

Certification Practice Statement: a document issued by a Certification Service Provider that provides a detailed description of the practice followed for issuing electronic signature certificates or/and providing other Certification Services, pursuant to the stipulations set forth in Annex I of this present Regulation.

Any words or phrases used in this present Regulation have the meaning ascribed to them in Presidential Decree No. 150/2001 or, in case they are not referred to in it, the meaning ascribed to them in Law No. 2867/2000 or, in case they are not referred to in it, in the relevant secondary law of the European Union.

CHAPTER I GENERAL PROVISIONS

Article 3 Provision of Certification Services / Qualified Certificates

1. The provision of certification services of any nature whatsoever is free and is not subject to a prior authorization or approval or any other measure yielding a similar result.
2. Any Certification Service Provider may issue Qualified Certificates exclusively on condition that the following requirements are met cumulatively: (a) it complies with the terms of Annex II of Presidential Decree No. 150/2001; (b) in issuing the said certificates, it complies with the terms of Annex I of the above Presidential Decree; and (c) it declares his compliance under points (a) and (b) above, pursuant to article 10, par. 3.
3. A Certification Service Provider issuing Qualified Certificates is required, at any time, to be able to prove that in issuing the said Qualified Certificates, it fully complies with Annexes I and II of Presidential Decree No. 150/2001.
4. A Certification Service Provider is considered as issuing Qualified Certificates if it can prove that his Undertaking and the certificates issued are in compliance with the recognized standards and specifications, which are aimed to specialize Annexes I and II of Directive 99/93/EC, and are published in the Official Journal of the European Communities or, in lack thereof, with standards or/and specifications established by such European Standardization Organizations as referred to in Annex II of this present Regulation, as it may be amended and applicable, or with national standards and specifications that have been recognized pursuant to Greek law.

Article 4 Beneficiaries of Certificates

1. Beneficiaries of Qualified Certificates are only competent natural persons.
2. A beneficiary of each qualified certificate is required to be the holder of signature creation data associated with his certificate and must exercise all due diligence for the safe keeping and use of the said data and the certificate.

3. The certificate beneficiary is required to immediately notify the Certification Service Provider in case of loss of his/her signature creation data and in case these have come in the possession or knowledge of a third party.

Article 5
Revocation of Certificates

1. A Certification Service Provider is required to revoke a Qualified Certificate immediately in the following cases:
 - a. upon a relevant request made by the certificate beneficiary or a person legally authorized by the said beneficiary;
 - b. if EETT finds out, as part of the exercise of its supervisory and inspecting authority, that the Qualified Certificate includes false or inaccurate information with regard to Annex I of Presidential Decree No. 150/2001;
 - c. in the case of a certificate issued based on false or inaccurate information;
 - d. in the case where the Certification Service Provider ceases its operations, pursuant to article 6 of this present Regulation;
 - e. in the case where a certificate beneficiary loses his/her competence, is declared missing or is dead, taking into consideration that each certificate is non-transferable in any case;
 - f. in the case where a final court judgment requires the relevant revocation or cancellation;
 - g. if, based on the agreement entered between the Certification Service Provider and the user, there is such an obligation imposed on or/and right granted to one of the parties thereto. In that case, if the revocation request is made by the certificate beneficiary, the Certification Service Provider is required to proceed with the revocation immediately, without prejudice to any of its legal or contractual rights;
 - h. in the case where there is circumstantial evidence that the beneficiary's signature creation data have been made known to or/and used by third parties;
 - i. in the case where the Certification Service Provider's signature creation data have been made known to third parties;
 - j. in the case where the certificate beneficiary, which he/she uses in a specific capacity, loses the said capacity (indicatively, in case of retirement of a worker to whom such a certificate has been issued in his/her capacity as an employee serving for a certain agency or in a

certain position) or in any case where any data included in the certificate are altered.

2. A revoked certificate should not enter into effect again.
3. The Certificate Service Provider is entitled, until the reasons for revoking a certificate are or are not ascertained and verified, to proceed with the immediate suspension of the said certificate.
4. In any case, the Certification Service Provider must immediately notify the beneficiaries of electronic certificates about the suspension / revocation of the said certificates and must be able to prove that he has notified them.
5. The Certification Service Provider issuing Qualified Certificates shall operate a non-stop certificate revocation service, 24 hours a day, 7 days a week, including holidays, which the holders of Qualified Certificates or/and persons legally authorized by them may submit a revocation request, pursuant to paragraph 1a of this present article. In any case, prior to the revocation, the Certification Service Provider shall verify that the request is submitted by a person having the legal right to do so.
6. The revocation request of Qualified Certificates must be processed immediately.
7. A Certification Service Provider issuing Qualified Certificates is required to ensure revocation requests may also be made on the phone and is required to inform certificate beneficiaries about the said option, and indicate the relevant telephone number to them.
8. A Certification Service Provider issuing Qualified Certificates shall provide a service providing information about the status of certificates (valid, revoked), which shall operate non-stop, 24 hours a day, 7 days a week, including holidays. A Certification Service Provider shall ensure the integrity and authenticity of information regarding the status of certificates and availability thereof on a worldwide scale.
9. If a Certification Service Provider provides the service described in paragraph 8 by maintaining a list of revoked certificates, in which revoked or suspended certificates are included, it shall be mandatory for the said list
 - a. to be issued at least once a day;
 - b. to indicate the next updating time of the list;
 - c. to be possibly updated even prior to its updating time referred to under point "b" above;
 - d. to include at least the date, revocation time, certificate status (suspended or revoked) and the certificate identification code;

- e. to be accessible to certificate beneficiaries or third parties free of charge.

Article 6

Cessation of Operations of Certification Service Providers

In the case where a Certification Service Provider ceases its operations, for any reason whatsoever, it has the following obligations:

- a. to notify the cessation to EETT, to the beneficiaries of Certificates or to other certification Service Providers or any other party it has entered an agreement with or has developed any other relationship with as part of the certification services provided, within an exclusive deadline of three (3) months prior to the occurrence of the cessation;
- b. in the cases where a court judgment is required for the Certification Service Provider to cease its operations, the latter is required to notify EETT on the day following the service to or the submission by the Certification Service Provider of any legal document relevant to the cessation of its operations. Upon issuance and publication of the relevant judgment, the Certification Service Provider is required to notify the parties referred to in subparagraph "a" of this present article;
- c. in the case where the Certification Service Provider is provenly unable to notify the cessation to EETT prior to its occurrence pursuant to subparagraphs "a" and "b" of this present article, the Certification Service Provider is required to notify the said cessation to the parties referred to in subparagraph "a" of this present article, as soon as the provider is made aware of it;
- d. in any case, the Certification Service Provider shall be responsible for proving that he has notified the cessation of its operations to EETT, to the beneficiaries of Certificates, as well as to any Certification Service Provider or other party it has entered an agreement with or has developed any other relationship with as part of the certification services provided;
- e. in any case, in continuation of such notification as referred to above in subparagraphs "a", "b" and "c" of this present article, the Certification Service Provider shall proceed with the immediate cancellation of all valid certificates, except if provided for otherwise in the agreement entered between the provider and the beneficiary or any amendment thereof, and the Certification Practice Statement;
- f. in any case a Certification Service Provider issuing Qualified Certificates, is required to have agreed in writing with another Certification Service Provider issuing Qualified Certificates, for delivering to the latter the archive maintained pursuant to article 7,

whereby the latter shall receive and maintain it for the time period provided for in subparagraph "i" of Annex II of Presidential Decree No. 150/2001. A failure to comply with the said requirement shall result in the imposition of the sanctions provided for in this present decision. The Certification Service Provider that, according to the above, receives and maintains the Certification Service Provider's archive due to the cessation of operations of the latter, is required within seven (7) days from the taking over of the said record to notify EETT in writing about it. In the case where the above stipulations are not applicable, and without any limitation thereto, the Certification Service Provider whose operations have ceased, shall deliver the said documents and records to EETT for maintenance, while at the same time notifying certificate beneficiaries about it. EETT may assign the maintenance of the above records to Certification Service Providers issuing Qualified Certificates.

- g. in any case, any potential contracts for the assignment of the execution of part of the certification process to third parties shall be terminated *ipso jure* upon the cessation of operations of the Certification Service Provider. For this purpose, the signed contracts, between the Certification Service Provider and third parties shall include a clause providing, upon penalty of invalidity of the entire contract, for the *ipso jure* termination in the case where the Certification Service Provider ceases its operations. The contracts signed between a Certification Service Provider issuing Qualified Certificates and third parties, shall include a clause providing, upon penalty of invalidity of the entire contract, the obligation of the third party to deliver, in application of the procedure described in subparagraph "f" of this present article, the archive and all documents and records it may possess due to, or for, the issuance and management of certificates;
- h. a Certification Service Provider is required to have arranged the financial coverage of any required procedure and fulfillment of obligations that arise from the cessation of its operations, as well as any potential damage that may be caused to certificate beneficiaries or third parties due to an action or omissions associated with its activities, in particular due to the cessation of its operations. A Certification Service Provider is required to be able to prove to EETT or any party having a relevant legal right, that it has made sufficient provision for the above-mentioned financial coverage. EETT may decide to set a minimum amount for the financial and insurance coverage of the above by Certification Service Providers issuing Qualified Certificates.

Article 7 Document Archiving

- 1. Every Certification Service Provider shall maintain in hardcopy or/and electronic form an archive of all information related to the Qualified Certificates issued or/and managed by it, pertaining in particular to their

issuance, cancellation or suspension and expiry times, so as to make possible the verification of their correctness and accuracy.

2. The archive for each Qualified Certificate shall be maintained from its issuance date until thirty (30) years following its expiration or revocation.
3. Immediately after issuance thereof, each Qualified Certificate shall be registered in the archive in electronic form, so that it is possible to track any subsequent alteration thereto. EETT may decide to regulate the procedure pertaining to tracking such alterations.
4. EETT may decide to regulate the arrangements pertaining to the management of the archive maintained by a Certification Service Provider issuing Qualified Certificates.
5. A Certification Service Provider shall provide a certificate beneficiary with access to the data pertaining to him/her, upon the submission of a relevant request by the latter, whereby the Provider is required to reply within an exclusive deadline of seven (7) days from the submission of the relevant request.

Article 8 Information Obligation

1. Prior to entering an agreement with a person applying for a certificate, a Certification Service Provider issuing Qualified Certificates, is required to inform the said person at least about the following:
 - a. the liability and obligations of the certificate beneficiary that arise from use thereof;
 - b. the obligations of the certificate beneficiary for the storage and protection of his signature creation data;
 - c. the consequences for the certificate beneficiary that arise from disclosing his signature creation data;
 - d. the certification policy and the Certification Practice Statement, as well as any potential amendment thereof;
 - e. the requirements and procedure for the revocation and suspension of certificates;
 - f. the arrangements made by a Certification Service Provider for the case where it ceases its operations.

CHAPTER II SUPERVISION AND INSPECTION OF CERTIFICATION SERVICE PROVIDERS

Article 9 Supervision

EETT shall supervise and inspect all Certification Service Providers established in Greece.

Article 10 Registry of Certification Service Providers Established in Greece

1. EETT shall maintain a registry of all Certification Service Providers established in Greece in electronic form or/and printed form.
2. Upon commencement of its operations, every Certification Service Provider established in Greece shall notify the following data to EETT in writing, which will be recorded in the Registry:
 - a. full name / corporate name, address / registered office, telephone and fax numbers, e-mail address, Website of the Provider;
 - b. its legal status, legal representatives and a potential attorney of the Provider;
 - c. the Taxpayer's ID Number of the Provider;
 - d. the services provided;
3. As far as Certification Service Providers issuing Qualified Certificates are concerned, along with the above notification, they shall submit the following: (a) a statement made by the Certification Service Provider that it complies with Annexes I and II of Presidential Decree No. 150/2001; (b) A Certification Practice Statement; (c) documents proving its financial coverage, as referred to in subparagraph "h" of article 6; (d) certificates issued by competent Public or Judicial Agencies, which shall indicate whether the provider is under bankruptcy, bankruptcy settlement, compulsory receivership or if applications have been filed pertaining to the above, as well as if it is under a winding up process, which must be renewed and submitted to EETT every three (3) months.

In the registry maintained by EETT, a note shall be made that it is a Certification Service Provider which, according to its own statement, issues Qualified Certificates.

4. To record the above data in the registry, a recording fee shall be paid upon notification, equal to Euro three hundred (€ 300.00).
5. Certification Service Providers are required to notify to EETT any modification in their details included in the registry within an exclusive deadline of seven (7) days from occurrence thereof. For each notification of modified data, Certification Service Providers shall pay to EETT a modification fee equal to Euro one hundred (€ 100.00).

6. Certification Service Providers shall notify to EETT, pursuant to the stipulations set forth in article 6 of this present Regulation, the cessation of their operations by paying the amount of Euro three hundred (€ 300.00). The said cessation shall be recorded in the registry.

Article 11 Submission of Reports

1. Certification Service Providers shall submit to EETT annual reports describing their activities. In the said reports, special mention shall be made of requests or/and complaints submitted to them by beneficiaries or third parties. The reports shall be submitted until the end of March of each year, starting from March 2003.
2. As far as Certification Service Providers issuing Qualified Certificates are concerned, the reports referred to in paragraph 1 shall include at least the following:
 - a. a description of the facilities and all necessary technical and organizational security measures and suitability thereof;
 - b. a list of the products used for the creation of advanced electronic signatures (digital signatures);
 - c. the security measures provided for in order to maintain the uninterrupted operation of the services rendered, especially in emergencies;
 - d. the measures taken for the protection of records and data;
 - e. a description of the procedures followed for ensuring the reliability of the personnel employed;
 - f. a copy of the standardized Agreement entered between the Certification Service Agreement and beneficiaries of certificates or other services, as well as any relevant document that governs the Agreement. EETT shall perform an inspection to ascertain that the terms of the Agreement are, or are not, compatible with the provisions on general transaction terms and the terms and provisions set forth in Law No. 2251/1994, as applicable at any given time. If the said inspection carried out by EETT indicates that there are certain terms that are illegal or/and abusive according to the above, within an exclusive deadline of sixty (60) days from the submission to EETT of the qualifying documents required in this present article by the Certification Service Provider, EETT shall send its remarks to the Certification Service Provider so that the latter can revise its Agreement according to the remarks made by EETT. The Certification Service Provider is required to communicate the revised Agreement to EETT within an exclusive deadline of fifteen (15) days.

In the case where the above sixty-day (60-day) deadline expires without any remarks having been sent to the Certification Service Provider pertaining to the terms of the Agreement, the said Agreement shall be considered as approved.

- g. any documents describing the policy and practice followed by a Certification Service Provider. The Certification Practice Statement must include at least the data referred to in Annex I of this present Regulation.
3. Anytime there is a modification in the details of a Certification Service Provider issuing Qualified Certificates pertaining to Annexes I and II of Presidential Decree No. 150/2001, pertaining to the Agreement entered between a Certification Service Provider and a certificate beneficiary, as well as pertaining to the data referred to in paragraph 3 of this present article, the Certification Service Agreement is required to communicate the said modifications to EETT.
4. Without prejudice to the provisions of Law No. 703/1977 "On the control of monopolies and oligopolies and the protection of competition" (Government Gazette 278/A/1977), as applicable at any given time, anytime a Certification Service Provider issuing Qualified Certificates proceeds to assign part of the certificate issuing procedure to a third party, the provider is obliged to notify this to EETT, describing the type of the assigned service and the duration of the assignment.
5. The Certification Service Provider shall remain exclusively liable to certificate beneficiaries or third parties for actions or omissions on the part of the above contractors. The Certification Service Provider issuing Qualified Certificates is required to ensure that the above assignment to any third party does not contradict the requirements set for the issuance of Qualified Certificates, pursuant to Presidential Decree No. 150/2001 and this present Regulation.

Article 12 Inspections - Sanctions

1. EETT, either *ipso jure* or upon a complaint made, is entitled to perform an inspection to ascertain the Certification Service Providers' compliance with the provisions of Presidential Decree No. 150/2001 and this present Regulation, as well as those of Law No. 2867/2000.
2. To perform the said inspection, EETT or the bodies designated by EETT, have the right to request information and perform audits in the premises where Certification Service Providers are established and carry out their operations, pursuant to applicable law, and the providers are required to cooperate with EETT and provide it with any information and facility necessary for the performance of inspections.
3. As for the rest and the relevant sanctions, the provisions of Law No. 2867/2000 shall apply.

CHAPTER III
FINAL AND TRANSITORY PROVISIONS

Article 13
Transitory Provision

1. Every Certification Service Provider established in Greece that, on the date when this present Regulation enters into force, has already been providing services, is required to send a notice pursuant to article 10, paragraph 2, within thirty (30) days from the date when this present Regulation enters into force.
2. Any issues related to Voluntary Accreditation shall be arranged based on a relevant decision made by EETT.
3. Based on a decision made by EETT, the amount of compensating fees within the framework of this present Regulation may be modified.

Article 14
Entry Into Force

This present Regulation shall enter into force thirty (30) days from the day of its publication in the Government Gazette.

ANNEX I
Minimum content of the Certification Practice Statement

A Certification Practice Statement made by a Certification Service Provider issuing Qualified Certificates must provide a detailed description, at least, of the following:

1. the Certification Services offered;
2. the security mechanisms for personnel, procedures and physical security;
3. the liability and obligations of the Certification Service Provider to the beneficiaries/users/subscribers, their rights and obligations pertaining to the use of certificates and the provided signature creation devices;
4. the external partners/bodies to which part of the procedure for the provision of Certification Services is assigned;
5. the material and technical infrastructure, the products used;
6. the procedures for the protection of confidentiality and the processing of personal data;
7. the procedures for the protection of consumers (General Terms of Transactions, consumer request resolution procedures);

8. the insurance coverage / third party liability;
9. the procedures followed for the revocation of a certificate;
10. the procedures followed for ensuring the coverage of all types of obligations of a Certification Service Provider following a potential cessation of its operations;
11. the procedures followed for fulfilling the obligations of the Certification Service Provider pertaining to or following the cessation of its operations;
12. the procedures followed for the maintenance and management of its archive, as well as the delivery of its archive upon cessation of its operations.

ANNEX II
Standardization Organizations

ETSI
CEN/CENELEC

This present Regulation shall be published in the Government Gazette.

Marousi, 15 March 2002
The Chairman
EMM. A. GIAKOUMAKIS