

قرار رقم (53) لسنة 2023م بشأن

اعتماد قواعد وشروط تنظيم أدوات إنشاء التوقيع الإلكتروني المعتمد
وإنشاء الختم الإلكتروني المعتمد وتصديقها واعتمادها

رئيس مجلس إدارة الهيئة العامة لتنظيم قطاع الاتصالات والحكومة الرقمية،،،،
بعد الاطلاع على المرسوم بقانون اتحادي رقم (3) لسنة 2003 في شأن تنظيم قطاع الاتصالات
ولائحته التنفيذية وتعديلاتهما،
وعلى المرسوم بقانون اتحادي رقم (46) لسنة 2021 بشأن المعاملات الإلكترونية وخدمات الثقة
ولائحته التنفيذية،
وبناءً على ما عرضه مدير عام الهيئة العامة لتنظيم قطاع الاتصالات والحكومة الرقمية، وموافقة
مجلس إدارة الهيئة في اجتماعه المنعقد بتاريخ 18 ديسمبر 2023م، وعلى مذكرة الموافقة
المرفوعة إليه من إدارة الهيئة،

قررنا ما يلي:

المادة (1)

يُعتمد بموجب هذا القرار "قواعد وشروط تنظيم أدوات إنشاء التوقيع الإلكتروني المعتمد وإنشاء
الختم الإلكتروني المعتمد وتصديقها واعتمادها" المرفقة بهذا القرار.

المادة (2)

يُعمل بهذا القرار اعتباراً من تاريخ صدوره، ويُنشر في الجريدة الرسمية.

صدر بتاريخ 18 ديسمبر 2023م.

The rules and conditions regulating the qualified signature/seal creation devices, their certification and approval

Issue Date: 18 Dec. 2023

Telecommunications and Digital Government Regulatory Authority (TDRA)
P O Box 26662, Abu Dhabi, United Arab Emirates (UAE)
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Article (1)

Definitions

The terms, words, and phrases used in this Resolution shall have the same meaning as are ascribed to them in the Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services, unless this Resolution expressly provides for otherwise, or the context in which those terms, words and phrases are used in this Resolution requires otherwise. For the purposes of this Resolution, the following terms and words shall have the meanings ascribed to them below:

“State”	the United Arab Emirates;
“The Authority”	the Telecommunications and Digital Government Regulatory Authority (“the TDRA”);
“Law”	the Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services;
“Executive Regulation”	the Federal Executive Regulation No. (28) of 2023;
“Certification Body” (CB)	the body that conducts a certification of a QSCD based on the controls and conditions set by the Authority and fulfils the requirements of Article (3) of this Resolution;
“Certification Report” (CR)	the report resulting from the certification of a QSCD and issued by a Certification Body;
“Trust Service Provider” (TSP)	a Licensee authorized by the Authority, in accordance with the Law and its Executive Regulation, to provide one or more Trust Services;
“Qualified Signature/Seal Creation Device” (QSCD)	An E-Signature/E-Seal Creation Device that meets the requirements of Article 21 of the Law;
“Qualified Trust Service Provider” (QTSP)	a TSP granted the qualified status by the Authority to provide Trust Services and Qualified Trust Services accordingly;
“Trust Service” (TS)	Electronic services specified under Article 17(1) of the Law, which a Trust Service Provider is authorized to provide as per the License granted thereto;
“Qualified Trust Services” (QTS)	Electronic services specified under Article 17(2) of the Law, which a Qualified Trust Service Provider is authorized to provide as per the License granted thereto;
License	an authorization issued pursuant to the provisions of the Law and its Executive Regulation, according to which a Licensee is allowed to carry out any of the Trust Services or Qualified Trust Services;

Licensee	a legal person who is licensed by the Authority in accordance with the provisions of the Law and its Executive Regulation;
“National Accreditation Body” (NAB)	the sole body in the State or in a foreign country that performs accreditation with authority derived from the State or the foreign country

Article (2)

Requirements on Qualified Signature/Seal Creation Devices

1. Without prejudice with the provisions laid down in Article 21 of the Law, the protection provided by QSCDs on the E-Signature/E-Seal Creation Data shall ensure:
 - 1.1. the confidentiality of the E-Signature/E-Seal Creation Data used for the creation of E-Signatures/E-Seals;
 - 1.2. that the E-Signature/E-Seal Creation Data cannot be guessed or retrieved by deduction or any other means;
 - 1.3. that the E-Signature/E-Seal Creation Data is protected against tampering and forgery using currently available technology;
 - 1.4. that the E-Signature/E-Seal Creation Data can be generated practically only once and is unique;
 - 1.5. that the E-Signature/E-Seal Creation Data can be protected against any use by a third party;
 - 1.6. they shall not alter the data to be signed or sealed, or prevent such data from being presented to the Signatory prior to signing or sealing.
2. The standards for the security assessment of information technology products that apply to the certification of QSCDs, where the E-Signature/E-Seal Creation Data is held in an entirely but not necessarily exclusively user-managed environment (“Type I QSCD”) are listed in Annex I.
3. The standards for the security assessment of information technology products that apply to the certification of QSCDs, where a QTSP manages the E-Signature/E-Seal Creation Data on behalf of a Signatory (“Type II QSCD”) are listed in Annex II.
4. As a transitional measure until 01 January 2030, [FIPS PUB 140-2]¹ Level 3 evaluated devices shall be assimilated to QSCDs until the expiration of their evaluation certificate or the end date of the transitional measure whichever occurs first, only for use by QTSP when they electronically sign or seal in their name outputs or evidences as part of the provision of the QTS for which they have been granted a license and a qualified status.

¹ [FIPS PUB 140-2]: FIPS PUB 140-2 (2001): "Security Requirements for Cryptographic Modules".

Article (3)

Requirements for Certification Bodies

1. With regards to the evaluation, assessment and certification of the conformity of a QSCD with the requirements of the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities, Certification Bodies shall be accredited under an appropriate scheme demonstrating their capability, skills, competence, and resources to evaluate, assess and certify QSCD in accordance with the requirements in the associated annexes.

Article (4)

Approving Certification Bodies

1. The Authority shall publish, on its website or by any other mean deemed suitable, all required information about the procedures and forms for the purposes of the approval of the Certification Bodies.
2. The approval application shall contain all information requested by the Authority. All information shall be submitted by the means determined by the Authority.
3. The Certification Body applying for an approval (the applicant) shall follow procedures and use application forms approved by the Authority.
4. The Authority defines the documents and data that should be provided together with the application, including at least:
 - 4.1. A copy of the trade-license allowing the applicant to conduct business in the country in which it is established, or any equivalent extract of a trade register as in official records or registers of that country.
 - 4.2. The business location, name, and where applicable the registration number of the applicant as stated in the official records of the country in which it is established.
 - 4.3. Financial report for the last 3 years issued by authorized auditor in the country of establishment of the applicant, the report should show financial capabilities of the applicant.
 - 4.4. Evidences of fulfilling the requirements referred to in Article 3.
5. The Authority shall review the application and validate the submitted information and documents within a month from the submission date. In cases where more time is needed for the review, the Authority informs the applicant of the additional time.
6. The applicant shall inform the Authority within one week in case of any change to the submitted information and documents with reasons for the change, or in case the applicant wants to withdraw its application. The applicant shall bear the cost of approval application and any additional expenses during the review of the application.
7. Following its validation of the application, the Authority shall issue a final [resolution/decision] wherein it will either:
 - 7.1. Approve the application if the Authority concludes that the applicant complies with the requirements laid down in the Law, the Executive Regulation, this Resolution,

and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.

- 7.2. Reject the application if the Authority concludes that the applicant does not comply with the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.
8. If the Authority approves the application:
 - 8.1. The Authority shall grant an approval to the applicant for the scope indicated in the approval decision.
 - 8.2. The Authority shall update the register of approved Certification Bodies in accordance with the approval decision, including the scope of approval mentioned in the approval decision.
9. The duration of the approval is starting from date of approval decision and is valid up to revocation, conditioned to the fact that the approved Certification Body continues to meet the requirements of Article 2 of this Resolution.
10. The Authority may take a decision to approve a Certification Body at its own discretion taking into account the best interest of the sector, and the decision shall determine the scope of approval, the conditions and criteria to be applied by the Certification Body, the categories of fees due for the approval and the cases of exemption from them.

Article (5)

Suspension or revocation of the approval of Certification Bodies

1. The Authority shall take a decision to suspend or revoke the approval granted to a Certification Body at its own discretion taking into account the best interest of the sector, or when the Certification Body no longer meet the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.
2. The decision by the Authority to suspend or revoke the approval of a Certification Body shall be motivated and may indicate a timeframe at the expiration of which the suspension or revocation shall be effective. The determination of this timeframe shall consider the reasons underlying the suspension or revocation decision.
3. In case of suspension of the approval granted to a Certification Body in accordance with this Resolution, the QSCD certifications issued by the concerned Certification Body after the date of suspension shall no longer be considered as eligible for the approval of the corresponding QSCDs by the Authority. The QSCDs certified before the date of suspension of the Certification Body shall not lose their approval because of the suspension decision.
4. In case of revocation or termination of the approval granted to a Certification Body in accordance with this Resolution, the QSCD certifications issued by the concerned Certification Body after the date of revocation or termination shall no longer be considered as eligible for the approval of the corresponding QSCDs by the Authority and the QSCDs certified before such date shall lose their approval within a timeframe indicated by the Authority in the revocation decision. The determination of this timeframe shall consider to

which extent the concerned QSCD are used by the TSP and QTSP established and licensed in the United Arab Emirates and the reasons underlying the revocation decision.

5. In case of suspension or revocation of the approval granted to a Certification Body in accordance with this Resolution, the Authority shall update the register of approved Certification Bodies in accordance.
6. Implementing the procedures defined in this Article does not prevent the Authority to implement any other penalties defined by the Law.

Article (6)

Certification Bodies approval amendment cases

1. The approved Certification Body shall inform the Authority, within 14 days in case of changes to the information that was submitted during the application for approval, as well in case of a request for amending a granted approval or its scope.
2. Without prejudice to the first paragraph of this Article, the Certification Body shall communicate at least the following to the Authority:
 - 2.1. Information about any change regarding the applying entity, ownership, and location of business for the Certification Body within its country of establishment.
 - 2.2. Changes in the technical, financial, or management capability to manage and operate the services defined in the application or in the approval decision and the scope of the approval.
 - 2.3. Any changes to the evidences of the Certification Body fulfilling the requirements referred to in Article 3.
 - 2.4. A request for amending the scope of an existing approval granted to the Certification Body.
3. Any changes to an approval decision and its scope following the verification by the Authority of the relevant notified or requested changes shall be reflected in the register of approved Certification Bodies if the changes so require upon a decision from the Authority.
4. The Authority shall publish, on its website or by any other means deemed suitable, all required information about the procedures and forms for the purposes of the notification of changes related to the approval of the Certification Bodies and the requests for amendments.

Article (7)

Approving QSCD

1. The Authority shall publish, on its website or by any other mean deemed suitable, all required information about the procedures and forms for the purposes of the approval of a QSCD and for the purposes of its renewal.
2. The approval application shall contain all information requested by the Authority. All information shall be submitted by the means determined by the Authority.
3. The applicant applying for an approval of a QSCD (the QSCD applicant) shall follow procedures and use application forms approved by the Authority.

4. The Authority defines the documents and data that should be provided together with the application, including at least:
 - 4.1. A copy of the trade-license allowing the QSCD applicant to conduct business in the country in which it is established, or any equivalent extract of a trade register as in official records or registers of that country.
 - 4.2. The business location, name, and where applicable the registration number of the QSCD applicant as stated in the official records of the country in which it is established.
 - 4.3. Financial report for the last 3 years issued by authorized auditor in the country of establishment of the QSCD applicant, the report should show financial capabilities of the applicant.
 - 4.4. Evidences of the QSCD being proposed for approval by the Authority fulfilling the requirements referred to in Article 2.
5. The Authority shall review the application and validate the submitted information and documents within a month from the submission date. In cases where more time is needed for the review, the Authority informs the applicant of the additional time.
6. The QSCD applicant shall inform the Authority within one week in case of any change to the submitted information and documents with reasons for the change, or in case the QSCD applicant wants to withdraw its application.
7. Following its validation of the application, the Authority shall issue a final [resolution/decision] wherein it will either:
 - 7.1. Approve the application if the Authority concludes that the QSCD applicant and the QSCD proposed for approval comply with the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.
 - 7.2. Reject the application if the Authority concluded that the QSCD applicant or the QSCD proposed for approval does not comply with the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.
8. If the Authority approves the application:
 - 8.1. The Authority shall grant a QSCD approval to the QSCD applicant for the scope indicated in the QSCD approval decision.
 - 8.2. The Authority shall update the register of approved QSCDs in accordance with the approval decision, including the scope of approval mentioned in the approval decision.
9. The duration of the approval is [5] years starting from date of approval [decision/issuance] conditioned to the fact that the approved QSCD continues to meet the requirements of Article 2 of this Resolution.
10. The Authority may take a decision to approve a QSCD at its own discretion taking into account the best interest of the sector, and the decision shall determine the scope of approval, the conditions and criteria to be applied by the QSCD.

Article (8)

Renewal of QSCD approval

1. The QSCD applicant of an approved QSCD shall take all actions required to renew its approval at least 3 months before expiration of the approval:
 - 1.1. The renewal application shall include all data and documents listed in paragraph 4 of this Article, in addition to any additional data or documents determined by the Authority.
2. The QSCD applicant of an approved QSCD whose approval is expiring shall notify, 3 months before the expiry date, the Authority of its intention to renew its approval. In this period, the status of the approved QSCD in the register of approved QSCDs shall be “expiring”, until it notifies the Authority of its intention to renew. Once the Authority is notified of its intention to renew its approval, the status of the approved QSCD in the register of approved QSCDs shall be updated to “under renewal”. Approved QSCDs will be removed from the register of approved QSCDs by the approval expiry date.
3. The Authority shall review the submitted data and documents for the QSCD approval renewal application according to the procedures applicable to the initial approval application.
4. Following its verification of the application for the renewal of the QSCD approval, the Authority shall issue a final Decision wherein it will either:
 - 4.1. Approve the application for the renewal of the approval of the QSCD if the Authority concludes that the QSCD applicant and the QSCD comply with the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities, and accordingly:
 - 4.1.1. The Authority shall renew the approval of the concerned QSCD.
 - 4.1.2. The Authority shall update the register of approved QSCDs in accordance with the decision to renew the approval of the QSCD.
 - 4.2. Reject the application for the renewal of the approval of the QSCD if the Authority concludes that the QSCD applicant or the QSCD does not comply with the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities. In this case the Authority has the right to take any of the following actions:
 - 4.2.1. Provide the QSCD applicant with a period of time to address non conformities and after that, decide to confirm the rejection of the renewal of the approval or revisit its decision.
 - 4.2.2. Remove the QSCD from the register of approved QSCDs.
5. The Authority may take a decision to approve the renewal of the approval of a QSCD at its own discretion taking into account the best interest of the sector, and the decision shall determine the scope of such approval, the conditions and criteria to be applied by the QSCD.

Article (9)

Revocation of a QSCD approval

1. The Authority shall take a decision to revoke the approval of a QSCD at its own discretion taking into account the best interest of the sector, or when the QSCD applicant or the approved QSCD no longer meets the requirements laid down in the Law, the Executive Regulation, this Resolution, and all other relevant resolutions issued by the Authority in implementation thereof, and requirements of concerned authorities.
2. The decision by the Authority to revoke the approval of a QSCD shall be motivated and may indicate a timeframe at the expiration of which the revocation shall be effective. The determination of this timeframe shall consider to which extent the concerned QSCD is used by TSPs and QTSPs established and licensed in the United Arab Emirates and the reasons underlying the revocation decision.
3. In case of revocation or termination of the approval granted to a QSCD in accordance with this Resolution:
 - 3.1. The corresponding device shall no longer be considered as a valid QSCD in accordance with the Law.
 - 3.2. The Authority shall update the register of approved QSCDs in accordance.
4. Implementing the procedures defined in this Article does not prevent the Authority to implement any other penalties defined by the Law, where applicable.

Article (10)

QSCD approval amendment cases

1. The QSCD applicant who has been granted a QSCD approval shall inform the Authority, within 14 days in case of changes to the information that was submitted during the application for approval or the application for approval renewal, as well in case of a request for amending a granted approval or its scope.
2. Without prejudice to the first paragraph of this Article, the QSCD applicant shall communicate at least the following to the Authority:
 - 2.1. Information about any change regarding the QSCD applicant, ownership, and location of business for the applying entity within its country of establishment.
 - 2.2. Changes in the technical, financial, or management capability to manage and operate the services defined in the approval decision and the scope of the approval.
 - 2.3. Any changes to the evidences of the QSCD fulfilling the requirements referred to in Article 2.
 - 2.4. A request for amending the scope of an existing QSCD approval granted to the QSCD applicant.
3. Any changes to a QSCD approval decision and its scope following the verification by the Authority of the relevant notified or requested changes shall be reflected in the register of approved QSCDs if the changes so require upon a decision from the Authority.

4. The Authority shall publish, on its website or by any other means deemed suitable, all required information about the procedures and forms for the purposes of the notification of changes related to the approval of a QSCD and the requests for amendments.

Article (11)

Grievance against the Authority decisions

1. The Certification Body having applied for an approval and has its application rejected by the Authority has the right to submit a new application or to submit a grievance within 14 days from the Authority decision to reject the application.
2. The applicant having applied for an approval of a QSCD or for a renewal of its approval and has its application rejected by the Authority has the right to submit a new application or to submit a grievance within 14 days from the Authority decision to reject the application.

Article (12)

Publication

This Resolution shall be published in the Official Gazette and shall come into force from the date of its issuance.

Annex (I)

List of standards referred to for Type I QSCD

ISO/IEC 15408 — Information technology — Security techniques — Evaluation criteria for IT security, Parts 1 to 3 as listed below:

- ISO/IEC 15408-1:2022 — Information security, cybersecurity and privacy protection - -Evaluation criteria for IT security — Part 1: Introduction and general model.
- ISO/IEC 15408-2:2022 — Information security, cybersecurity and privacy protection— Evaluation criteria for IT security — Part 2: Security functional components.
- ISO/IEC 15408-3:2022 — Information security, cybersecurity and privacy protection— Evaluation criteria for IT security — Part 3: Security assurance components,

and

ISO/IEC 18045:2022: Information security, cybersecurity and privacy protection— Evaluation criteria for IT security — Methodology for IT security evaluation,

and,

either

CEN EN 419 211 — Protection profiles for secure signature creation device, Parts 1 to 6

— as appropriate — as listed below:

- CEN EN 419 211-1:2014 — Protection profiles for secure signature creation device — Part 1: Overview
- CEN EN 419 211-2:2013 — Protection profiles for secure signature creation device — Part 2: Device with key generation
- CEN EN 419 211-3:2013 — Protection profiles for secure signature creation device — Part 3: Device with key import
- CEN EN 419 211-4:2013 — Protection profiles for secure signature creation device — Part 4: Extension for device with key generation and trusted channel to certificate generation application
- CEN EN 419 211-5:2013 — Protection profiles for secure signature creation device — Part 5: Extension for device with key generation and trusted channel to signature creation application
- CEN EN 419 211-6:2014 — Protection profiles for secure signature creation device — Part 6: Extension for device with key import and trusted channel to signature creation application

or

CEN EN 419 221-5 — Protection profiles for TSP Cryptographic modules — Part 5: Cryptographic Module for Trust Services

Annex (II)

List of standards referred to for Type II QSCD

ISO/IEC 15408 — Information technology — Security techniques — Evaluation criteria for IT security, Parts 1 to 3 as listed below:

- ISO/IEC 15408-1: 2022— Information technology — Security techniques — Evaluation criteria for IT security — Part 1. ISO, 2022.
- ISO/IEC 15408-2: 2022— Information technology — Security techniques — Evaluation criteria for IT security — Part 2. ISO, 2022.
- ISO/IEC 15408-3: 2022— Information technology — Security techniques — Evaluation criteria for IT security — Part 3. ISO, 2008,

and

ISO/IEC 18045:2022: Information technology — Security techniques — Methodology for IT security evaluation,

and

CEN EN 419 241-2: Trustworthy Systems Supporting Server Signing Part 2: Protection Profile for QSCD for Server Signing.