

قرار رقم (52) لسنة 2023م
بشأن
اعتماد قواعد وشروط تنظيم عمل جهات تقييم الامتثال

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 عمل جهات تقييم الامتثال" 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 work of conformity assessment bodies

Issue Date: 18 Dec. 2023

Telecommunications and Digital Government Regulatory Authority (TDRA)
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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;
“Conformity Assessment”	an audit conducted to determine the extent of conformity of a License applicant and Licensees with the conditions, controls and standards adopted under this Decree-Law and the decisions issued in implementation thereof;
“Conformity Assessment Body” (CAB)	the body that conducts a Conformity Assessment based on the controls and conditions set by the Authority and fulfils the requirements of Article (33) of the Executive Regulation;
“Conformity Assessment Report” (CAR)	the report resulting from a Conformity Assessment and issued by a Conformity Assessment 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 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)

General requirements for the approval of Conformity Assessment Bodies

1. With regards to the assessment of the conformity of TSPs issuing (non-qualified) certificates for website authentication (transport layer security certificates) as a trust service with the requirements of the Law and of the provisions and standards prescribed by applicable resolutions of the Authority, in addition to the Conformity Assessment Bodies referred to in paragraph 2 of this Article, eligible bodies include WebTrust licensed international practitioners, that are duly licensed for conducting WebTrust for CA audits in the UAE.

Conformity assessment reports and certification attestations issued by such bodies shall conform to the WebTrust rules and shall confirm that the certification policies and certification practices statements of the TSP has been assessed to be in conformity with and abide by the requirements of the Law and of the provisions and standards prescribed by applicable Resolutions of the Authority.

2. For all other types of TSPs and TS they provide and all types of QTSPs and the QTS they provide:
 - 2.1. Conformity Assessment Bodies shall be accredited:
 - 2.1.1. by a National Accreditation Body being a signatory, either directly or through a regional body, of the International Accreditation Forum (IAF) or International Laboratory Accreditation Cooperation (ILAC) Multilateral Agreement;
 - 2.1.2. to [ISO/IEC 17065] supplemented by [ETSI EN 319 403-1];
 - 2.1.3. for using an appropriate conformity certification scheme, which shall be established in accordance with [ISO/IEC 17067], in particular with its scheme type 6; and
 - 2.1.4. as competent to carry out conformity assessment and to provide conformity certification of Trust Service Providers and the Trust Services they provide and/or Qualified Trust Service Provider and the Qualified Trust Services they provide against the requirements of the Law and of the provisions and standards prescribed by applicable Resolutions of the Authority.
 - 2.2. Conformity Assessment Reports and certification attestations issued by Conformity Assessment Bodies shall be conformant the provisions laid down in Article (3).

Article (3)

Conformity assessment reports

1. The Conformity Assessment Report (CAR) shall bear a clear certification decision conformant to clause 7.6 of [ETSI EN 319 403-1], confirming - if such is the case - that the assessed QTSP and the QTS it provides or that the assessed TSP and the TS it provides meet all the applicable requirements of the Law, of the Executive Regulation and of the provisions and standards prescribed by applicable TDRA Resolutions.
2. The CAR shall provide sufficient details to demonstrate that the assessed QTSP/QTS or TSP/TS fulfil all the applicable requirements of the Law, of the Executive Regulation and of the provisions and standards prescribed by applicable TDRA Resolutions.
3. The CAR shall identify the name of the CAB, and where applicable its registration number, as stated in the official records, its official postal address, and its electronic address.
4. The CAR shall identify:
 - 4.1. the name and country of the National Accreditation Body (NAB) having accredited the CAB;
 - 4.2. the link, on the official website of the NAB, to the accreditation certificate issued by the NAB to the CAB; and
 - 4.3. when not mentioned in the accreditation certificate, the certification scheme for which the CAB has been accredited under [ISO/IEC 17065] supplemented by [ETSI EN 319 403-1], to conduct conformity assessment of QTSP and the QTS it provides or of the TSP and the TS it provides against the requirements of the Law, of the Executive Regulation and of the provisions and standards prescribed by applicable TDRA Resolutions.
5. The complete CAR shall be considered as part of the certification documentation specified in clause 7.7 of [ETSI EN 319 403-1].
6. The CAR shall include the accredited conformity assessment (certification) scheme document (or set of documents) or a link to the location from where that document (or set of documents) is available.
7. The CAR shall bear qualified electronic signature(s) identifying the name and title of the CAB responsible person(s) having authorized the certification decision, or his/her handwritten signature.
8. The CAR shall be dedicated to one and only one (Q)TSP, in particular:
 - 8.1. the CAR shall identify the name of the assessed (Q)TSP, and where applicable its registration number (i.e. UAE trade-license number and trade licensing authority), as stated in the official records, its official postal address, and its electronic address; and
 - 8.2. when applicable, the CAR shall identify this same information of all subsidiaries, affiliated legal entities and (sub)contractors that are operating trust service components in scope of the provision of (Q)TS by the (Q)TSP, and hence in scope of the certification decision.
9. The CAR shall identify, in accordance with clause 5.5.3 of [ETSI TS 119 612], the service digital identity(ies) per type of (Q)TS for which the CAR confirms the conformity with the requirements of the Law, of the Executive Regulation and of the provisions and standards prescribed by applicable TDRA Resolutions, providing:

- 9.1. when the (Q)TS is not PKI technology based, an identifier expressed as a URI that uniquely identifies the (Q)TS;
 - 9.2. when the (Q)TS is based on PKI technology, at least:
 - 9.2.1. the Subject Key Identifier as defined in [IETF RFC 5280];
 - 9.2.2. the Base64 PEM representation of the associated X.509v3 digital certificate;
 - 9.2.3. when applicable, an indication whether specific sets or subsets of end-entity certificates issued by or under the service digital identity are excluded or specifically included (e.g. as per transitional measures) from the certification decision and on the basis of which criteria they can be identified;
 - 9.2.4. an indication whether the service digital identity relates to an end-entity or a certification authority, clarifying whether an issuing, intermediate or root; and
 - 9.2.5. an indication on how the service digital identity is used in the context of the corresponding (Q)TS.
10. Per type of (Q)TS and for all service digital identities identified in paragraph 9 of this Article, the CAR shall provide, if applicable, a detailed description of the public key infrastructure functional hierarchy with the purpose to allow identification of the service entry(ies) to be listed in the UAE trusted list in accordance with the Resolution of the Authority regarding the UAE trusted list, including at least:
- 10.1. the illustration of the public key infrastructure hierarchy identifying the root certification authority(ies), the intermediate certification authority(ies), the issuing certification authority(ies) and the certification paths between them;
 - 10.2. the identification of each certification authority illustrated in paragraph 10.1 of this Article through the Subject Key Identifier as defined in [IETF RFC 5280];
 - 10.3. for each of the issuing certification authorities identified in paragraph 10.2 of this Article, the list of the different (policy) sets of certificates such a certification authority is issuing, with for each set:
 - 10.3.1. criteria that unambiguously identify the certificates of the set, being either a list of certificate policy identifiers to match with the content of the Certificate Policy certificate extension as defined in [IETF RFC 5280] or other criteria as defined in the Resolution of the Authority regarding the UAE trusted list;
 - 10.3.2. an indication whether the certificates of the set are either qualified or non-qualified;
 - 10.3.3. an indication whether the certificates of the set are either for electronic signatures, or for electronic seals, or for web site authentication or for none of these purposes and, in particular in this latter case, for which other purposes they are aimed to be used.
11. In line with paragraph 10 of this Article, the CAR shall include:
- 11.1. an exhaustive list of third parties (e.g. subcontractors) which provide/operate (Q)TS components or service components by indicating their name, as identified in paragraph 8.2 of this Article, together with the location of the sites where the corresponding component services are operated; and
 - 11.2. indication on which of these third parties and which sites have been subject to the audit and to which extent.
12. Pursuant the conclusions of the conformity assessment, the CAR shall provide an indication of the corresponding content of the UAE trusted list, which reflects the result of the assessment.
13. The CAR shall identify the exhaustive list of public and (Q)TSP internal documents, including versioning, which have been part of the scope of the audit, including at least the following documentation for which a copy shall be either provided together with the CAR or made otherwise available to the Authority:
- 13.1. the declaration of the practices used by the (Q)TSP to provide the assessed (Q)TS;

- 13.2. the (Q)TS policy(ies), i.e. the set of rules that indicates the applicability of the (Q)TS to a particular community and/or class of application with common security requirements;
 - 13.3. the terms and conditions related to subscriber agreements;
 - 13.4. the termination plan of the (Q)TSP and the (Q)TS it provides;
 - 13.5. the documentation related to the assessment of risks aimed at supporting the demonstration of fulfilment of the requirements of paragraph (6) of Article (35) of the Law;
 - 13.6. the security and personal data breach notification plan aimed at supporting the demonstration of fulfilment of the requirements of paragraph (1) of Article (35) of the Law;
 - 13.7. the list of all internal documents supporting the declaration of the practices used by the (Q)TSP to provide the assessed (Q)TS under the corresponding (Q)TS policy(ies);
 - 13.8. the memorandum and Articles of Incorporation and Association of the assessed (Q)TSP, in accordance with the applicable laws in the UAE, together with:
 - 13.8.1. Trade-license issued from the competent local authorities for the business activity (based on the type of the company) in UAE;
 - 13.8.2. Statement of business activities not relating to the provision of trust services;
 - 13.8.3. Organizational chart;
 - 13.8.4. Ownership structure information;
 - 13.8.5. Report of the accounts auditor for the previous two years of the company, or from the date of its incorporation until the date of signing the CAR, whichever period is shorter.
 - 13.9. the evidences that the assessed (Q)TSP, in accordance with national laws, maintains sufficient financial resources and/or has obtained appropriate liability insurance with regards to the provision of the (Q)TS;
 - 13.10. the list of standards on the one side with which operations are claimed to be compliant and on the other side with which operations are audited, evaluated, certified, or assessed to be compliant together with details about the underlying audit, evaluation, certification or assessment scheme;
 - 13.11. the list of Qualified Signature/Seal Creation Devices and their certification related information when the (Q)TSP delivers or makes available such devices to its users; and
 - 13.12. the list of devices used by the (Q)TSP as trustworthy devices (e.g. hardware security modules) to protect its own keys, and their certification related information, when the (Q)TSP uses such devices to secure the processes supporting the (Q)TS it provides or aim to provide.
14. The CAR shall identify, for each stage of the audit (e.g., documentation audit and implementation audit including onsite inspections), the period during which the audit has been conducted (elapsed time) and the effort in man-days engaged by the CAB to conduct the audit.
 15. The CAR shall provide, for each of the requirements of the Law, of the Executive Regulation and of the provisions and standards prescribed by applicable TDRA Resolutions, an assessment report, with an indication of the non-conformities and their level of criticality, on the fulfilment by the assessed (Q)TSP and the (Q)TS it provides of the identified requirement, and/or when appropriate, on the existence of proper procedures and management system for handling this requirement.
 16. Referring to paragraph 15 of this Article, the CAR shall identify in the corresponding specific requirement report the detailed audit controls and control objectives that have been conducted during the audit with an indication of each non conformity and their level

of criticality or include a reference to separately available audit reports in which such information is included, provided such separated reports are:

- 16.1. issued by CABs that meet the requirements of the Executive Regulation, in particular its Article 33; and
 - 16.2. are endorsed by the CAB issuing the CAR.
17. The CAR shall include the scope, the description, and the results of a significant set of test or production samples and their assessment for all relevant and applicable types of outputs from the assessed (Q)TS.
18. The CAR shall indicate:
- 18.1. by when, when applicable, the next surveillance audit must be conducted at the latest; and
 - 18.2. by when the next compliance audit must be conducted at the latest.
19. The CAR shall contain an explicit declaration stating that the certification documents, including the CAR, are also intended for the use by the Authority.

Article (4)

Approving Conformity Assessment 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 Conformity Assessment Bodies 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 Conformity Assessment 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 2.
5. The Authority May request Additional documents and data as seen required to process the application.
6. Following its validation of the application, the Authority shall issue a final Decision wherein it will either:
 - 6.1. 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.

- 6.2. Reject the application if the Authority concluded 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.
7. If the Authority approves the application:
 - 7.1. The Authority shall grant an approval to the applicant for the scope indicated in the approval decision.
 - 7.2. The Authority shall update the register of approved Conformity Assessment Bodies in accordance with the approval decision, including the scope of approval mentioned in the approval decision.
8. The duration of the approval is valid up to revocation by the Authority, conditioned to the fact that the approved Conformity Assessment Body continues to meet the requirements of Article 2 of this Resolution. When the Authority revokes the approval of an approved Conformity Assessment Body, it shall confirm the “revoked” status of the Conformity Assessment Body’s approval in the register of approved CABs.

Article (5)

Suspension or revocation of the approval

1. In case of suspension of the approval granted to a Conformity Assessment Body in accordance with this Resolution, the concerned Conformity Assessment Body shall stop immediately accepting (Qualified) Trust Service Providers established in the UAE as new customers for their services while continuing to serve their existing customers they contracted before the suspension decision.
2. In case of revocation or termination of the approval granted to a Conformity Assessment Body in accordance with this Resolution, the Authority shall instruct the concerned Conformity Assessment Body to terminate immediately the contractual relationship they may have with (Qualified) Trust Service Providers established in the UAE as customers for their services.
3. In case of suspension or revocation of the approval granted to a Conformity Assessment Body in accordance with this Resolution, the Authority shall update the register of approved Conformity Assessment Bodies in accordance.

Article (6)

Approval amendment cases

1. The Conformity Assessment Body 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 Conformity Assessment Body shall communicate at least the following to the Authority:

- 2.1. Information about any change regarding the entity, ownership, and location of business for the Conformity Assessment 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 fulfilling the requirements referred to in Article 2 with regards the of fulfilling the requirements referred to in Article 2.
 - 2.4. A request for amending the scope of an existing approval granted to the Conformity Assessment 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 Conformity Assessment 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 Conformity Assessment Bodies and the requests for amendments.

Article (7)

Publication

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

References

ETSI EN 319 403-1

ETSI EN 319 403-1 v2.3.1 (2020-06): Electronic Signatures and Infrastructures (ESI); Trust Service Provider Conformity Assessment; Part 1: Requirements for conformity assessment bodies assessing Trust Service Providers.

ETSI TS 119 612

ETSI TS 119 612 v2.2.1 (2016-04): Electronic Signatures and Infrastructures (ESI); Trusted Lists.

IETF RFC 5280

IETF RFC 5280: Internet X.509 Public Key Infrastructure Certificate and Certificate Revocation List (CRL) Profile

ISO/IEC 17065

ISO/IEC 17065:2012, Conformity assessment - Requirements for bodies certifying products, processes and services.

ISO/IEC 17067

ISO/IEC 17067:2013, Conformity assessment - Fundamentals of product certification and guidelines for product certification schemes.