Consultation Response Document

Closed consultation on TDRA Resolutions regarding the regulation of Trust services

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1 Preface

1.1 In keeping with its values of transparency, fairness, and excellence culture, and while recognizing the valuable role that can be played by Stakeholders in the ICT sector, the Telecommunications and Digital Government Regulatory Authority (the TDRA) obtained the participants views on the TRDA resolutions regulating the Trust Services shared in the Closed Consultation sent out on 13 October 2023.

1.2 In this Consultation, the TDRA sought to obtain the views and positions of a range of Stakeholders with all parties being given the opportunity to provide their Responses.

1.3 The TDRA has carefully analyzed and considered all of the input received from the respondents to this consultation. This document sets out the response of the TDRA to the consultation and provides advice regarding the TDRA's planned course of action. The document is structured as follows:

- objectives of the consultation
- general consultation inquiries from Stakeholders
- consultation responses on The rules and conditions regulating the qualified signature/seal creation devices, their certification and approval Resolution.
- consultation responses on The rules and conditions regulating the work of conformity assessment bodies Resolution.
- consultation responses on The specifications relating to the form of the UAE trust mark for qualified trust services Resolution.
- consultation responses on The technical controls and standards applicable to trust service providers and the trust services they provide Resolution.
- consultation responses on The technical specifications and formats relating to the United Arab Emirates trusted list Resolution.

1.4 The TDRA acknowledges the time and trouble taken by all respondents in participating in this consultation, and the TDRA wishes to thank all parties for their valuable submissions.

2 Introduction

2.1 Federal Law by Decree No. (46) of 2021 on Electronic Transactions and Trust Services is a key enabler for secure electronic transactions in the UAE. The Federal Law is notably a key milestone towards creating a predictable regulatory environment for such transaction in the digital world. It helps business, citizens and public authorities carry out secure and seamless electronic interactions.

2.2 The Federal Law by Decree No. (46) of 2021 is further complemented by Cabinet Resolution No. (28) for 2023 on the Executive Regulations to create market for trust services by ensuring that they will work across UAE and have the same legal status as their traditional paper-based equivalents.

2.3 Cabinet Resolution No. (28) for 2023 on the Executive Regulations of Federal Law by Decree No. (46) of 2021 on Electronic Transactions and Trust Services has appointed TDRA as the Supervisory body and provided further detailed requirements for the provision of trust services by trust service providers.

2.4 As a supervisory body, TDRA is in charge of the management of the regulatory framework and issuing Resolutions further defining technical controls including:

- Trust Services Providers (TSPs) and Trust Services (TS) technical controls, setting the requirements TSPs and the TSs they provide shall meet.
- Conformity Assessment Bodies (CABs) and Conformity Assessment Report (CAR) technical controls, setting the requirements CABs shall meet along with the structure and content requirements for CARs they issue.
- Qualified Signature Creation Device (QSCD) technical controls, setting the rules and conditions regulating QSCDs, their certification and approval.
- National Trusted List technical specifications, setting the format and content of the national Trusted List published by TDRA.
- Technical controls setting the formats and cryptographic requirements for advanced electronic signatures and seals.

2.5 This document details the responses from Stakeholders in relation to the above-mentioned consultation and provides TDRA' comments regarding each topic.

3 Objectives

3.1 The TDRA issued the consultation document to gather stakeholders Feedback on the Trust Services Resolutions.

4   General Response from TDRA

The UAE aspires to lead in ICT and telecommunications on a global scale, not just within the Middle East. Consequently, the TDRA aims to adopt the best international practices in Trust Services.

4.1   As of the official implementation of the law in January 2, 2024, QTSs/TSs provided in UAE must be provided by licensed QTSP/TSP in UAE.

4.2   In regards to Mutual recognition the TDRA would like to clarify that the mutual recognition for qualified trust service providers and the qualified trust services they provide is expected to take the form of a bilateral agreement between the UAE and a third country (or region). No assessment has yet been performed to evaluate the readiness of particular regions for mutual recognition of QTSP/QTS with the UAE.

4.3   The TDRA advises stakeholders to stay update on the Trust services regulation and framework via the trust services website and the Trust Services Team Announcements.

4.4   The TDRA advises stakeholders that intent to apply for a Trust Service Providers license to ensure that their services 1) Fall under the regulated trust services described in the Federal Law by Decree No. (46) of 2021 on Electronic Transactions and Trust Services 2) are in compliance with TDRA Resolutions ; specifically , the technical controls requirements. 3) ready for the conformity assessment at the earliest to ensure swift compliance with the new framework.

4.5   Further clarifications will be provided by the TDRA on the licensing process in due course

5 Inquiries and Responses from Stakeholders

5.1 General inquiries from Stakeholders

Table 1: Summary of Responses to Consultation General Inquires

Inquiry reference	Inquiry	Response
1	*When officially can be possible to start Certified local TSPs?*	The law is officially implemented in January 2, 2024. An announcement will be published and communicated with the stakeholders once the applications are open.
2	*Does any list of local TSPs exist?*	We advise you to keep up with any updates by visiting our website: trust-services.gov.ae.
3	*What is the process for mutual recognition for a QTSP that might be operated in another trust domain/country? And for which jurisdictions are mutual recognitions capable today?*	The mutual recognition for qualified trust service providers and the qualified trust services they provide is expected to take the form of a bilateral agreement between the UAE and a third country (or region). No assessment has yet been performed to evaluate the readiness of particular regions for mutual recognition of QTSP/QTS with the UAE.
4	*What are the implications (if any) for UAE government entities relying on QTSP services from an external-to-UAE jurisdiction that is granted mutual recognition?*	As per new regulations, QTSs/TSs provided in UAE must be provided by licenced QTSP/TSP in UAE. No external TSPs are allowed to provide QTS/TS in UAE without a licence from TDRA.
5	*TDRA indicated it would maintain a list of approved CABs – where can this list be found? Or can TDRA provide the current set of approved CABs?*	The list of approved CABs has not yet been published. Communication on that topic will follow afterwards for all parties.
6	*Have there been any standardized approved Conformity Assessment methodologies (or schemes) for producing CARs for QTSPs or even TSPs published?*	Please refer to the TDRA Resolution on the rules and conditions regulating the work of conformity assessment bodies.
7	*Is there a template of what the CAR needs to include to be acceptable to TDRA?*	Please refer to the TDRA Resolution on the rules and conditions regulating the work of conformity assessment bodies.
8	*Does TDRA maintain a current list of WebTrust Auditors who are duly licensed for conducting WebTrust for CA audits in the UAE? Or is this entirely the discretion of CPA?*	Please refer to CPA Canada website for authorized WebTrust auditors.
9	*What is the online address of the UAE Trust List?*	The UAE trusted list has not yet been published, and the location has yet to be made public.

5.2 Consultation responses on the Technical Controls Resolution

Table 2: Summary of Responses to consultation on The Technical Controls and Standards Applicable to Trust Service Providers and the Trust Services They Provide

Inquiry reference	Inquiry	Response
1	*S2-GPR-3 – conformance to ETSI EN 319 401: This ETSI standard defines a "trust service policy" (TSPo) that describes what is offered and provides info about the level of service offered. This will describe what community the trust service applies to e.g. national (by government). Does the TDRA provide a minimal set of policies grouped into a national Trust Service Policy (TSPo) for UAE, that calls out the specific controls required under each Qualified service type that must be included in their TSPo? In other words, where is the UAE Qualified Trust Services Policy (QTSPo) document (under the old CSP context, this would equate to the UAE National Certification Policy (CP) document)? It is via the UAE National TSPo that entities seeking accreditation can be measured for compliance with a corresponding Trust Services Practice Statement (TSPS) or else an equivalently mapped TSPo with corresponding compliant TSPS.*	The technical controls document drafted by TDRA has specific sections dedicated to each qualified and non-qualified trust services. Those sections lay down requirements that build on ETSI ESI standards which themselves specify policy and security requirements for trust services and trust service components. This means that the policy requirements for each trust service (qualified and non-qualified) are the applicable ETSI ESI standards as amended or further constrained by TDRA in the technical controls document.
2	*S2-OPS-2 – personnel trustworthiness: Does the scope of verification apply to just UAE background checks, or also the host jurisdiction for where the TS operations are run – including where contractors are used in foreign locations? Are background checks in all foreign locations that apply required? Or just UAE?*	The requirement on background checks in section 2 OPS-2 is strictly speaking only applicable to TSPs established in the UAE. Note however that in the event where TSPs established in the UAE would be allowed (by TDRA) to have part of their operations occurring out of the UAE territory, then indeed the requirement states that "the TSP shall use all legal means it may need to verify the honesty of the personnel it uses for the provisioning of its TS, including outsourcers or subcontractors" independently of the location. ETSI EN 319 401 is also explicit when stating in REQ-7.2-01 "The TSP shall en-

Inquiry reference	Inquiry	Response
		sure that employees and contractors support the trustworthiness of the TSP's operations" independently of the location.
3	*S2-CRY-1 – Cryptographic suites: Does TDRA publish a set of required crypto parameters that must be supported? Are there any requirements for QTSPs to support UAE native developed crypto for services in CIP or highly sensitive industries e.g. Mil or Intel?*	The cryptographic suites are required to be compliant with SOG-IS Crypto Evaluation Scheme Agreed Cryptographic Mechanisms, in line with section 2 CRY-1. There are no requirements to support native developed cryptography.
4	*S2-NTF-1 – Notifications of changes to TSPo and TSPS: The 60+30 day prior notice of changes to be provided to TDRA is appropriate for regular planned updates. But to be compliant with S2-GPR-2, S2-GPR-3, S2-OPS-1 may not be possible in the case of a new security vulnerability being discovered where immediate reaction is required to stay compliant with industry standards and policies. There should be an exception to S2-NTF-1 in the case of responses to system security incidents where faster updates should not wait for TDRA policy approvals where operational risks do not justify this, and immediate action is required to maintain the integrity of the TSP.*	Indeed, there may be situations where addressing a vulnerability might affect e.g. the technical architecture. Since in all cases, addressing a new vulnerability is required to be done under 48h at maximum exceptional alternatives procedures should be allowed. This will be taken into consideration.
5	*S3-CPS-1 TSP Policies (TSPo) and Practices (TSPS) : please refer to all the same questions as detailed above under S2-GPR-3*	Section 3 relies on ETSI EN 319 411-1 which defines the NCP, NCP+ and LCP policies. The corresponding UAE policies suitable to issue non-qualified certificates for electronic signatures and seals are the versions of those policies as amended or further constrained by TDRA in the technical controls document.
6	*S3-CCY-5 Revocation and Validity Data longevity: are there any proscribed technological capabilities e.g. long lived CRLs or is any mechanism provided by the TSP that meets this requirement acceptable? For instance, what if TSP says it will provide the requested data but only at a certain cost to the requestor? Or is this provision meant to imply the data should be*	Data need to be made available free of Charge.

Inquiry reference	Inquiry	Response
	made available free of charge to the requestor?	
7	*S3-PSI-1 Signing Certificate Profiles : are there pre-defined Object Identifiers for identifying the type of certificate, the level of assurance in Identity binding etc that must be used in UAE? NOTE: these would typically apply to promote interoperability and would be defined in a UAE National TSPo.*	No OIDs have been defined for the non-qualified trust services; however CPOIDs have been defined for the issuance of qualified certificates. Please note however that in line with section 3 PSI-2 (b), the QcStatement QcType 1 is required to be used for certificates for electronic signature.
8	*S3-PSE-2 Certificates for electronic Seals – same questions as for S3-PSI-1 above*	Please refer to the answer above regarding S3-PSI-1.
9	*S3-TL-2 Accredited CAB verified by TDRA: Please identify the set of accredited CABs available to TSP/QTSP license applicants or where this list is published and maintained.*	Communication for the list is planned and will be published by TDRA in the near future.
10	*S4-GPR-2 Foreign CSP: Is web site certificate issuance the only TS category that a CSP can provide? It seems strange to then require recognition in Oracle (java) and Adobe which are applicable for Code Signing and Digital Signature purposes respectively. Is the requirement that the CSOP be recognized by ALL of the specified certificate consuming application providers – or just at least one of them?*	Your comments is valid, but the Website certificates are the only certificates mentioned in the law. But if you issue code signing you still need to comply with WebTrust and CABForum if you want to have global recognition.
11	*S4-CPS-1 CP and CPS for TSPs e.g. TSPo and TSPS : please refer to all the same questions as detailed above under S2-GPR-3*	TDRA does not intend to publish a web certificate policy beyond what's already referred in the technical controls document. Note however that for web certificates, the technical controls rely on the CAB/F BRs which are in and of itself already a CP, as stated in section 1.2 of the BRs. It is the responsibility of the TSP/CSP issuing the certificates to build a CP complying with all requirements laid down in the technical controls.
12	*S4-TL-1 CSP not in UAE Trust List: will TDRA still maintain a CSP list outside the UAE Trust List? If CSPs will not be published, what is the purpose of licensing a CSP? Are there any services that CSPs will be*	As part of transition to the new regulatory framework, all current CSPs must be licenced as TSPs, if they want to. The new regulation will replace old regulation. For questions, related to current CSPs please contact TDRA directly.

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Inquiry reference	Inquiry	Response
	restricted from providing in comparison to a TSP? Can a foreign TSP provide services as a CSP to UAE entities without needing to be licensed? What penalties if any is there for UAE entities using an unlicensed CSP in the UAE?	
13	*S5-TPS-1 TSPo and TSPS : please refer to all the same questions as detailed above under S2-GPR-3, S4-CPS-1*	As already mentioned in previous answers, the referenced ETSI ESI standards are policy and security requirements. The UAE trust service policies are the amended version of the applicable ETSI ESI policies as laid down in the technical controls.
14	*S6-CCY-1 registration and Issuance of Qualified certificates: Article 16 of the law says ICP is responsible for defining any rules, criteria, requirements for TSPs/QTSPs serving government sector or relying on data or Services of the ICP (which is expected to be all QTSP certificates relying on national ID data sourced from ICP services such as Emirates ID and even UAEPASS which depends on the same). Has the current regulations included the rules and criteria and requirements set by ICP, or will there be an additional set of criteria in a separate ICP based document to be published that must also be complied with?*	There will be an additional requirements set by ICP, which will be published later and communicated with all relevant parties.

5.3 Consultation responses on the CABs Resolution

Table 3: Summary of Responses to consultation on The Rules and Conditions Regulating the Work of Conformity Assessment Bodies Resolution

Question reference	Question	Summary
	With regards of CABs, our understanding of the document was that CABs need to be accredited by the corresponding NAB in the UAE scheme to comply with the requirement 2.1.4. This is a process that will take time. Now, CABs need to be also approved by TDRA adding additional time to the whole process.	The formal process is for any NAB being a signatory of IAF/ILAC MLA for the ISO/IEC 17065 accreditation & certification framework to accredit a CAB to attest of its competences and skills to audit UAE (Q)TSPs and confirm their conformity with the UAE Trust Services Framework (TSF). Accredited CABs must be furthermore approved by TDRA that will issue a list of approved CABs. CABs considering that the UAE local NAB is not ready to license CABs in UAE, this scheme is open to foreign NABs and CABs and to UAE CABs for being accredited by a foreign NAB. The UAE TSF being aligned with the European eIDAS Regulation and leveraging on international standards (e.g. ETSI, CEN, ISO/IEC), the currently eIADS accredited CABs are natural candidates for being approved by TDRA in the context of the UAE TSF and ensure a quicker "time to (UAE) market". But at the end its TDRA final decision to approve CABs considering that the local NAB is not ready to license CABs in UAE. So the TDRA requirement is basically to simplify the process.

5.4   Consultation responses on the QSCDs Resolution

Table 4: Summary of Responses to consultation on the Rules and Conditions Regulating the Qualified Signature/Seal Creation Devices, Their Certification and Approval Resolution

Ques-tion reference	Question	Summary
1	*With regards to QSCDs, there's a new decision on how the Devices will get this status, who can grant it and how it will be taken and maintain, including a transitory period where FIPS 140-2 L3 devices will be assimilated to QSCD, a lighter requirement compared to eIDAS. Nonetheless, the "Guidelines for relying parties on the interpretation of the UAE trusted list" states in its definition 1.5.2 that the interpretation in the Trust List for this acronym corresponds to the eIDAS definition.*	As regards to QSCD, The same approach of TDRA having the final decision on approving a QSCD for the UAE market applies. The TDRA will maintain this list of approved QSCD on the basis of and in accordance with the criteria and the process established in the TDRA resolutions and decisions.

6   Conclusion and Next Steps

After thorough analysis of the feedback received during this consultation, the TDRA has further revised the Resolutions based on the feedback provided above.

--- End of Consultation Response Document ---