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**\* Ministerial Resolution No. (1) of 2008 regarding the  
issuance of Certification Service Provider Regulations**

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**THE ARABIC VERSION OF THE CERTIFICATION SERVICE PROVIDER  
REGULATIONS SHALL PREVAIL IN CASE OF ANY DISCREPANCY**

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## MINISTERIAL RESOLUTION NO. (1) OF 2008 REGARDING THE ISSUANCE OF CERTIFICATION SERVICE PROVIDER REGULATIONS

We Minister of Economy

In cognizance of

The Federal Law No. (1) of 1972 Regarding the Functions of Ministries and the Powers and the amending laws thereof, and

The Federal Law No. (1) of 2006 On Electronic Commerce and Transactions , and

The Cabinet Resolution 8/291 of 2006 dated October 15, 2006 On the Appointment of the Telecommunications Regulatory Authority as a controller for certification services,

Have issued the following:

### CHAPTER I DEFINITIONS

#### Article (1) Definitions

1. The following terms shall have the following meanings unless the context shall require otherwise:

UAE: United Arab Emirates.

Ministry: Ministry of Economy.

Minister: Minister of Economy.

Competent Local Authority: Competent local authority in each of the Emirates of the UAE.

The Act:	Federal Law No. (1) of 2006 on Electronic Commerce and Transactions.
Advertising or Advertisement:	Any form of communication designed to promote, directly or indirectly, the goods, services or reputation of a Person or organization pursuing a commercial interest or venture.
Certification Practice Statement:	A statement issued by a Certification Service Provider to specify the practices and procedures that the Certification Service Provider employs in issuing Electronic Attestation Certificates and digital keys in relation to Electronic Signatures and any other licensed services.
Controller:	The General Authority for Regulating the Telecommunications Sector.
Cross-Certification:	The process whereby two or more certification service providers certify each other's Electronic Attestation Certificates, enabling the reciprocal use of the Electronic Attestation Certificates issued by any of such Certification Service Providers.
Auditor:	The person or entity that performs technical or financial auditing for the licensed Certification Service Providers in UAE.
Directive:	Includes orders, instructions and directions issued by the Controller in relation to the work of Certification Service Providers.
Fees Schedule:	The fees schedule as approved by the Cabinet Resolution.
Individual:	A natural person.
License:	A license granted under these Regulations.
Person:	A natural or legal person.

Repository:	An online, publicly accessible information system maintained or made available by a Certification Service Provider for storing and retrieving Electronic Attestation Certificates and information relevant to such Electronic Attestation Certificates.
Technological Developments:	All changes and advancements in electronic technology, or otherwise, relevant to carrying on business as a Certification Service Provider and Electronic Commerce.
Trusted Person:	Any employee of a Certification Service Provider who is responsible for the following duties and activities: <ul style="list-style-type: none"><li>(a) security and performance of activities that are regulated under the Act or these Regulations</li><li>(b) issuance, renewal, suspension or revocation of Electronic Attestation Certificates</li><li>(c) signatory identity verification methods and services</li><li>(d) administration of its Electronic Information Systems and network facilities</li><li>(e) processing and management of sensitive data related to the businesses of Certification Service Providers.</li></ul>
Trustworthy:	Means that systems, procedures, processes, human resources, products or services are functioning in a consistent, reliable and dependable manner having regard to the provisions in the Act and these regulations.
Violation Decision:	An order issued to a Person or group of Persons by the Controller where there has been a violation under the Act and these Regulations.

## **CHAPTER II**

### **LICENSING OF CERTIFICATION SERVICE PROVIDERS**

#### **Article (2) Scope of application of the Regulations**

The Act and these Regulations shall apply to Certification Service Providers operating in the UAE and to all whom provide such electronic attestation services directly or indirectly to the public for commercial purposes with respect to Electronic Records, Documents and Signatures that relate to Electronic Transactions and Commerce.

#### **Article (3) License Application**

1. Every application for a licensed Certification Service Provider shall be made in such form and manner provided by the Controller, and shall include the following documents:
  - (a) Certification Practice Statement in accordance with Article (16) of these Regulations.
  - (b) Articles of Incorporation and Association in accordance with the applicable laws in UAE.
  - (c) License issued from the competent local authorities for the business activity (based on the type of the company) in UAE.
  - (d) Statement of business activities not relating to certification services.
  - (e) Organizational chart.
  - (f) Ownership structure information.
  - (g) Statement of financial resources and the report of the accounts auditor for the previous two years of the company, or from the date of its incorporation until the date of submitting the application, whichever period is shorter.
  - (h) Proof of an adequate insurance coverage for the operations and activities of the Certification Service Provider.
  - (i) Declaration of conformity with technical standards by the applicant in accordance with the Act and these Regulations.

- (j) Declaration of suitability of Trusted Persons in accordance with the Act and these Regulations.
  - (k) Auditor report pursuant to these Regulations.
  - (l) License application processing fee pursuant to the Fees Schedule issued by the Cabinet Resolution, which shall be paid in such form and manner as the Controller may determine.
2. The Controller may require the applicant to provide additional information or documents the Controller deems necessary in support of the application for a license.

#### **Article (4) Term of License**

A License shall be valid for a period of five (5) years from the date of its grant by the Controller, and may be renewed accordingly.

#### **Article (5) Renewal of License**

1. In accordance with Article (2) of this chapter, a Certification Service Provider shall submit a License renewal application no later than three (3) months from the expiry of its current License.

#### **Article (6) License application and registration fee**

1. An application fee for a licence and a renewable of a license shall be paid in accordance with the Fees Schedule issued by the Cabinet Resolution.
2. The application fee or any portion thereof shall not be refunded if the application for a grant or renewal of a CSP License is not approved, withdrawn or discontinued.
3. Upon grant or renewal of the CSP License, a registration fee shall be paid in accordance with the Fees Schedule issued by the Cabinet Resolution.
4. The registration fee for the CSP Licence or any portion thereof shall not be refunded where the License is suspended or revoked.

### **Article (7) Grant or Refusal of License**

1. The Controller may grant or refuse a License or renew a License applied for pursuant to the Act and these Regulations.
2. The Controller shall not grant a License or renew a License unless that license fulfils the relevant criteria and conditions as set forth in the Act and these Regulations.
3. The Controller shall:
  - (a) provide written notice to the applicant of the result of its application for License or renewal of License, and
  - (b) where it refuses to grant or renew a License, provide the applicant with a written statement of reasons for such refusal.
4. A License issued under these Regulations shall include:
  - (a) the name of the licensed Certification Service Provider.
  - (b) the duration of which the License will be in effect, and
  - (c) any other matters, including any terms, conditions, restrictions and limitations applicable to the License as may be specified by the Controller in accordance with the Act and these Regulations.

### **Article (8) Operating, Financial and Insurance terms and criteria**

1. Every applicant for a new License or renewal of an existing License shall, upon application:
  - (a) be a Certification Service Provider operating or willing to operate in UAE., whether directly or indirectly.
  - (b) have a Certification Practice Statement that complies with the requirements and guidelines established by the Controller.
  - (c) demonstrate and maintain the availability of a minimum of (AED 5,000,000.00) five million Dirhams in financial resources.
  - (d) be insured against any financial loss, as the controller deems appropriate, to satisfy the potential liabilities pursuant to the Act and these Regulations and in context of its operations' requirements as a Certification Service Provider, and

- (e) comply with any other license criteria, terms, conditions, restrictions, limitations or requirements as the Controller may determine in accordance with the Act and these Regulations.

## **Article (9) Standards and Criteria of Audit and Inspection**

1. The Certification Service Provider shall undergo an audit conducted in accordance with Article (9) of these Regulations and such requirements and criteria issued by a resolution from the Minister based on the recommendation of the Controller, and shall be conducted:
  - (a) upon application for a License for the first time.
  - (b) every two years from the term of the License, and
  - (c) upon application for renewal of the License.
2. The auditor shall conduct an audit which results in a satisfactory opinion of the auditor in regards to the Certification Service Provider's:
  - (a) security policy and planning.
  - (b) physical security.
  - (c) technology network and infrastructure.
  - (d) Repository.
  - (e) services administration.
  - (f) Certification Practice Statement.
  - (g) compliance with the technical requirements and guidelines issued by the Controller.
  - (h) compliance with its Certification Practice Statement.
  - (i) agreements with Signatories and any third party Certification Service Providers.
  - (j) licensing conditions.
  - (k) compliance with the Act and these Regulations, and
  - (l) any other aspect of the Certification Service Provider's business.



3. All financial costs relating to the auditing process and preparation of the audit report shall be borne by the Certification Service Provider, and every audit report required pursuant to these Regulations shall be submitted to the Controller within four (4) weeks of the completion of the audit.
4. A Certification Service Provider shall provide five (5) copies of the required audit report to the Controller.
5. Where a Certification Service Provider fails to achieve satisfactory results in any audit required pursuant to the Act and these Regulations or other such approved documents, such failure shall constitute grounds for the Controller's rejection of the License application or suspension or revocation of the License.

#### **Article (10) Technical auditor qualifications**

1. The audit organization shall:
  - (a) be registered by the Ministry of the UAE, and
  - (b) not have any current or planned financial, legal or other relationship, other than that of an audit organization and an audited entity.
2. The auditor participating in preparing the audit report pursuant to these Regulations shall:
  - (a) be accredited by a recognized professional organization or association acceptable to the Controller.
  - (b) qualified as a Certified Information Systems Auditor (CISA), an AICPA Certified Information Technology Professional (CPA.CITP), a Certified Internal Auditor (CIA), or has another information security auditing credential recognized by the Controller.
  - (c) conduct the audit in accordance with the recognized ISO 27000 series of standards, having particular regard to ISO/IEC 27001:2005, Information Technology – Security Techniques – Information Security Management Systems – Requirements and ISO/IEC 27002, the Code of Practice for Information Security Management.
  - (d) demonstrate knowledge of the requirements of the Act and these Regulations, and
  - (e) possess sufficient knowledge of and experience in:
    - (i) Electronic Signatures and Electronic Attestation Certificates.

- (ii) Electronic programmes and information security tools and systems.
- (iii) Financial and security reviews.
- (iv) Professional audit techniques.
- (f) The terms and symbols of all standards referred to in Paragraph (c) are subject to amendment and re-issuance by the Controller.

#### **Article (11) Financial auditor qualifications**

1. The financial auditor preparing the required financial statements report shall:
  - (a) be accredited by a recognized professional organization or association acceptable to the Controller, and
  - (b) include at least one auditor that is qualified as a Chartered Accountant (CA), a Certified Public Accountant (CPA) or has another equivalent financial auditing credential recognized by the Controller.

#### **Article (12) Audited financial statements**

1. Every Certification Service Provider shall, upon application for a License or a renewal of it and for every financial year, submit audited financial statements to the Controller.

#### **Article (13) Trusted Person employing criteria and Declaration of Suitability**

1. A Certification Service Provider shall employ Trusted Persons that comply with these Regulations and any such requirements and criteria as the Controller may determine in accordance with the Act and these Regulations.

#### **Article (14) Required arrangements to ensure Trusted Person qualifications**

1. A Certification Service Provider shall take reasonable measures to ensure that every Trusted Person:
  - (a) is a Trustworthy, qualified individual to carry out its assigned responsibilities and duties.

- (b) has no interests, services or operations that could have a negative impact on or conflict with the security of the Certification Service Provider.
- (c) has not been convicted of an offence or felony which involved a finding that he or she has acted fraudulently or dishonestly or of an offence under the Act and these Regulations.
- (d) be knowledgeable of the Act, these Regulations and the Certification Service Provider's Certification Practice Statement to the extent relevant to its assigned responsibilities and duties.
- (e) possess the relevant technical qualifications, training, expertise and experience to effectively carry out its responsibilities and duties, and
- (f) comply with any other criteria or requirements as may be determined by the Controller in accordance with the Act and these Regulations.

**Article (15) Trusted Person Declaration of Suitability**

1. The declaration of suitability required pursuant to these Regulations shall include:
  - (a) the full legal name of each Trusted Person.
  - (b) the designation held by each Trusted Person within the Certification Service Provider's corporation.
  - (c) the qualifications, educational credentials and experience of each Trusted Person.
  - (d) contact information for each Trusted Person, and
  - (e) a declaration by the Certification Service Provider that each Trusted Person meets the requirements, Trustworthy and is capable of complying with the criteria prescribed for Trusted Persons in the Act and these Regulations.

**Article (16) Enforcement of conditions on the License**

1. The Controller may, at any time even after granting or renewing a License, by notice in writing to the Certification Service Provider:
  - (a) impose such conditions or restrictions as the Controller deems necessary in respect of the License pursuant to the Act and these Regulations, and

- (b) amend any such condition or restriction imposed on the Certification Service Provider in accordance with the Act and these Regulations.
2. Where the Controller amends any conditions or restrictions on granted or renewed License under these Regulations, the Controller shall provide the Certification Service Provider with a written statement of reasons for such conditions or restrictions, upon the Certification Service Provider's request.

### **CHAPTER III**

#### **ACTIVITIES OF CERTIFICATION SERVICE PROVIDERS**

##### **Article (17) Certification Service Provider Obligations**

1. A Certification Service Provider shall in performing its activities:
  - (a) engage in fair, honest and competent business conduct in the course of all its activities and operations
  - (b) take all reasonable care in issuing Electronic Attestation Certificates to every Signatory
  - (c) keep Trustworthy, complete and accurate records of every issuance, renewal, suspension and revocation of Electronic Attestation Certificates
  - (d) take reasonable measures to ensure that its Trusted Persons are aware of all technological developments, systems and operations relevant to its activities.
  - (e) maintain security standards of its systems and associated information, and
  - (f) comply with criteria, conditions and guidelines issued by the Controller according to the Act and these Regulation.

##### **Article (18) Certification Practice Statement**

1. A Certification Service Provider shall prepare and make publicly available in its Repository the most current Certification Practice Statement.

2. A Certification Service Provider shall prepare and make available in its online website, its Certification Practice Statement and shall be compliant with such guidelines as the Controller may deem perusing to the Act and these Regulations.
3. A Certification Service Provider shall submit a copy of its Certification Practice Statement to the Controller upon application for the grant or renewal of a License, and shall notify the Controller in writing of any subsequent changes to its Certification Practice Statement within thirty (30) days of implementing such changes.
4. A Certification Service Provider shall log all changes to its Certification Practice Statement together with the effective date of each change, and shall retain in its Repository a copy of each version of its Certification Practice Statement, together with the date it came into effect and the date it ceased to have effect.

#### **Article (19) Record keeping, transaction logs and archival**

1. A Certification Service Provider may keep its records in the form of paper-based documents, Electronic Records or any other form permitted by the Controller.
2. A Certification Service Provider's records shall be complete and accurate and shall be indexed, stored, preserved, archived and reproduced using Trustworthy systems so as to remain complete, accurate, legible and accessible to the Certification Service Provider, the Controller or an auditor.
3. Every Certification Service Provider shall make and keep in a Trustworthy manner transaction logs relating to:
  - (a) the issuance, renewal, suspension and revocation of Electronic Attestation Certificates, including the identity verification process used where any Person requests an Electronic Attestation Certificate from the Certification Service Provider.
  - (b) the process of generating key pairs or alternative technological processes used to provide certification services.
  - (c) managing the Certification Service Provider's Electronic Information Systems and network facilities, and
  - (d) any other activities related to the Certification Service Provider's services as may be determined by the Controller.
4. Every Certification Service Provider shall archive all the required records and transaction logs pursuant to the Act and these Regulations, its Certification Practice Statement; and all Electronic Attestation Certificates issued by it.

5. Every Certification Service Provider shall maintain mechanisms to access all records, transaction logs and Electronic Attestation Certificates required to be archived pursuant to these Regulations for a period of not less than seven (7) years.

#### **Article (20) Repository**

1. A Certification Service Provider shall offer an online accessible Repository to the public.
2. The Repository shall be available at all times during the day and on all days of the year.
3. Any service outage of the Repository, whether scheduled or unscheduled, shall not exceed:
  - (a) one (1) hour duration at any time, or
  - (b) 0.3% in the aggregate for any period of one calendar month.
4. The Repository shall contain complete and accurate information about the following:
  - (a) Electronic Attestation Certificates issued by the Certification Service Provider.
  - (b) The granted License to the Certification Service Provider by the Controller.
  - (c) Suspension or revocation lists related to the Certification Service Provider's Electronic Attestation Certificates.
  - (d) An archive of Electronic Attestation Certificates that have been suspended or revoked, or that have expired within at least the previous seven (7) years.
  - (e) Information regarding any other fact that adversely affects the reliability of an Electronic Attestation Certificate that the Certification Service Provider has issued or its ability to perform its services, duties or obligations under the Act or the Regulations, and
  - (f) Any other information determined by the Controller according to the Act and these Regulations.

#### **Article (21) Risk Management and Security Plan**

1. A Certification Service Provider shall prepare a risk management and security plan to face the following incidents:

- (a) Threatening any of the Certification Service Provider's Secure Authentication Procedures or devices, including Electronic Attestation Certificates, Signature Creation Devices and Electronic Information.
  - (b) Lack of system or network or a defect in either.
  - (c) A material breach of security.
  - (d) If registration or generation of Electronic Attestation Certificates or giving information on Electronic Attestation Certificate that have been suspended or revoked.
2. If any incident referred to above occurs, it shall be reported by the Certification Service Provider in writing to the Controller within twenty-four (24) hours from the time that the Certification Service Provider knew, or reasonably ought to have known, of its occurrence.

#### **Article (22) Security Policies**

1. A Certification Service Provider that provides certification services to a government or semi government entity shall comply with security criteria and requirements, as may be determined by such government entities in accordance with what have been mentioned in these Regulations.

#### **Article (23) Reliance Limits**

1. The Certification Service Provider shall clarify in the Electronic Attestation Certificate the following:
  - (a) Restrictions imposed on the purpose or monetary value for which an Electronic Attestation Certificate may be used.
  - (b) Scope and limit of its liability to any Person in relation to Electronic Attestation Certificate.
2. The imposed restrictions on Attestation Certificate by the Certification Service Provider shall be clear and unambiguous.

#### **Article (24) Certification Service Provider Standards and Declaration of Conformity**

1. The Certification Service Provider shall comply with the following:
  - (a) Using Trustworthy systems and procedures in all of its activities and operations.
  - (b) Ensure that all systems, procedures, processes, employees, equipments, products and services are Trustworthy and complying with the information security standards established pursuant to the recognized ISO 27000 series of standards, or such other standards as may be determined by the Controller in accordance with the provisions of the Act and these regulations.
2. Every Certification Service Provider applying for a new License or renewal of an existing License must submit a declaration of conformity prepared in accordance with these Regulations and the Act.

#### **Article (25) Contract between Certification Service Provider and Signatory**

1. The contract between the Certification Service Provider and the Signatory shall be as follows:
  - (a) Written in a manner that is fair, clear, and comprehensible,
  - (b) In compliance with the issued guidelines by the Controller, and shall be published on the Controller's website.

#### **Article (26) Cross-Certification**

1. Prior to conducting any Cross-Certification arrangement with another Certification Service Provider, a Certification Service Provider must:
  - (a) submit a notification to the Controller in the form prescribed by the Controller and available on the Controller's website,
  - (b) pay fees to Controller as outlined in the Fees Schedule approved by the UAE Cabinet, which shall be paid in the manner determined and specified by the Controller, or according to the instructions and information available on the Controller's website.



## **Article (27) Complaints**

1. All Certification Service Providers shall:
  - (a) set out a mechanism to handle complaints fairly and efficiently,
  - (b) provide information to the public which describes how, when and where to file a complaint.
2. A Certification Service Provider shall investigate any complaint related to its activities within thirty (30) days of receiving the complaint and notify the complainant of the result of its investigation within a reasonable time.
3. In case a complaint has not been resolved within three (3) months from the date it was first reported by the complainant to the Certification Service Provider, the complainant may apply to the Controller in writing for assistance in resolving the complaint.
4. The Controller may decide to assist with the resolution of a complaint in accordance with any appropriate policies or procedures.
5. The Controller may take any actions or direct the Certification Service Provider to undertake any such remedies as it deems appropriate for the purposes of resolving any complaint.

## **Article (28) Privacy Protection**

1. A Certification Service Provider shall:
  - (a) comply with all applicable laws and regulations regarding the privacy and protection of personal information,
  - (b) prepare- and offer Repository to the public and ensure its operations are comply with the guidelines such as the Guidelines on the Protection of Privacy and Transborder Flows of Personal Data developed by the Organisation for Economic Co-operation and Development (OECD), or other guidelines determined by the Controller .

## **Article (29) Advertising and Communications for Commercial Purposes**

1. The Advertising of products and services by a Certification Service Provider:
  - (a) shall be decent, honest, truthful, not confusing and in accordance with all applicable U.A.E. laws, regulations and rules.
  - (b) shall not be against the public morality and public order.
  - (c) shall not offend any of the moral standards or cultural values of the U.A.E.
2. All claims made in the Advertisement of products and services by a Certification Service Provider shall be autonomous in nature.
3. a Certification Service Provider shall refer to prices of products and services clearly and unambiguously and shall indicate whether they are inclusive of any applicable fees or taxes.
4. The Controller may make rules in respect of the issue, form and content of the Advertisement of products and services by a Certification Service Provider.
5. A Certification Service Provider shall ensure that any Advertisement include the following:
  - (a) The content and information shall be as clear ad.
  - (b) Clearly identifies the Person on whose behalf the Advertisement is made.
  - (c) Clearly identifies any promotional offer and ensures that any conditions placed to participate in promotional offer are easy and presented clearly and unambiguously.
  - (d) Taking into consideration the provisions of any other laws, clearly define the details of how users register their choices with respect to the receipt of ads, which prominently display the details in every point where users of the service are asked to provide information that can be sent as unsolicited advertising materials.
6. A Certification Service Provider shall not use the word "guarantee" in any of its Ads in a way that could cause confusion about its customers' legal rights, and shall clearly indicate any limitations applicable to such guarantees.
7. A Certification Service Provider shall obligate its agents and representatives to follow the Advertising and commercial communications requirements in accordance with these Regulations, and shall hold the responsibility for any failure by his agents or representatives to do so.

### **Article (30) Cessation of Certification Service Provider operations**

1. Before ceasing to act as a Certification Service Provider, a Certification Service Provider shall:
  - (a) provide a written notice to the Controller of its intention to cease operating as a Certification Service Provider, this notice shall also include a copy of the Certification Service Provider's cessation of operations plan and the transition plan, and which shall be provided to the Controller at least ninety (90) days before:
    - (i) the date when it will cease to act as a Certification Service Provider
    - (ii) expiry of the Certification Service Provider's License, where the Certification Service Provider has no intention to proceed with a renewal application.
  - (b) provide a written notice to its Signatories, Cross-Certification service providers and any other Persons approved for its certification services of its intention to cease acting as a Certification Service Provider within at least sixty (60) days before ceasing to act as a Certification Service Provider or the expiry of its License, as the case may be.
  - (c) advertise its intention to cease acting as a Certification Service Provider sixty (60) days before the expiry of its License or the date of its ceasing to act as a Certification Service Provider, as the case may be, in daily newspapers, or by such other mediums and in the manner the Controller may determine.
  - (d) make reasonable efforts to assist its Signatories with a transition to another Certification Service Provider as may be determined by the Controller.
  - (e) revoke all Electronic Attestation Certificates, issued by it, that remain unrevoked or unexpired at the end of the notice period, whether or not the Signatories have requested a revocation.
  - (f) undertake the necessary measures to ensure that discontinuing its operations does not cause disruption to its Signatories and Relying Parties.
  - (g) make arrangements for its records and Electronic Attestation Certificates to be archived in a Trustworthy manner for a period of seven (7) years after discontinuing its operations, or any other period of time determined by the Controller.
  - (h) make arrangements to adequately ensure the ongoing maintenance of its systems and security measures for sensitive and accurate data, and

- (i) comply with any such requirements, criteria, information requests or directives as may be issued by the Controller.
2. The foregoing obligations and requirements outlined in these Regulations shall be applicable in case of a voluntary cessation of a Certification Service Provider's operations and may also be applicable in the event of a suspension or revocation of the license of the Certification Service Provider by the Controller as a result of a situation breaching the Act and these Regulations.

## **CHAPTER IV**

### **REVOCAION AND SUSPENSION OF LICENSE**

#### **Article (31) Suspension of License by the Controller**

1. The Controller may suspend the License of a Certification Service Provider:
  - (a) on any ground on which the Controller may suspend to grant a License pursuant to the Act or these Regulations.
  - (b) if the Certification Service Provider fails to comply with a Violation Decision or the Directives of the Controller issued pursuant to these Regulations.
  - (c) if the Certification Service Provider fails to carry out the business or fails to comply with the applicable conditions and restriction for which it was licensed.
  - (d) if the Certification Service Provider or any of its Trusted Persons have not performed its or their duties ideally, honestly or faithfully as seen by the Controller.
  - (e) if it is within the objectives of the Act to do so.
  - (f) if a Certification Service Provider fails to achieve satisfactory results in an audit pursuant to the guidelines or other requirements as may be specified by the Controller in accordance with the Act and these Regulations, or
  - (g) if the Certification Service Provider fails to provide an adequate secure environment consistent with the requirements of these Regulations or any other requirements or guidelines provided by the Controller.

### **Article (32) Revocation of License by the Controller**

1. The Controller may revoke the License of a Certification Service Provider where:
  - (a) a Certification Service Provider fails to remove the reasons for which his license is suspended after the lapse of (6) six months from the date of suspension of the License.
  - (b) the Certification Service Provider or any of his managers or employees are sentenced pursuant to the articles (26), (30) and (31) of the Act.
  - (c) upon the Certification Service Provider providing a written request to the Controller of its intention to cease its business and operation as a Certification Service Provider.
  - (d) the Certification Service Provider ceases to act as a Certification Service Provider without notifying the Controller, or
  - (e) upon adequate ground that invites the Controller to revoke the Certification Service Provider's License pursuant to the Act and these Regulations.

### **Article (33) Notice to Certification Service Provider before Suspension or Revocation of License**

1. The Controller shall, before the suspension or revocation of the License, provide a written notice on that to the Certification Service Provider.

### **Article (34) Revocation or Suspension of License**

1. A Certification Service Provider whose License is revoked or suspended pursuant to these Regulations shall be deemed not to be licensed from the date that the Controller notifies it about the revocation or suspension of the License, as the case may be.
2. A Certification Service Provider whose License is revoked or suspended shall remain subject to the authority of the Controller and shall comply with any directives or guidelines as may be issued by the Controller from time to time until the Certification Service Provider completes transitioning its responsibilities and services as a Certification Service Provider.
3. A Certification Service Provider whose License is revoked is prohibited from obtaining a Certification Service Provider License in the UAE for a period of five (5) years following the date of the revocation of the License.

## CHAPTER V

### ADMINISTRATION

#### **Article (35) Inquiry and Investigatory Powers of the Controller**

1. The Controller may, independently or in cooperation with the Ministry or any competent local authority, inquire into and investigate any allegation or complaint made against a Certification Service Provider, its officers, employees or any of its Trusted Persons.
2. If the Controller determines that the allegation or complaint is proved, the Controller may:
  - (a) conduct an investigation on Certification Service Providers in the event the Controller considers there has been a drastic change in their operations or as part of an investigation conducted by the Controller or as permitted or required by the Act and these Regulations.
  - (b) issue a Violation Decision to the Certification Service Provider, if proved in breach, pursuant to the Act and these Regulations, or
  - (c) take any other action deemed necessary by the Controller having regard to the nature of the allegation or complaint and the circumstances.

#### **Article (36) Directives and Violation Decisions**

1. The Controller may, if it deems it necessary according to the Act and these Regulations, issue a Violation Decision against a Certification Service Provider or any of its employers or any other directives. The Certification Service Provider shall accordingly:
  - (a) take necessary measures to implement the directive issued by the Controller within the time specified
  - (b) cease and desist from committing any breach of the Act or these Regulations, and
  - (c) comply with any remedial action imposed by the directive issued by the Controller.
2. Directives issued by the Controller shall come into force with immediately.

### **Article (37) Licensed Certification Service Providers Register**

1. The Controller shall maintain a publicly available register of all licensed Certification Service Providers in electronic, printed or written form.
2. The register shall contain all information presented by the Certification Service Provider in its License application or License renewal application pursuant to the Act and these Regulations.
3. A Certification Service Provider shall notify the Controller within fourteen (14) days where there is any change in the Certification Service Provider's information included in the register, and shall pay to the Controller a modification fee to update the register in accordance with the Fees Schedule issued by the Cabinet resolution. Fees shall be paid in the form and manner determined by the Controller or according to the instructions and information available on the Controller's website.

### **Article (38) Trusteeship Appointments**

1. The Controller may appoint a Trustee to perform and discharge all the acts, duties, requirements and obligations of a Certification Service Provider under the Act and these Regulations, and hold all or part of the business of the Certification Service Provider in the following situations:
  - (a) The Certification Service Provider's License has been revoked or suspended.
  - (b) The manner in which the Certification Service Provider operates its business has been restricted.
  - (c) The Certification Service Provider has ceased operating as a Certification Service Provider, or has provided the Controller with written notice pursuant to these Regulations of its intention to cease operating as a Certification Service Provider.
  - (d) There are reasonable grounds for the Controller to believe that the Certification Service Provider has or may have dealt improperly with any of its services or committed severe infractions pursuant to the Act and these Regulations, or
  - (e) It was clear to the controller that there are situations that may affect the business or operation of the Certification Service Provider, which makes it important to appoint a trustee to maintain the interests of the clients or the public.

2. All expenses of the Trustee relating to a trusteeship appointment pursuant to this Article shall be borne by the Certification Service Provider that is the subject of the trusteeship appointment following the Trustee's acceptance of such fees.

#### **Article (39) Enforcement**

1. Without prejudice to the powers of the competent local authority in the UAE under these Regulations or under any other law, the Controller may take any enforcement action as it considers appropriate to ensure compliance with the provisions of the Act and these Regulations.

#### **Article (40) Penalties**

1. Any person who deliberately submits misleading and incorrect information in contravention of the provisions of these Regulations shall be liable on conviction to a fine not less than (AED 30,000.00) Thirty Thousand Dirhams and not exceeding (AED 100,000.00) One Hundred Thousand Dirhams..
2. Any person who contravenes the provisions of Chapter II of these Regulations shall be liable on conviction to a fine not less than (AED 5,000.00) Five Thousand Dirhams and not exceeding (AED 50,000.00) Fifty Thousand Dirhams.
3. Any person who contravenes the provisions of Chapter III of these Regulations shall be liable on conviction to a fine not less than (AED 50,000.00) Fifty Thousand Dirhams and not exceeding (AED 250,000.00) Two Hundred Fifty Thousand Dirhams.
4. Any person who contravenes any other provision of these Regulations shall be liable on conviction to a fine not less than (AED 5,000.00) Five Thousand Dirhams and not exceeding (AED 250,000.00) Two Hundred Fifty Thousand Dirhams.
5. All fines contained in these Regulations are implemented through a directive issued by the Controller.



## CHAPTER VI

### GENERAL

#### **Article (41) Citation and Commencement**

1. These Regulations shall come into force ninety (90) days after its publication in the Official Gazette.

#### **Article (42) Monetary amounts and time periods**

1. All fees outlined in these Regulations are in United Arab Emirates Dirhams (AED).
2. Time references in these Regulations are to be construed in accordance with the Gregorian calendar.

#### **Article (43) Arabic version to prevail**

1. In the event of any discrepancy between the Arabic version of these Regulations and any other version, the Arabic version shall prevail.

Engineer/ Sultan Bin Saeed Al Mansouri

Minister of Economy