

Scheme information

The present list is the trusted list including information related to the qualified trust service providers which are supervised by the Czech Republic, together with information related to the qualified trust services provided by them, in accordance with the relevant provisions laid down in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

The cross-border use of electronic signatures has been facilitated through Commission Decision 2009/767/EC of 16 October 2009 which has set the obligation for Member States to establish, maintain and publish trusted lists with information related to certification service providers issuing qualified certificates to the public in accordance with Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures and which are supervised/accredited by the Member States. The present trusted list is the continuation of the trusted list established with Decision 2009/767/EC.

Information on the national supervision system applicable to qualified and non-qualified trust service providers and the qualified and non-qualified trust services they provide as regulated by Regulation (EU) No 910/2014

Supervision system legal framework:

- Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC
- Act on trust services for electronic transactions 297/2016 Coll.

Act on trust services for electronic transactions 297/2016 Coll. adapts the legal system of the Czech Republic on Regulation (EU) No 910/2014 for trust service area. The legal act specifies general rules for electronic signing, electronic sealing and using qualified electronic time stamps and also specifies some procedures of qualified trust service providers. The legal act also lays down the rules on penalties applicable to infringements of Regulation No 910/2014 as it is requested by Art. 16 of Regulation No 910/2014.

The name and address of supervisory body pursuant to article 17(2) of Regulation (EU) 910/2014 in the Czech Republic is:

**Ministry of the Interior of the Czech Republic
Nad Štolou 3,
170 34, Prague 7
Czech Republic**

Ministry of the Interior is also the body responsible for establishing, maintaining and publishing the national Trusted Lists pursuant to article 22(3) of Regulation (EU) 910/2014 as it is stated in the trusted list of the Czech Republic.

The procedure for granting a qualified status to the provider and service is laid down by related provisions of Regulation (EU) No 910/2014 - where trust service providers, without qualified status, intend to start providing qualified trust services, they shall submit to the Ministry of the Interior a notification of their intention together with a conformity assessment report issued by a conformity assessment body and proof of payment of administrative fee. The Ministry of the Interior shall verify whether the trust service provider and the trust services provided by it comply with the requirements laid down in Regulation (EU) No 910/2014, and in particular, with the requirements for qualified trust service providers and for the qualified trust services they provide. If the Ministry of the Interior concludes that the trust service provider and the trust services provided by it comply with the requirements, the Ministry of the Interior shall grant qualified status to the trust service provider and the trust services it provides. Qualified trust service providers may begin to provide the qualified trust service after the qualified status has been indicated in the trusted lists.

Qualified trust service providers shall be audited at their own expense at least every 24 months by a conformity assessment body. The purpose of the audit shall be to confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in Regulation (EU) No 910/2014. The qualified trust service providers shall submit the resulting conformity assessment report to the Ministry of the Interior within the period of three working days after receiving it.

The Ministry of the Interior may at any time audit or request a conformity assessment body to perform a conformity assessment of the qualified trust service providers, at the expense of those trust service providers, to confirm that they and the qualified trust services provided by them fulfil the requirements laid down in Regulation (EU) No 910/2014. Where personal data protection rules appear to have been breached, the supervisory body shall inform the data protection authorities of the results of its audits. The Ministry of the Interior shall proceed under Act No. 255/2012 Coll., on inspection (Inspection Code), when carrying out supervision.

Where the Ministry of the Interior requires the qualified trust service provider to remedy any failure to fulfil requirements under Regulation (EU) No 910/2014 and where that provider does not act accordingly, and if applicable within a time limit set by the Ministry of the Interior, the Ministry of the Interior, taking into account, in particular, the extent, duration and consequences of that failure, may withdraw the qualified status of that provider or of the affected service it provides. The Ministry of the Interior shall inform the qualified trust service provider of the withdrawal of its qualified status or of the qualified status of the service concerned.

Conformity assessment body means a body defined in point 13 of Article 2 of Regulation (EC) No 765/2008, which is accredited in accordance with that Regulation as competent to carry out conformity assessment of a qualified trust service provider and the qualified trust services it provides. National accreditation body in the Czech Republic is Český institut pro akreditaci, o.p.s. (<http://www.cia.cz/>).

The procedure for recruitment of new civil service employee to the Ministry of the Interior (and also to other ministries) is laid down by Act No. 234/2014 Coll., Civil Service Act. An applicant, which is applying for a job in the supervisory body has to prove knowledge in ICT problematics and demonstrate having an overview in the area of trust services. An applicant has to have also a university degree.

Information on the national voluntary accreditation schemes applicable to certification-service-providers having issued qualified certificates under Directive 1999/93/EC

Accreditation system legal framework:

- Act on electronic signature 227/2000 Coll. (transposition of European Directive 1999/93/EC of 13 December 1999 on a Community framework for electronic signatures)
- Ordinance on qualified certification service providers' procedures 378/2006 Coll.

Conditions for granting accreditation to provide certification services:

Every certification service provider can apply to the Ministry of the Interior for an accreditation to conduct activities of an accredited certification service provider. In an application for accreditation the applicant must provide:

- in case of a legal person, evidence of the corporate name or name, domicile, or address of a branch of the foreign entity on the territory of the Czech Republic, if applicable, and applicant identification number, if assigned,
- in the case of a natural person, evidence of the name, or names, if applicable, surname, or specification, if applicable, place of establishment, place of business, if different from the place of establishment, and applicant identification number, if assigned,
- a document of authorization for business activity and, if registered in the Commercial Register, also a copy of the entry in the Commercial Register not older than 3 months,
- information on which qualified certification services the applicant intends to provide,
- evidence of factual, personnel and organizational qualifications for the activity of a qualified certification service provider, according to the requirements of the Act No. 227/2000 Coll. and the Ordinance No. 378/2006 Coll.,
- a proof of payment of the administrative fee.

Conditions for granting accreditation are:

- to use secure systems, to ensure sufficient security of procedures supported by such systems, e.g. to meet the requirements laid down in the standard CWA 14167-1 – Security Requirements for Trustworthy Systems Managing Certificates for Electronic Signatures – Part 1: System Security Requirements and requirements of the technical standards ČSN ETSI TS 101456 – Electronic Signatures and Infrastructures, Policy requirements for certification authorities issuing qualified certificates and ČSN ETSI TS 102023 - Electronic Signatures and Infrastructures, Policy requirements for timestamping authorities,
- security management of trustworthy systems according to the technical standard ČSN ISO/IEC 17799 - Information technology - Code of practice for information security management,
- to implement an Information security management system according to the technical standard ČSN BS 7799-2 - Information Security Management Systems – Specification with guidance for use. This requirement should be met by certificate of conformance with the technical standard or by an audit of an information security management system),
- to maintain sufficient financial resources or some other financial security throughout the entire period of his activity to operate in conformity with the requirements laid down in the Act No. 227/2000 Coll. and with regard to the risk of liability for damages,
- to use protected areas for providing certification services.

If the application does not contain all the data required, the Ministry of the Interior shall suspend the proceedings and call on the applicant to complete the application by a specified deadline. If the applicant fails to do so by the deadline, the Ministry of the Interior shall discontinue the proceedings. The administrative fee shall not be returned.

If the applicant meets all the conditions to be granted the accreditation prescribed in the Act No. 227/2000 Coll. and the Ordinance No. 378/2006 Coll., the Ministry of the Interior shall issue a decision granting him the accreditation. Otherwise, the Ministry of the Interior shall reject the application for the accreditation.

The Ministry of the Interior shall carry out supervision of activities of the accredited certification service providers and the qualified certification service providers, imposes corrective measures on them and fines for breaches of obligations under the Act No. 227/2000 Coll. The Ministry of the Interior shall proceed under Act No. 552/1991 Coll., on state audit, when carrying out supervision.