

# THE LAW OF THE AZERBAIJAN REPUBLIC ON DIGITAL ELECTRONIC SIGNATURE

## Chapter 1. GENERAL PROVISIONS

This Law determines legal conditions and regulates relations associated with the usage of the electronic digital signatures.

### Article 1. The objective of the Law and its impact (appliance) area

- 1.1 This Law is applied to the relations emerging from the usage of the electronic digital signature by natural and legal persons, state authority agencies and local self-governing agencies (bodies) of Azerbaijan Republic.
- 1.2 This Law is not related to the cases when the legislation of Azerbaijan Republic on hand-written signature is directly applied.

### Article 2. Definitions used in this Law

- 2.1. The following definitions are used in this Law:
  - 2.1.1 **electronic digital signature** - particular quality of an electronic document, preventing falsification of the electronic document, revealing, that information in the electronic document was not distorted and designed to identify the owner of the signature certificate, used and controlled solely by the owner of signature certificate, created by the means of electronic digital signatures, added to the electronic document, having with it logical connection, and being in a unique relationships solely with the owner of signature certificate;
  - 2.1.2 **certificate of the electronic digital signature** - printed (on the paper) document and/or electronic document with the electronic digital signature of the certificate services provider, given to the participant of the electronic process to confirm validity of the electronic digital signature or identify (authenticity of) the signature certificate owner;
  - 2.1.3 **owner of the signature certificate** - natural person to whose name the signature certificate was issued and who has opportunity to create his/her own electronic signature;
  - 2.1.4 **means of electronic digital signatures** - equipment and programs (software) certified in accordance with the legislation of

Azerbaijan Republic and ensuring the fulfillment of functions of creation, storage, verification of the authenticity of the electronic digital signatures;

- 2.1.5 **certificates of the means of the electronic digital signatures** - printed (on the paper) document or electronic document issued in accordance with the certification rules to confirm compliance of the means of electronic documents to set (identified) requirements;
- 2.1.6 **certificate services provider** - natural or legal person issuing certificates of electronic digital signatures and providing other services related to electronic digital signature;
- 2.1.7 **confirmation of validity of the electronic digital signature in the electronic document** - positive outcome of the examination conducted to check that the electronic digital signature in the electronic document belongs to the owner of signature certificate and that there are no distortions in the electronic document signed by the same electronic signature;

### **Article 3. Legislation of Azerbaijan Republic on the electronic digital signature**

The legislation of Azerbaijan Republic on the electronic digital signature consists of the Constitution of Azerbaijan Republic, international treaties that Azerbaijan Republic is party to, Civil Code of Azerbaijan Republic, this Law and other regulatory normative-legal decrees of Azerbaijan Republic being part of the legislation of Azerbaijan Republic.

## **CHAPTER II. USAGE OF ELECTRONIC DIGITAL SIGNATURE**

### **Article 4. Equalization of the electronic digital signature with the hand-written signature**

- 4.1 If the following conditions are simultaneously met electronic digital signature (contained) in the electronic document is held equal to the hand-written signature (contained) on the printed document:
  - 4.1.1. signature certificate issued by provider keeps its validity during time when used by its owner;
  - 4.1.2. validity of the electronic digital signature contained in the electronic document has been confirmed;
  - 4.1.3. electronic digital signature is used in the relations shown in that signature certificate;
- 4.2. Signature certificate is considered as valid in the following cases:

- 4.2.1 signature certificate was given (issued) in accordance with the legislation;
- 4.2.2 the validity of the signature certificate was neither suspended or terminated;
- 4.2.3 electronic digital signature was created by using the certified means of the electronic digital signature creation;
- 4.2.4 the validity period of the signature certificate has not expired.
- 4.3. If information about authority of the signature certificate owner, necessary to conduct these relations is recorded in the signature certificate, electronic digital signature in the electronic document is held equal (in force) to hand-written signature put on paper and endorsed by the stamp.

#### **Article 5. Areas of usage of electronic digital signatures**

- 5.1 Electronic digital signature is used as a mean to identify a person who has signed the document, to confirm its integrity and validity.
- 5.2 The following electronic digital signatures used in the relations on the territory of Azerbaijan Republic should be certified:
  - 5.2.1. interchange of electronic documents between participants of information systems enabling fulfillment of the official or (simple) business duties;
  - 5.2.2. interchange of the electronic documents resulting in the relevant responsibilities;
  - 5.2.3. interchange of electronic documents with the state authority agencies and self-governing bodies of Azerbaijan republic;
  - 5.2.4. interchange of the electronic documents content of which consists of financial operations;
- 5.3. (In cases) when electronic documents are involved content of which consists of banking operations, relations are regulated by the normative legal decrees of the National Bank of Azerbaijan Republic.
- 5.4. Information system's participant simultaneously may have several signature certificates. In these cases electronic document signed (endorsed) by the electronic digital signature has legal force only within relations framework shown in the signature certificate.

#### **Article 6. Requirements to the means of electronic digital signatures**

- 6.1 Only certified means of the electronic digital signatures are applied on the territory of Azerbaijan Republic. Usage of non-certified means of the electronic digital signatures is reason satisfactory to

- call (summon) to responsibility under legislation of Azerbaijan republic.
- 6.2 Certified means of the electronic digital signatures should ensure creation and uniqueness of the signature.
  - 6.3 Certified means of the electronic digital signatures should ensure fulfillment of the following requirements:
    - 6.3.1 protection of the electronic digital signature;
    - 6.3.2 reliability, secrecy of information and required level of accessibility to it.

### **CHAPTER III**

## **CERTIFICATE OF THE ELECTRONIC DIGITAL SIGNATURE**

### **Article 7. Issuance of signature certificate**

- 7.1 Signature certificate is issued on the basis of agreement completed (reached) between signature certificate provider and the person which applied for the signature certificate.
- 7.2 Signature certificate is issued on the basis of application shown in the Article 8 of this Law and bearing information enabling to identify the signature certificate owner and to transfer information to him.
- 7.3 If signature certificate is issued to (the name of) legal person, the person (that filed the application) should present the copy of the evidence of this legal person's state registration and extract from the register of the legal person's state registration.
- 7.4 If signature certificate is supposed to be used by the legal person, state authority agency or local self-governing body, person that filed the application should present a document confirming his/her authority.
- 7.5 Application is signed by owner of the signature certificate. Shown in the application information is confirmed by presenting respective documents. When signature certificate is book-recorded, uniqueness of the signature is verified in the register or archive of the provider.
- 7.6 Provider should be sure that the applicant has capacity to produce digital electronic signature independently (individually).
- 7.7 If signature certificate is issued on the paper, signature certificate is prepared by provider in two samples. Both samples are signed by the signature certificate owner and provider and are confirmed by the stamp of provider. One copy of the signature certificate is given to the signature certificate owner, another is kept by provider.

- 7.8 Signature certificates for the persons using them on behalf of the state authority agencies of Azerbaijan Republic are issued according to the rules envisioned by this Law by the respective executive authority agencies of Azerbaijan Republic.
- 7.9 Signature certificate without delay should be registered by its provider (in the register) from its validity's starting time (from the coming into force time).
- 7.10 Immediately after provider has registered the information about (issued) signature certificate in its own register, he/she is responsible to forward this information to the respective state authority agency to register it in the unified state register.

## **Article 8. Content of the signature certificate**

- 8.1 The following information should be reflected in the signature certificate:
- 8.1.1 the registration number of the signature certificate;
- 8.1.2 last, first and the middle (father) name of the signature certificate's owner;
- 8.1.3 identification document's type and number, if the signature certificate owner is also a provider, his/her license's number;
- 8.1.4 names of the means of the electronic digital signatures used by the signature certificate owner and by the provider;
- 8.1.5 starting and expiration time of the signature certificate's validity;
- 8.1.6 name and address of the provider that issued a certificate, and also the country where it was established;
- 8.1.7 electronic digital signature of the provider;
- 8.1.8 legally important relations that the electronic document bearing electronic digital signature is involved in;
- 8.1.9 limitations put on the usage of the electronic digital signature regarding the amount (of money) it may be applied to;
- 8.2 When in the necessary cases authentication is required, additional information is presented on the basis of documents contained in the signature certificate; on the basis of written request (application) - nickname of the signature certificate owner.
- 8.3 Upon request (demand) of the applying person, provider is responsible for checking authorization of the requestor to act on behalf of the third party, and write down (record) information related to his/her specialty and license. On the basis of demand of requestor additional (shown) information should be proved by confirming documents.
- 8.4 To identify the ownership of the electronic digital signature, the date and time of its issuance, information about validity of the

signature certificate (valid, suspended, time of suspension, terminated, date and time of termination) and other registered information about signature certificate is provided to the information system's participant. The signature certificate and other information, if provided as a document printed on the paper, this certificate is written on provider's letterhead-form and endorsed by him. If signature certificate and additional information are given in the form of an electronic document, this certificate should be endorsed with the electronic digital signature of the provider.

#### **Article 9. Duties of the signature certificate owner.**

- 9.1 The signature certificate owner bear the following responsibilities:
  - 9.1.1 has a knowledge enabling creation of the electronic digital signature;
  - 9.1.2 furnish provider(s) of the certification services with information necessary for authentication;
  - 9.1.3 to keep confidential the secret of its own electronic digital signature's creation;
  - 9.1.4 if attempts were made to break illegally its electronic digital signature, immediately inform respective provider about it, and if there is a sufficient ground to believe that the secret of the electronic digital signature is no longer confidential - file a written application to provider to terminate signature certificate.
  - 9.1.5 immediately inform provider about any change in the information contained in the signature certificate;
  - 9.1.6 to use electronic digital signature within legal framework (relationship) shown in the signature certificate.
- 9.2 Liability for the damage in the result of violation of the responsibilities contained in the Article 9.1 of this Law lies with the owner of the signature certificate.

#### **Article 10. Instructing of the signature certificate owner**

- 10.1 Provider should instruct the signature certificate owner about reliable protection of the electronic digital signature. Provider should inform the person that applied to him about necessity to change regularly the secret of creation and authentication of the electronic digital signature to provide its reliably protection.
- 10.2 Provider is responsible for informing the signature certificate owner with the conditions making electronic digital signature equal to the hand-written signature.

10.3 The fact of instruction is reflected (written) on the paper and is confirmed by the hand-written signature of the signature certificate owner.

### **Article 11. Suspension of the signature certificate**

- 11.1 The force (validity) of the signature certificate may be suspended by the signature certificate owner or by the provider upon demand of the agencies having authority to suspend the validity of the signature certificate.
- 11.2 (Force of) the signature certificate may be suspended in the following cases:
- 11.2.1 if electronic digital signature is used in the relations not envisioned in that signature certificate - on the basis of application of the information system's participant;
- 11.2.2 if financial-economical activities of the signature certificate's owner are inspected - on the basis of application by the respective executive authority agency of Azerbaijan Republic;
- 11.2.3 if criminal prosecution is conducted over signature certificate owner - in accordance with rules identified by the legislation of Azerbaijan Republic.
- 11.3 After the order has been received to suspend the validity of the signature certificate, provider of the certification services should make the respective record in the register about the date of the signature certificate's suspension, the time and period of suspension, also inform about it the signature certificate's owner, the information system's participant or the agency that issued the order to suspend the validity of the signature certificate.
- 11.4 The validity of the signature certificate is suspended for the period shown in the request (order) to the signature certificate owner or (in the request) of an agency that has authority to suspend the signature certificate. If the information system's participant files application that the electronic digital signature is used in relations not foreseen in the signature certificate, the validity of the signature certificate is suspended for the period foreseen in the agreement about provision of certification services.
- 11.5 After suspension period of the signature certificate has expired the validity of the signature certificate is restored.
- 11.6 The procedure to suspend the validity of the signature certificate is stipulated by the respective executive authority agency of Azerbaijan Republic.

11.7 In accordance with the rules stipulated in the legislation of Azerbaijan Republic appeal may be made regarding suspension of the signature certificate's validity.

## **Article 12. Termination of the signature certificate**

- 12.1 In the following cases the provider that issued the respective signature certificate should terminate it:
- 12.1.1 on the basis of written application (request) of the signature certificate owner or its authorized representative;
  - 12.1.2 if the signature certificate contains information about the third party - on the basis of written application (request) of the third party;
  - 12.1.3 the validity period of the signature certificate is expired;
  - 12.1.4 if validity period of certificates of the respective means of electronic digital signatures is expired;
  - 12.1.5 if it was revealed that the signature certificate was issued on the basis of false information or if provider knows for sure that the document on which basis the signature certificate was issued has lost its validity;
  - 12.1.6 in cases stipulated in the agreement reached between sides (parties);
  - 12.1.7 by the decision of the court;
  - 12.1.8 in the cases stipulated by the Article 17.6 of this Law;
  - 12.1.9 in other cases stipulated by the legislation of Azerbaijan Republic.
- 12.2 If signature certificate has been terminated, by entering information into the respective register provider informs information system's participants about its termination, shows the date and time of termination, also informs about it the owner of the signature certificate.
- 12.3 The procedure to terminate the signature certificate is defined by the respective executive authority agency of Azerbaijan Republic.
- 12.4 The appeal can be made in accordance with the rules set by the legislation of Azerbaijan Republic regarding termination of the signature certificate.

## **Article 13. Storage rules and period for documents related to the certification services**

- 13.1 The signature certificate is kept by the provider during the entire validity period, and after termination - within the period which is foreseen by the legislation for those relations that are shown in the signature certificate.

- 13.2 After this keeping period is finished, the signature certificate is taken from the register of the signature certificates and is put in the archive. Storage period in the archive and the rules under which copies of the signature certificate are issued are determined by the legislature of Azerbaijan Republic.
- 13.3 During the signature certificate's storage period provider should provide easy access of the information system's participants to that certificate.
- 13.4 Provider is responsible to keep in custody the following documents:
- 13.4.1 documents related to the issues of protection of certificate services;
  - 13.4.2 documents related to the (issues of) termination of the provider's activities;
  - 13.4.3 agreements signed with the signature certificate owners;
  - 13.4.4 signature certificate of provider;
  - 13.4.5 copies of the documents on which basis signature certificate was issued;
  - 13.4.6 documents confirming that the signature certificate owners were instructed;
  - 13.4.7 signature certificates given by provider;
  - 13.4.8 documents about suspension of the signature certificate's validity;
  - 13.4.9 documents related to termination of the signature certificate;
- 13.5 Kept (in custody) by the provider documents related to the certificate services, should be protected from non-permitted intrusion and alteration.

## **CHAPTER IV ACTIVITIES OF THE CERTIFICATE SERVICES PROVIDERS**

### **Article 14. General requirements to providers**

- 14.1 In accordance with the rules foreseen by the legislation of Azerbaijan Republic, natural or legal persons having licenses for the provision of the certificate services may act as providers.
- 14.2 License to provide certificate services is issued by the respective executive authority agency of Azerbaijan Republic. The rules to issue the license for provision of certificate services are determined by the respective executive authority agency of Azerbaijan Republic.
- 14.3 If other rules are not set by the legislation of Azerbaijan Republic, provider should obtain its signature certificate from the respective executive authority agency of Azerbaijan Republic.

- 14.4 Provider should have necessary material (financial) and technical resources to be able to provide certificate services.
- 14.5 Provider should have sufficient financial resources (to be able) to compensate (as a part of its civic responsibilities) for the (potential) damage that it may cause to the signature certificate owner or to the information system's participant while providing certificate services.
- 14.6 Requirements to provider's material and financial capacities constitute necessary component of the certification services' certification (legalization) and are set by the respective executive authority agency of Azerbaijan Republic.

## **Article 15. Functions of the Providers**

- 15.1 Provider fulfills the following functions:
  - 15.1.1 issues signature certificates;
  - 15.1.2 suspends validity of the signature certificates, restore or terminates them;
  - 15.1.3 registers (in the register) valid, suspended or terminated signature certificates, timely update register information and provides easy access of the information system's participants to that register.
  - 15.1.4 on the basis of application submitted by the information system's participants checks the validity of the signature certificate registered by the provider itself.

## **Article 16. Duties of providers**

- 16.1 Certificate services provider fulfills the following functions:
  - 16.1.1 conduct activities in accordance with normative-legal decrees regulating provision of certification services and with the contract (signed) for provision of those services;
  - 16.1.2 keeps records (registers) of signature certificates in the register;
  - 16.1.3 provides issuance of the signature certificate to the person which applied to it to obtain the signature certificate;
  - 16.1.4 in accordance with the rules foreseen by the legislation suspends the validity, restores or terminates the signature certificates;
  - 16.1.5 informs signature certificate owners about information which became available to it and which may impact noticeably the consequent usage of the electronic digital signature;
  - 16.1.6 instructs signature certificate owner on how to protect reliably electronic digital signature;
  - 16.1.7 uses only certified means of the electronic digital signatures;

- 16.1.8 instructs the signature certificate owner in accordance with the Article 10 of this Law;
- 16.2 Provider, immediately after it has finished all actions that needed to issue, suspend, restore or terminate signature certificates, should deliver relevant information to the unified state register.
- 16.3 Provider issuing signature certificates should ensure reliable authentication of the signature certificate owner.
- 16.4 Provider should guarantee non-proliferation of information that became available to him in the result of the service provided to the signature certificate owner.

### **Article 17. Termination of provider's activities.**

- 17.1 Rule and basis to terminate activities of providers are determined by the legislation of Azerbaijan Republic.
- 17.2 Provider that decided to stop its activities should inform respective executive authority agency of Azerbaijan Republic three months in advance.
- 17.3 Provider that stops its activities should inform in person and three months in advance all signature certificate owners that received certificates from it, and also take all necessary steps to inform any information system's participant that was involved in any form of relations with it.
- 17.4 With the consent of the signature certificate owner, within one month provider may transfer provision of certification services to another provider or to the provider identified by the signature certificate owner.
- 17.5 If the signature certificate owner disagree with the transfer of obligations of certification services to another provider, until the signature certificate owner identifies a new provider, the respective executive authority agency of Azerbaijan Republic becomes temporary provider of those signature certificates. Certification services are provided by temporary provider free of charge.
- 17.6 The owner of the signature certificate should identify its future provider within two months. If the signature certificate owner has not determined its future provider within two months, temporary provider will terminate the signature certificate.

### **Article 18. Responsibilities of providers**

- 18.1 Provider bears responsibilities originating from the requirements of this Law and from the agreement (contract) about provision of the certification services. Disputes originating from the provision of

the certification services are resolved according to the rules foreseen by the legislation of Azerbaijan Republic.

- 18.2 If provider violates requirements of this Law and conditions of the agreement (contract) about provision of certification services, in accordance with the legislation of Azerbaijan Republic provider should compensate for the damage caused to the signature certificate owner and third persons in the result of its actions (inaction).
- 18.3 Provider is not responsible for the damage originating from the illegal use of the signature certificate by the owner of the signature certificate, violation of the conditions of the agreement or in the result of wrongdoing of the signature certificate owner or the third persons.

## **CHAPTER V. REGULATION OF THE RELATIONS IN THE SPHERE OF THE ELECTRONIC DIGITAL SIGNATURE USAGE BY THE STATE**

### **Article 19. Unified state register of the signature certificates**

- 19.1 Information about signature certificates issued on the territory of Azerbaijan Republic is registered in the unified state register. The following information is included in the unified state register:
- 19.1.1 about signature certificates issued by the providers;
- 19.1.2 about signature certificates given to providers;
- 19.1.3 about signature certificates issued to the authorized representatives of the state authority agencies and local self-governing bodies of Azerbaijan Republic.
- 19.2 Information from the unified state register of signature certificates is provided to the information system's participants in accordance with this Law.
- 19.3 The record keeping rules in the unified state register of signature certificates are determined by the respective executive authority agency of Azerbaijan Republic.

### **Article 20. Authority of the respective executive authority agency of Azerbaijan Republic in the sphere of the electronic digital signature's usage.**

- 20.1 In the sphere of the electronic digital signature's usage respective executive authority agency of Azerbaijan Republic has the following authority:

- 20.1.1 makes decision about issuing a license to certification services provider;
- 20.1.2 issues signature certificates to providers;
- 20.1.3 in cases when this Law is violated by provider, initiates (files) the case before court to terminate provider's license;
- 20.1.4 keeps records in the unified state register;
- 20.1.5 provides easy access of information system's participants to the unified state register;
- 20.1.6 controls activities of providers and how they use certified means of electronic digital signature;

**Article 21. Responsibility of the respective executive authority agency of Azerbaijan Republic in the sphere of the electronic digital signature's usage**

- 21.1 In the sphere of the electronic digital signature's usage respective executive authority agency of Azerbaijan Republic has the following duties:
  - 21.1.1 during three days after signature certificate comes into effect publish in the media the authentication secret of its own signature;
  - 21.1.2 provide necessary level of protection to its own electronic digital signature;
  - 21.1.3 inform signature certificate owners and providers about facts which became available to it and which may noticeably impact future chances to use this or another electronic digital signature;
  - 21.1.4 immediately terminate its own signature certificate, if attempts were made to break illegally its (own) electronic digital signature, also if there are sufficient reasons to believe that the creation secret of the electronic digital signature was revealed;
  - 21.1.5 liquidate signature certificate issued to provider if provider's activities were stopped or its license has been terminated.
- 21.2 Respective executive authority agency of Azerbaijan Republic provides easy access of information system's participants to the following information:
  - 21.2.1 names of providers, their address and contact means;
  - 21.2.2 list of licenses issued to providers, suspended and terminated licenses;
  - 21.2.3 list of issued signature certificates, suspended, restored and terminated signature certificates.

**Article 22. Recognition of the foreign signature certificates**

Foreign signature certificate validity of which was appropriately confirmed in accordance with the legislation of a country where it was registered, are effective on the territory of Azerbaijan Republic in accordance with the international treaties that Azerbaijan Republic is party to.

## **CHAPTER VI. CONCLUDING PROVISIONS**

### **Article 23. Responsibility (liability) for the violation of the legislation on the electronic digital signature**

23.1 Persons found guilty for the violation of legislation on the electronic digital signature bear responsibility in accordance with the legislation of Azerbaijan Republic.

### **Article 24. Coming into effect**

This Law is effective from the date of its publication.