

Sub-legal acts for the implementation of the Law “On Electronic Identification and Trust Services in Electronic Transactions”

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# Newsletter



## Sub-legal acts for the implementation of the Law “On Electronic Identification and Trust Services in Electronic Transactions”

### Regulation 11/2022 “On Presentation, Authentication, Transfer, Storage and Protection of Electronic Document”

The Ministry of Economy of the Republic of Kosovo approved the Regulation no. 11/2022 “On Presentation, Authentication, Transfer, Storage and Protection of Electronic Document” (**the Regulation**) which was published on December 30, 2022 in the Official Gazette and entered into force 7 days after such publication.

This Regulation is one of the secondary acts necessary for the implementation of the Law no. 08/L-022 “On Electronic Identification and Trust Services in Electronic Transactions”, and aims to define the manner of creation and to determine the content, formats, management and storage, as well as forms of communication and transmission of electronic documents.

The Regulation determines, *inter alia*, what should be considered an original electronic document or a copy of the electronic document.

#### Original electronic document

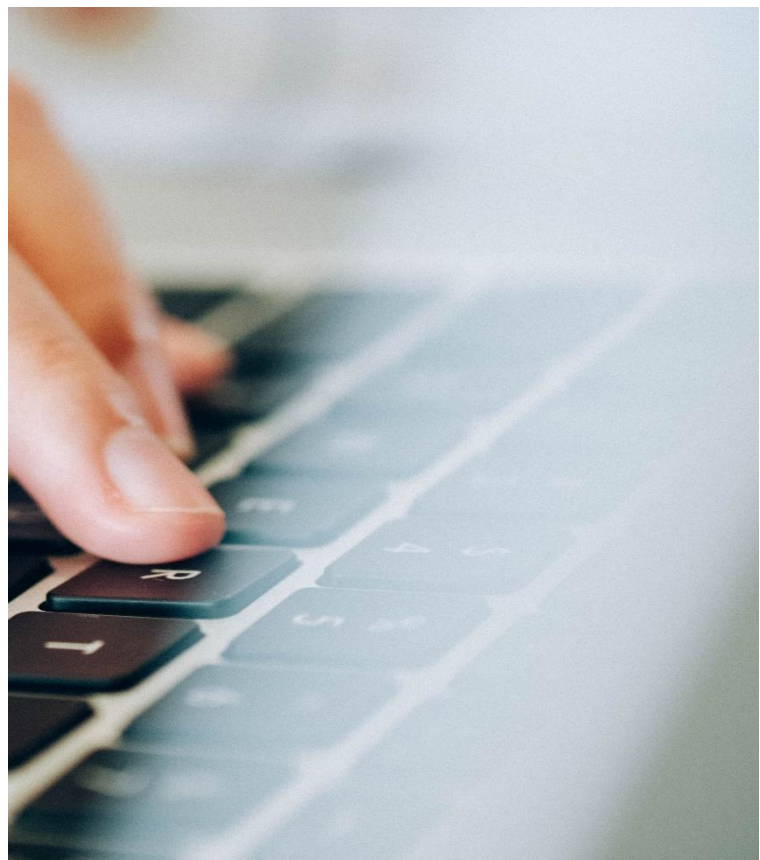
- A document created in electronic form, which cannot be changed without being detected.
- A document which has the same electronic signature with the original document.
- A digitized document shall be considered and used as the original document if it is supervised or its authenticity can be confirmed with a qualified electronic seal/signature of the person that created the digitized document.
- An electronic document in printed form that has the same legal value as the original document if it is authentic and its duplication is performed by/under the supervision of the person who created the document.

#### Copy of electronic document

- A copy of electronic document on paper is considered a copy of the original document.
- An electronic document created by digitizing a document which is not in electronic form.

Moreover, the Regulation provides for the mandatory elements that the electronic document should have depending on its form (structured or unstructured). The mandatory elements of the electronic document are presented through the internal or external form of presentation.

The electronic document ensures its confidentiality, security and integrity through the visual presentation of information on the signature or electronic seal, or electronic time stamp and the QR code for verifying the location of the document.



**Regulation No. 12/2022 “On the Content and Manner of Keeping the Register of Qualified Electronic Signature or Seal Creation Devices”.**

The Ministry of Economy of the Republic of Kosovo approved the Regulation no. 12/2022 “On the Content and Manner of Keeping the Register of Qualified Electronic Signature or Seal Creation Devices” (**the Regulation**), which was published on December 30, 2022 in the Official Gazette and entered into force 7 days after such publication.

This Regulation is one of the secondary acts necessary for the implementation of the Law no. 08/L-022 “On Electronic Identification and Trust Services in Electronic Transactions”, and aims to define the form, content and manner of keeping the register of qualified electronic signature or seal creation devices, and method of submitting the required application, form and documentation for registration.

The Register of Qualified Electronic Signature or Seal Creation Devices (**the Register**) should contain: (i) the Serial number of the registration in the Register; (ii) name of the electronic signature and/or seal creation device; (iii) applicant information; (iv) types of device; (v) note for usage of the device; (vi) name for the conformity assessment body for the qualified electronic signature and/or seal creation devices; (vii) information on the conformity certificate of the device; (viii) information on the conformity report; (ix) number of the decision for registration; (x) date of registration; (xi) basis for registration; (xii) information about registration of modifications; (xiii) information about deletions from the Register.

The Register should be kept in physical and electronic form and this latter shall be published on the website of the Ministry of Economy.

Based on this Regulation, the application for registration in the Register should be submitted electronically to the Ministry of Economy, attached to the conformity certificate and/or the report on

the conformity assessment of the device issued by the designated body.

Furthermore, the Regulation provides for the possibility to change the information registered in the Register and the procedure needed to be followed.

In addition, the Ministry of Economy has adopted the following sub-legal acts necessary for the implementation of the Law no. 08/L-022 “On Electronic Identification and Trust Services in Electronic Transactions”. The following sub-legal acts were published in the Official Gazette on December 30, 2022 and have entered into force 7 days after the publication:

1. Regulation no. 03/2022 *On Trust Mark for Qualified Trust Services*
2. Regulation no. 04/2022 *On Electronic Identification Schemes for Certain Security Levels*
3. Regulation no. 05/2022 *“On Register of Electronic Identification and Electronic Identification Schemes Service Providers - Method of Submitting Application Necessary Documentation and Method of Data Publication”*
4. Regulation no. 06/2022 *“On Devices for The Creation of the Qualified or Electronic Signature and Seal”*
5. Regulation no. 07/2022 *“On Qualified Electronic Signatures and Stamps, Qualified Electronic Time Stamps and Determination of Their Validity”*
6. Regulation no. 08/2022 *“Procedures for Suspension, Revocation and Protection of Certificates as Well as Prices of Certification Services”*
7. Regulation no. 10/2022 *“On Conformity Assessment of Qualified Trust Service Providers and Qualified Trust Services as Well as Insurance Against the Risk and Damages Caused by The Provision of Qualified Trust Service”*
8. Regulation no. 09/2022 *“On Criteria for Application and Registration of the List for Qualified Trusted Service Providers”*

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If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

[info@bogalaw.com](mailto:info@bogalaw.com)

**Tirana Office**

40/3 Ibrahim Rugova Str.

1019 Tirana

Albania

Tel +355 4 225 1050

Fax +355 4 225 1055

[www.bogalaw.com](http://www.bogalaw.com)

[www.bogalawip.com](http://www.bogalawip.com)

**Pristina Office**

50/3 Sylejman Vokshi Str.

10000 Pristina

Kosovo

Tel +383 38 223 152

Fax +383 38 223 153

[www.bogalaw.com](http://www.bogalaw.com)

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