THE LAW OF THE REPUBLIC OF ARMENIA

"ON ELECTRONIC DOCUMENT AND ELECTRONIC SIGNATURE" *

CHAPTER 1.

GENERAL PROVISIONS

Article 1. The subject of the Law

1. This Law regulates relations linked to application of electronic documents and electronic signatures.

2. This Law does not regulate relations linked to the use of electronic version of a person's manuscript signature and its copies, as well as the use of documents signed in such a way.

Article 2. Definitions

The following definitions are used in this Law:

- ***electronic document*** means information or message presented in electronic version;
- ***electronic signature*** means obtained signature-creation data and a cryptographic data modification of the given electronic document presented in a unique sequence of symbols in electronic form, which is attached to or logically associated with an electronic document and which is used to identify the signatory, as well as to protect the electronic document from forgery and distortion;
- ***person who signs the electronic document (hereinafter referred to as the signatory)*** means an individual (or the person he represents) in whose name the certificate of electronic signature has been given;
- ***signature-creation data*** means unique sequence of symbols, which is used by the signatory to create an electronic signature;
- ***signature-verification data (hereinafter referred to as verification data)*** means unique sequence of symbols, which is used to verify an electronic signature;
- ***electronic signature-creation device*** means configured software or hardware used to create electronic signature by signature-creation data;
- ***signature-verification device*** means configured software or hardware used to verify the authenticity of electronic signature by signature-verification data;
- ***name of signature-creation device*** means commercial name of a signature-creation device;
- ***electronic signature authenticity*** means positive result of use of signature-verification data and devices, which identifies the signatory;
- ***electronic signature certificate*** means a document (either paper-based, or electronic or on another carrier), which links signature-verification data to a signatory and confirms the identity of that person and serves as electronic signature-verification device;
- ***certification center*** means organization that issues certificates or provides other services related to electronic signatures;
- ***accreditation*** means recognition by the government of the quality of services provided by the certification center;
- ***accredited certification center*** means a certification center which is accredited pursuant to this Law and other normative regulations;

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* *LA-40-S, adopted 14.12.2004, in force 10.04.2004 (ARDB 2004/18(317), 31.03.2004).*

- ***information system*** means configured software or hardware data processing system for preparation, delivery, receipt, storage or other kind of processing of electronic documents;

- ***electronic carrier*** means magnetic disk, tape, laser disk, semi-conductor or other data carrier, which are used in electronic or other devices to record and store data;

- ***concerned party*** means the document's addressee or other person who needs to identify the signatory.

CHAPTER 2.

ELECTRONIC DOCUMENTS

Article 3. Forms of presentation of electronic documents

Electronic documents have internal and external forms of presentation.

The internal form of document presentation is an electronic document data recording on electronic carrier.

The external form of document presentation is a document reproducing on CRT screen (display), on paper or any other tangible thing other than an electronic carrier in visually accessible and readily perceptible form.

Article 4. Legal power of electronic document protected by electronic signature

In order to protect the electronic document it can include one or several electronic signatures. The document protected by an electronic signature shall have the same legal power as the document authenticated by a person's manuscript signature, if the electronic signature has been authenticated and there is no strong evidence that the document has been changed or forged since it was transmitted and/or stored, except for those retrievable (reset) changes that are necessary and unavoidable to provide the transmit and/or storage of that electronic document.

State and local government structures, individuals and legal entities, organizations shall not be obliged to accept electronic documents protected by electronic signature if they do not have the relevant technical devices.

Article 5. The original copy of the electronic signature

The original copy of electronic document exists only on the electronic carrier. The copy on the carrier as well as all the copies of the same document are considered the original copies and shall have the equal legal power. If it is necessary to present the original copy of the electronic document, the requirement shall be considered as met, if:

a) it is possible to prove that the electronic document has not been changed since it was transmitted and/or stored, except for those retrievable (reset) changes that are necessary and unavoidable to provide the transmit and/or storage of that electronic document;

b) the electronic document can be presented in its external version without substantial changes in available and perceptible form for a person who does not have special technical knowledge.

Article 6. Copies of electronic documents

1. The copies of electronic documents are created in external form of presentation of electronic document on paper by verification of their conformity with the original copy pursuant to the legislation.

2. The paper based copies of electronic documents shall include a note that they are the copies of the relevant electronic documents.

Article 7. Storage of electronic documents

An electronic document is considered to be duly stored, if it has not undergone any changes since it was sent for storage, or it has changed due to its storage requirement, and it is possible to restore the electronic document in the form it has before storage. The electronic document verified by electronic signature is considered duly stored, if its signature-verification data have also been kept.

The owners of information systems shall solely provide the protection of electronic documents stored in their information systems.

CHAPTER 3.

ELECTRONIC SIGNATURE

Article 8. Procedure of electronic signature use

The procedure of the use of electronic signature is defined by the producer of the electronic signature-creation device.

Article 9. Creation and distribution of electronic signature-verification data

Electronic signature-verification data are created by the signatory or by certification-service provider through software and/or hardware devices.

Electronic signature-verification data shall be distributed for usage among all concerned parties:

a) by the signatory - personally delivering or transmitting either the given data or the electronic signature certificate;

b) by the certification center - in reply to the request of concerned parties.

CHAPTER 4.

USE OF ELECTRONIC DOCUMENTS AND ELECTRONIC SIGNATURE

Chapter 10. Regulatory legislation on the use of electronic documents and electronic signatures

The use of electronic documents and electronic signature is regulated by the Civil Code of the Republic of Armenia, this Law, other laws and normative regulations.

If international agreements of the Republic of Armenia stipulate other norms than the norms envisaged by this Law the norms of international agreements of the Republic of Armenia shall prevail.

The use of electronic signature may be limited by the legislation.

Article 11. Procedure of use of electronic documents and electronic signature

The government of the Republic of Armenia shall establish the procedure of the use of electronic documents and electronic signature.

The Central Bank of the Republic of Armenia and the parties licensed by the Central Bank shall use the electronic documents and electronic signature pursuant to the procedure established by normative regulations of the Central Bank of the Republic of Armenia.

The Treasury shall use electronic documents and electronic signature in its information systems pursuant to the procedure set by the state finance regulatory body established by the law of the Republic of Armenia "On Treasury System". The electronic versions of the original (recording) documents shall equal their paper-based ones in cases stipulated by the government of the Republic of Armenia, or if, pursuant to the requirement of the legislation of the Republic of Armenia, their paper-based versions have been preserved.

CHAPTER 5. ELECTRONIC SIGNATURE CERTIFICATION SERVICES

Article 12. Electronic signature certification centers

Certification centers must:

a) sign a relevant contract with the signatory for providing services such as to issue a certificate or provide other services concerned with electronic signature;

b) provide electronic signature creation and verification data;

c) record all electronic signature certificates and verification data issued by them;

d) verify the affiliation of the electronic signature certificate and electronic signature-verification data to the signatory;

e) identify and certify the conformity of electronic signature-verification data with the certificate;

f) ensure the protection of electronic signature;

g) before signing a contract with a person duly inform the latter of the precise terms and conditions regarding the use of the certificate, including any limitations on its use;

h) ensure security of providing electronic signature-creation data by not storing the electronic signature-creation data.

Certification-service providers may:

a) terminate the validity of electronic signature certificate issued by them;

b) provide other services concerned with electronic signature.

State and local government structures, legal entities, organizations shall have the right to choose or create a certification center to issue certificates for electronic signatures used in their information systems and to provide other services concerned with it.

Article 13. Electronic signature certificate

Affiliation of the electronic signature and signature-verification data to the signatory is verified by electronic signature certificate issued by the certification center.

The certificate must contain:

a) the identity code of the certificate;

b) the name of a signatory or a pseudonym;

c) electronic signature-verification data;

b) the date of issue of certificate, and an indication of the beginning and end of the period of validity, if applicable;

e) the name of certification center, business address and location address of the legal entity.

According to the agreement signed between the parties the certificate may also contain:

a) maximum acceptable value of transactions for which the given electronic signature is used;

b) the amount of losses that may occur due to the forgery of electronic signature, poor quality or incompleteness of the services of certification-service provider, which must be indemnified by the provider.

Article 14. Period of validity of electronic signature certificate

The electronic signature certificate may have period of validity. Upon expiry date of the certificate the documents verified by the given electronic signature shall not be considered as protected by electronic signature.

Article 15. Accreditation of certification centers

Electronic signature certification centers may get accreditation by an authorized body of the government of the Republic of Armenia (hereinafter referred to as the authorized body).

The authorized body shall:

a) execute accreditation pursuant to the procedure set by the government of the Republic of Armenia;

b) keep the register (Registry) of certification centers accredited in the Republic of Armenia pursuant to the procedure set by the government of the Republic of Armenia;

c) supervise the conformity of the activities of accredited certification centers with the legislation;

d) executes other authorities set by law.

Accreditation of a certification center may be revoked by court decision in case of breach of clauses of this Law or the requirements of accreditation procedure.

Accreditation of certification centers that issue electronic signature certificates for the Central Bank of Armenia and parties licensed by the CBA is executed by the Central Bank of Armenia pursuant to its normative regulations.

Electronic signature certificates of foreign certification centers shall be equated to the electronic signature certificates issued by accredited certification centers of the Republic of Armenia in case of respective international contracts signed between the Republic of Armenia and foreign countries.

16. Competence of accredited certification centers

Accredited certification centers, besides their rights and duties defined in article 12 of this Law,

1) must:

- identify the person whom by his identification document before issuing an electronic signature certificate to him,
- keep the Registry of electronic signature certificates issued by them and ensure their storage,
- guarantee the signatory’s personal data secrecy;
- immediately inform signatory of any technical defects that may corrupt or disable the protection of electronic signature;

2) have the right:

- to suspend or terminate the validity of electronic signature certificates on signatory’s demand or on his own initiative if there are sufficient grounds to think that the signature may be forged or its usage may cause losses to the signatory or the third parties,

- to cease servicing of signatory if the validity of electronic signature certificate is suspended or terminated prematurely, and make respective recordings in the Registry.

Article 17. Termination of the activities of accredited certification centers

In case of termination of the activities of accredited certification centers the electronic signature certificates issued by them can be transferred to another accredited certification center upon the consent of the signatory. The electronic signature certificates that have not been transferred to another accredited certification center shall be declared invalid and sent to the authorized body for archiving.

Article 18. Responsibility for breach of electronic documents circulation process, use of electronic signature and provisioning of other relevant services

Individuals and legal entities shall bear responsibility for violation of law on electronic documents circulation, use of electronic signature and provisioning of other services in this area pursuant to the procedure established by the legislation of the Republic of Armenia.

CHAPTER 6. FINAL PROVISIONS

Article 19. Entering into force

This Law shall enter into force on the next day of its official publication.

President of the Republic of Armenia
ROBERT KOCHARYAN
January 15, 2005,
Yerevan