

DECISION
No. 141, date 22.2.2017

**ON THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL
AUTHORITY FOR ELECTRONIC CERTIFICATION AND CYBER SECURITY**

(amended by VKM no. 123, dated 1.3.2023)

(updated)

In support of Article 100 of the Constitution, Article 10 of Law No. 9880, dated 25.2.2008, "On Electronic Signature", as amended, Article 11 of Law No. 130/2016, "On the 2017 Budget ", and Article 6 of Law no. 90/2012, "On the organization and functioning of the state administration", with the proposal of the Prime Minister, the Council of Ministers

DECIDED:

1. The National Authority for Electronic Certification and Cyber Security (the Authority), is *a public budget legal institution with headquarters in Tirana, under the dependence of the Prime Minister.*
2. The National Authority for Electronic Certification and Cybersecurity, is organized as the General Directorate, and extends its activity throughout the territory of the Republic of Albania.
3. The authority has as the object of its activity the supervision and implementation of the legislation in force in the field of electronic signature, the electronic identification of trusted services, as well as the legislation in force in the field of cyber security.
4. The authority performs these functional tasks:
 - 4.1 Exercises the powers provided for the responsible authority in the legislation in force for electronic signature, for electronic identification and trusted services as well as for cyber security.
 - 4.2 It guarantees security for trusted services, in particular for guaranteeing reliability and security in electronic transactions between citizens, business and public authorities, increasing the effectiveness of public and private services and electronic commerce.
 - 4.3 Defines rules for electronic identification schemes, electronic seals, transfer of tasks to trusted services, electronic transmission service, authentication of websites
 - 4.4 It defines the rules and methods for verifying the validity of products generated by trusted services, domestic and foreign, enabling public access to check their validity through the trusted lists of EU member states and the on-line status protocol of certificates and certificate revocation lists.
 - 4.5 Creates and maintains trusted lists at national level, as defined by EU standards.
 - 4.6 Approves the form and content of agreements, between the qualified trusted service provider and third parties, in case of transfer of service.
 - 4.7 Supervises and controls third parties, in the event that one or more of the tasks of the entrusted services are transferred.
 - 4.8 Performs control/monitoring of the implementation of standards and procedures for issuing qualified certificates by qualified trusted service providers.
 - 4.9 Encourages and promotes trusted services in public services, provided by public and private institutions, to citizens and businesses.
 - 4.10 Participates in the preparation of the national strategy in the field of electronic security, in accordance with the provisions according to the legislation in force for electronic signature, for electronic identification and trusted services, as well as for cyber security.
 - 4.11 Cooperates with national and international organizations in the field of electronic security regulation.
 - 4.12 It guarantees the conditions for free competition between qualified providers of trusted services, which are based on the principles of transparency, neutrality of technology, free market economy, non-discrimination and honesty.
 - 4.13 Resolve disputes between qualified trusted service providers and testing and certification bodies.

4.14 Protects the rights of users of trusted services and resolves disputes between qualified trust service providers and qualified certificate holders.

4.15 Coordinates work with public and private institutions, which have critical and important information systems, and responds with countermeasures to cyber threats/attacks.

4.16 Consults, proposes and cooperates with the relevant government structures for the design of programs and the following of special procedures, in order to improve the level of protection of data and state computer networks/systems against unauthorized activities and/or efforts to develop a unauthorized activity.

4.17 Verifies the security and compatibility of applications developed or implemented by state authorities.

4.18 Defines the minimum technical standards for the security of data and computer networks/systems of the information society, in accordance with international standards in this field.

4.19 Controls the implementation of all technical standards implemented by the institutions of the information society.

4.20 Proposes the completion and improvement of the legislation in the field of activity it covers.

4.21 Establishes, administers and maintains the unique online system for the publication of websites with illegal content, as follows:

a) Pages with illegal content are detected by public authorities and sent officially to the Authority, which enables them access rights to the system, for their publication, in order to close these pages.

b) The authority issues instructions for the operation of the system, defining the rights and obligations of public authorities, as well as Internet service providers (ISPs).

4.22 Publishes the list of minimum security rules for all public and private institutions and carries out periodic control of their implementation.

4.23 Creates and updates the electronic register for control procedures.

4.24 Creates and updates the electronic registry of cyber events/incidents and the registry of national/international contact points.

5. The authority has the official stamp and seal, according to the specifications below:

5.1 The stamp consists of the stamp of the Republic of Albania and the notes: "Republic of Albania, Council of Ministers, National Authority for Electronic Certification and Cyber Security".

5.2 The Seal of the Authority has the form and contains the elements defined in the legislation in force on the production, administration, control and storage of official seals.

5.3 The seal of the Authority contains the identification note "National Authority for Electronic Certification and Cyber Security".

5.4 The Seal of the Authority is administered and stored in accordance with the legislation in force.

6. The Authority is led by the General Director, who organizes and supervises the activities of the institution and is responsible for its proper functioning, as well as representing the institution in relations with third parties.

6/1. *The work relations of the general director, officials and administrative employees of the Authority are regulated on the basis of the Labor Code.*

6/2. *The director general is supported by the deputy director general. One of the content directors of the Authority is assigned to the position of deputy general director, who, in addition to functional tasks, performs any other task assigned by the general director to support him in the smooth running of the institution.*

7. The General Director performs the following duties:

7.1 Prepares analyses, reports and makes proposals for the smooth running of the work of the structures depending on him.

7.2 Directs, processes the annual program for the directorates' engagements and determines the priorities in their work.

7.3 Periodically reports on the activity of the institution to the Prime Minister.

7.4 Proposes to the Prime Minister the undertaking of legal initiatives to supplement and improve the legal framework in force.

7.5 Takes measures for the effective administration of human resources, financial means and material resources of the institution.

8. The internal structure of the Authority is approved by the Prime Minister according to the legislation in force.

9. In all by-laws the words "National Authority for Electronic Certification" and "National Agency for Computer Security" are replaced by "National Authority for Electronic Certification and Cyber Security".

10. All rights, obligations, contracts and projects that are in process and belong respectively to the "National Authority for Electronic Certification" and the "National Agency for Computer Security" are transferred to the "National Authority for Electronic Certification and Cyber Security".

11. The current employees of AKCE and ALCIRT will be transferred to the National Authority for Electronic Certification and Cyber Security and will be treated based on the provisions of civil servant legislation, in the case of closure and restructuring of the institution.

12. The funds approved for the National Authority for Electronic Certification and the National Agency for Computer Security in the 2017 budget are transferred to the National Authority for Electronic Certification and Cyber Security, in the same budget items.

13. The National Agency for Computer Security and the National Authority for Electronic Certification will continue to exercise their activity until the start of the full operation of the National Authority for Electronic Certification and Cyber Security.

14. Decision no. 766, dated 14.9.2011, of the Council of Ministers, "On the creation of the National Agency for Computer Security (ALCIRT)", is repealed.

15. The Ministry of Finance and Economy and the National Authority for Electronic Certification and Cyber Security are charged with the implementation of this decision.

This decision enters into force after publication in the Official Gazette.

PRIME MINISTER
Edi Rama