



Notification Number: 1997/421/F

**Draft Decree defining the requirements in which those bodies are approved who manage, on behalf of third parties, confidential agreements relating to cryptology methods and services which make it possible to ensure confidentiality protocols.**

Date received : 29/07/1997

End of Standstill : 30/10/1997

Issue of comments by : Commission, Netherlands, Spain

**Message**

REP PERMANENTE ROYAUME UNI

REP PERMANENTE IRLANDE

REP PERMANENTE GRECE

MINISTRY OF INDUSTRY, ENERGY & TECHNOLOGY  
ATT. MR. Z.P. MAVROUKAS

HELLINIKOS ORG. TYPOPISOES  
ATT. MR. MELAGRAKIS

DGS INTERNATIONAL BELGIUM

DEPT. OF TRADE AND INDUSTRY, QUALITY AND EDUCATION DIVISION,  
ATT. MRS. B. O'GRADY

INST INDUST RESEARCH.  
ATT. MR. J. NULTY

KOMMERSKOLLEGIUM  
ATT. MS. KERSTIN CARLSSON

MINISTRY OF TRADE AND INDUSTRY  
ATT. MS. NIEMINEN

EUROPEAN FREE TRADE ASSOCIATION SURVEILLANCE AUTHORITY

EUROPEAN FREE TRADE ASSOCIATION  
ATT. MS. BAKKE-D'ALOYA



TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (97) D/51836/2  
DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC  
TRANSLATION OF TELEX 001  
NOTIFICATION 97/0421/F

- 3B1 : 9701836.EN

**1. Structured Information Line**

TLX 002 IND- 97 0421 F-- EN ----- 970729 --- ---

**2. Member State**

France

**3. Department Responsible**

Secrétariat Général du Comité Interministériel pour les  
Questions de Coopération Economique Européenne  
2, boulevard Diderot  
F-75012 Paris  
Délégué Interministériel aux Normes  
22, rue Monge  
F-75005 Paris

**3. Originating Department**

Service des Industries de Communication et de Service  
3/5 rue Barbet de Jouy  
F-75353 Paris 07 SP

**4. Notification Number**

97/0421/F

**5. Title**

Draft Decree defining the requirements in which those bodies  
are approved who manage, on behalf of third parties,  
confidential agreements relating to cryptology methods and  
services which make it possible to ensure confidentiality  
protocols.

**6. Products Concerned**

Services and equipment related to key codes.

**7. Notification Under Another Act**

-

**8. Main Content**

The purpose of the provisions in the text is to introduce, in  
addition to other coding methods, the role of an approved  
body in the capacity of a third cryptology party (TCP) whose  
function is to make available to users the key codes which



are necessary for the operation of the coding methods, to define the TCP functionalities and to specify the administrative procedure for the approval of this body.

#### **9. Brief Statement of Grounds**

The text is adopted in application of article 28 of the statutory telecommunications law of 29 December 1990, amended by article 17 of the statutory telecommunications law of 26 July 1996. The provisions thereof are essential for the implementation of requirements and procedures stipulated by the law with regard to the TCP.

The provisions in the regulations relating to the use of cryptology must henceforth be relaxed. Indeed, the development of information highways will result in a considerable increase in electronic transactions which must be safeguarded in order to ensure their reliability and confidentiality.

The State must also assume responsibility to maintain devices which contribute to public safety, such as interception.

Further, the new legislation is proposed in order to greatly simplify, for the end user, the use of cryptology methods, whereas explicit authorization has, by and large, been hitherto necessary.

There will be no restrictions on the use of cryptology methods to make a message confidential provided that the confidentiality services used are managed by a TCP.

The TCP is a skilled body which manages key codes on behalf of the user. The user enters into a contract with the third party confidant who sends, at regular intervals, the key codes to be used in order to encode its data. A clause is inserted in the licence of the third party confidant which stipulates that the latter must issue key codes to the competent authorities by law. The user may thereby seek support from a cryptology expert who provides the highest quality service, whilst the State may, when necessary, gain access to the contents of the data.

These unrestrictive provisions which are of benefit to the user transfer the burden of the regulations to cryptology experts who must inform the public authorities of the devices which they place on the market. They must also request authorization if they wish to become third party confidants. They are committed to strict adherence to the regulations to which they have subscribed and special punitive measures are laid down for failure to adhere to these regulations.



**10. Reference Documents - Basic Texts**

- Article 28 of the statutory telecommunications law of 29 December 1990.
- Article 17 of the statutory telecommunications law of 26 July 1996.

**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

-

**13. Confidentiality**

No

**14. Fiscal measures**

No

C. TROJAN  
COMEUR  
NNNN