

## TERMS AND CONDITIONS OF USE OF REPRESENTATIVE CERTIFICATES FOR SOLE AND JOINTLY AND SEVERALLY LIABLE ADMINISTRATORS OF THE SPANISH MINT (FNMT-RCM).

The *Applicant* states that, having downloaded and installed the *Representative Certificate for sole and jointly and severally liable administrators* in his equipment, the *Applicant* will use the *Certificate* in accordance with the accompanying conditions and with the [Trust Service Practices and Electronic Certification General Statement](#) and the [Specific Policies and Practices for Representative Certificates of the FNMT-RCM](#), (<https://www.sede.fnmt.gob.es/dpcs/accomponentes>) expressly declaring that the *Applicant* accepts them in full and that the *Applicant's* capacity to contract with this Entity is not restricted.

These conditions are an extract from the *Specific Policies and Practices for Representative Certificates*, with the basic rules for issuing these *Certificates*. The following basic information is made available to the *Applicant*; for reasons of space, the obligation to provide information will be met by means of the *Trust Services Practices and Electronic Certification General Statement (DGPC)* and the *Specific Policies and Practices for Representative Certificates*, which are made available through the above link in digital format.

### Type of certificate and limits on use

The Representation CA issues exclusively electronic signature certificates for natural persons, as representative of a legal person or entity without a legal personality.

The *Representative Certificate for sole and jointly and severally liable administrators* is an electronic certificate intended for legal persons in their relations with the Public Authorities or in the procurement of goods or services in the ordinary course of their business.

These electronic certificates are qualified in compliance with the requirements of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, which repealed Directive 1999/93/EC.

The functionalities and purposes of the *Representative Certificate for sole and jointly and severally liable administrators* guarantee the authenticity, integrity and confidentiality of communications in which their *Holder*s take part. The *Certificate* will be issued and signed by the "Representation CA FNMT", subordinate to the "Root CA" of the FNMT-RCM. The FNMT-RCM will verify, in the databases of the Association of Spanish Property and Company Registrars (CORPME), the validity of the powers of the *Representative* (registration as sole or jointly and severally liable administrator) with respect to the entity represented, as well as the existence of said entity and its legal personality at the time of the accreditation of the personal identity of the *Representative*.

The *Representative Certificate for sole and jointly and severally liable administrators* issued by the FNMT-RCM will be valid for a maximum period of two (2) years as from the date of issue, provided that they remain in effect. Once the period expires and if the *Certificate* remains active, it will expire and the issuance of a new certificate will be necessary if the *Holder* intends to continue using the services of the *Trust Service Provider*. *Representative Certificate for sole and jointly and severally liable administrators* may not be used when their validity period expires, when their revocation is requested by the *Holder* of the *Certificate* or if any of the conditions for the termination of their validity are met, as established in the *Trust Services Practices and Electronic Certification General Statement* and in the *Specific Policies and Practices for Representative Certificates*.

The length of the key used in the "Representation CA FNMT" is 2048 bits and in the "Root CA" is 4096 bits.

The validation of the validity status of this type of certificate may be confirmed through the Certificate status information and consultation service provided by the FNMT-RCM through the OCSP protocol, available at the location specified in the certificate itself.

### Obligations of the represented entities and their representatives

The represented entities and their representatives are obliged to:

- Know and comply with the conditions of use of the certificates provided for in the conditions of use and in the Certificate Practice Statement and, in particular, the limitations on certificate utilisation.
- Act diligently with regard to the custody and conservation of signature creation data or any other sensitive information such as keys, certificate request codes, passwords, etc. as well as the *Certificate* media, which includes, in any event, the non-disclosure of any of the mentioned data.
- Request the revocation of the certificate in the event of suspected loss of confidentiality, disclosure or unauthorized use of signature creation data.
- Duly notify the FNMT-RCM of any modification in the data provided in the certificate application, requesting, when pertinent, the revocation of the same.
- Not use the certificate when the representative's data changes and apply for the revocation of the same.

### Certificate status verification obligations for third parties

Any third party that reasonably trusts a certificate will have to:

- Ensure that trust in the certificates issued under the certification policy is restricted to the appropriate uses (see

the [Specific Certification Policy and Practices](#) document for certificates of representatives of natural persons and entities without a legal personality in the “Representation AC”).

- Verify the validity of the certificate, making sure it has not expired.
- Ensure that the certificate has not been suspended or revoked by accessing information about the current revocation status available at the location specified in the certificate itself.
- Determine that such Certificate provides sufficient guarantees for the intended use.

### **Disclaimers**

The FNMT-RCM will only be answerable for deficiencies in the procedures relating to its activity as a Trust Service Provider, and in accordance with the provisions of the relevant Certification Policies and Practices. In no event will it be responsible for the actions or losses incurred by applicants, representatives, represented entities, user entities or, as the case may be, third parties involved, that are not due to errors attributable to the FNMT-RCM in the relevant certificate issuance and/or management procedures.

The FNMT-RCM will not be answerable in cases of fortuitous event, force majeure, terrorist attack or wildcat strike, or in cases involving actions that constitute crimes or offences that affect its provision infrastructure, except in the event of gross negligence on the entity’s part.

The FNMT-RCM will not be answerable to persons whose behaviour in the use of the certificates has been negligent; for these purposes, and in any event, negligence will be considered as failure to comply with the provisions of the Certification Practices Statement and, in particular, the provisions in the sections that refer to the parties’ obligations and liability. In any event - this having the status of a penalty clause - the amount that FNMT-RCM must pay by way of damages under legal compulsion to injured third parties or members of the Electronic Community in any public or private field of action, in the absence of specific regulation in contracts or agreements, is limited to a maximum of SIX THOUSAND EUROS (€6,000).

In the event of the termination of the Certification Service Provider’s activity, the FNMT-RCM will be governed by the provisions of current electronic signature legislation. In any event, it will duly inform the holders of the certificates as well as the users of the services involved in good time and will transfer, with the express consent of the holders, those certificates which remain valid on the effective date of the cessation of activity to another Certification Service Provider that will assume them. If such a transfer is not possible, the validity of the certificates will be extinguished.

The FNMT-RCM registers and archives those significant events that are necessary to verify the activity of this Certification Authority for a period of not less than 15 years, in accordance with applicable legislation.

### **Return policy**

In a context of good business practices, the FNMT-RCM has adopted a policy for returning the issued certificates that allows refunds to be requested within a period of seven (7) business days as from the date on which identity is accredited (in person or electronically), accepting that this will lead to the automatic revocation of the certificate. The procedure will be published at the electronic portal of the FNMT-RCM.

### **Applicable law, complaints and dispute Resolution**

The provision of trust services by the FNMT-RCM will be governed by the Laws of the Kingdom of Spain.

In general, members of the Electronic Community and Users of FNMT-RCM trust services accept that any litigation, discrepancy, issue or claim resulting from the implementation or interpretation of the Policies and/or Statements of Trust Service and Electronic Certification Practices or related thereto, directly or indirectly, will be resolved in accordance with the provisions of the relevant contracts, general conditions and/or commissions or agreements, in the terms of the entity’s By-laws, approved by RD 1114/1999 of 25 June (Official State Gazette No. 161 of July 7). In the event that contracts, general conditions and/or commissions or agreements do not specify any conflict resolution arrangement, all the parties submit to the exclusive jurisdiction of the courts of the Spanish State in the city of Madrid. In addition, mediation or arbitration procedures may be agreed, subject to the approval of the competent bodies of the FNMT-RCM, in accordance with applicable legislation.

## Licenses and repository, trusted brands and audit

The FNMT-RCM has a lengthy track record in the performance of its industrial activities, as well as the backing of the Central Government as a Public Business Entity attached to the Ministry of Finance and Civil Service. Since the entry into force of Article 81 of Law 66/1997 (30 December) on tax, administrative and social measures and amendments thereto, it has contributed to encouraging the extension of the services for which it is authorised and has obtained the recognition of private business in the electronic certification and open electronic networks sector, achieving a significant position in the provision of certification services.

The FNMT-RCM, as a Trust Service Provider, has a number of accreditations and certificates for its public key infrastructure, of which the following are particularly applicable to certificates of this kind:

- Issuance and administration of qualified electronic certificates in accordance with the European standards ETSI EN 319 411-2 “Requirements for trust service providers issuing EU qualified certificates” and ETSI EN 319 412-2 “Certificate profile for certificates issued to natural persons”. This audit is carried out with the required frequency and by a Compliance Assessment Body accredited for this purpose.

Representative Certificates for sole and jointly and severally liable administrators are issued as qualified in accordance with Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market. Their inclusion in the list of trust service providers (“TSL”) in Spain may be checked at this link: <https://sede.minetur.gob.es/es-ES/datosabiertos/catalogo/lista-prestadores-tsl>

## Trust Service Provider Contact Information

Fábrica Nacional de Moneda y Timbre - Real Casa de la Moneda

c/ Jorge Juan, 106

28009 Madrid

<https://www.sede.fnmt.gob.es>

Contact: [ceres@fnmt.es](mailto:ceres@fnmt.es)

## DATA PROTECTION.

*In accordance with Organic Law 15/1999 (13 December) on the Protection of Personal Data and its enabling regulations, we inform you that the data you provide will be incorporated into a personal data file for which the FNMT-RCM is responsible. Its structure and purpose are as provided in point 5 of the Appendix to Order EHA/2357/2008 (30 July) regulating personal data files of the Spanish Mint (Official State Gazette of 7 August) or any legislation by which it is replaced. The information contained in said file is to be used in the provision of electronic, computer or telematic services for the public and private sectors.*

*Interested parties may exercise their rights of access, rectification, cancellation or opposition before the party responsible for the file (FNMT-RCM) by sending a letter, accompanied by a photocopy of their ID card or an authorisation to consult their identity through the Identification Data Verification System. They may also exercise their rights through the Electronic Register (<https://www.sede.fnmt.gob.es/tramites>) using the “general purpose form”. This entity's registered office is in calle Jorge Juan 106, 28009 - Madrid. The interested parties authorise the FNMT-RCM to include the certificate serial number in the list of revoked certificates (data communication) so that it may be viewed by any user, whether or not the user has an electronic certificate, in both the public and private areas. We also inform you, and you agree, that the use of the certificate for identification purposes or if you perform an electronic signature, entails the possibility that third parties may access the data you have*

*provided to us that are included in the certificate. This is for the purpose of the necessary knowledge by third parties of the purpose and status of the certificate issued or the signature performed, pursuant to Art. 11.2.c) of the Organic Law on Data Protection.*