



PREMIER MINISTRE

Secrétariat général  
de la défense  
et de la sécurité nationale  
*Agence nationale de la sécurité  
des systèmes d'information*

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## PROCEDURE

### LICENSING OF EVALUATION FACILITIES FOR THE FIRST LEVEL SECURITY CERTIFICATION

Application : As soon as approved.

Circulation : Public.

**COURTESY TRANSLATION**



## Version history

Edition	Date	Modifications
Experimental phase	June 13 <sup>th</sup> , 2008	First draft for the experimental phase, circulated under No. 1333 SGDN/DCSSI/SDR of June 13 <sup>th</sup> , 2008, and repealed by this procedure.
1.0	May 30 <sup>th</sup> , 2011	End of the experimental phase, following the modification to decree No. 2002-535 of April 18 <sup>th</sup> , 2002 by decree No. 2010-112 of February 2 <sup>nd</sup> , 2010. Change in name for the certification body (ANSSI) and editorial improvements.
1.1	April 07 <sup>th</sup> , 2014	In appendix B, addition of the "set-top box" and "secure execution environment" licensing domains. In appendix B, modification of the definition to the licensing scope which no longer corresponds to the CSPN domains.
1.2	May 27 <sup>th</sup> , 2015	Updating of the CSPN licensing scopes described in appendix B2 to introduce "programmable industrial PLC" type products and to specify the evaluation scope for "intrusion detection" and "anti-virus, protection against malicious code" type products.

Pursuant to amended decree No. 2002-535 of April 18<sup>th</sup>, 2002, this procedure has been submitted to the certification management committee, which gave a favourable opinion.

This procedure is available online at the ANSSI's institutional website ([www.ssi.gouv.fr](http://www.ssi.gouv.fr)).

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## 1. Subject of the procedure

This procedure describes the process to license facilities which carry out product evaluations for their first level security certification (CSPN, Certification de sécurité de premier niveau).

An evaluation facility's licensing procedure is used to ensure:

- Its ability to apply the current evaluation criteria and the corresponding methodology;
- Its technical skill on the types of product which are part of its licensing scope;
- Its independence in relation to developers for its evaluation activity;
- The compatibility of its legal structure and its organisation with this activity.

## 2. References

- Amended decree No. 2002-535 of April 18<sup>th</sup>, 2002 relating to the evaluation and certification of the security provided by information technology products and systems.
- ANSSI-CSPN-CER-P-01 – Certification de sécurité de premier niveau.

## 3. Description of the procedure

### 3.1 Formulation of the licensing request by the candidate body

An evaluation facility which is a candidate for licensing must send its request to the Agence nationale de la sécurité des systèmes d'information (ANSSI)'s certification body using form [ANSSI-CSPN-AGR-F-01 Licensing request](#). They then undertake to respect the obligations specified in appendix C in particular.

The following documents must be provided with the licensing request:

- A photocopy of the company's Kbis<sup>1</sup> extract;
- A technical file to assess the candidate's professional capacities, comprising:
  - o A general presentation of the company, specifying the different managers in particular. If the evaluation facility is part of a wider organisation, one or more organisation charts must present its position in the parent company;
  - o The recent national and international experiences and references from similar services and the periods when these services were provided. In particular, the candidate shall justify their skills for information technology security evaluation activities;
  - o The list and curriculum vitae of the technical experts identified to carry out the expertise services;
- Any candidate's accreditation to handle classified defence information;
- A pilot evaluation proposal;
- The types of product for which the licensing is requested (see appendix B for the licensing scope) and the technical experts who are scheduled to provide expertise for each type of product;
- Any other elements that may provide useful information about the candidate.

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<sup>1</sup> Company registration

### **3.2 Registration of the request by the ANSSI**

The ANSSI confirms the registration of the request. The member of the certification body responsible for licensing evaluation facilities for the domain in question takes charge of monitoring the candidate throughout the licensing procedure. In particular, they organise the preliminary candidate audit.

### **3.3 Preliminary licensing audit**

A preliminary audit is carried out in the candidate's premises to evaluate their ability to meet the licensing criteria quoted in appendix A. An audit report is drafted following the audit by the licensing manager.

If the conclusions are satisfactory, the candidate obtains the authorisation to carry out a pilot evaluation.

### **3.4 Pilot evaluation**

The candidate must carry out a pilot evaluation to enable the ANSSI to assess its ability to successfully carry out an evaluation.

It is the candidate's responsibility to negotiate and obtain a pilot evaluation from a sponsor. This sponsor must be informed of the candidate's situation and the risks incurred as to the result of the evaluation. No certificate may be issued until the evaluation facility is licensed.

The pilot evaluation must be carried out according to current procedures. Therefore this former is subject to a reinforced monitoring by the ANSSI.

The candidate has one year from the licensing request to carry out the pilot evaluation. Beyond this time they must reapply.

### **3.5 Initial licensing audit**

After the pilot evaluation, the ANSSI carries out a new audit if necessary. In particular, checks are carried out to see whether the non-conformities identified during the preliminary audit have been corrected.

The licensing manager drafts the final licensing audit report, which indicates whether the candidate satisfies all the licensing criteria listed in appendix A.

### **3.6 Licensing approval**

The licensing decision is announced by the Premier Ministre, after opinion from the Certification Management Board. This decision may state the specific obligations to which the evaluation facility is subject. In particular, the licensing decision indicates the scope of the license for which the evaluation facility may carry out evaluations for certification. The different licensing scopes are described in appendix B.

The licensing is valid for two years.

The decision is notified to the evaluation facility by letter.

### **3.7 Monitoring of evaluation facilities**

The ANSSI monitors the evaluation facility's activities continuously and ensures that the obligations related to the license specified in appendix C are respected. It may carry out an audit at any time to ensure that the evaluation facility continues to satisfy the licensing criteria and its commitments.

### **3.8 Modification to the scope of licensing**

This procedure may be initialised:

- At the request of the evaluation facility which wants to modify its licensing scope;
- At the request of the certification body, if it feels that the evaluation facility's situation has changed (skills, status, etc.). For example, in the event of departure by members of the evaluation facility who have key skills, the certification body may restrict the licensing scope to take account of this loss of skill.

#### **a Modification to the licensing scope at the evaluation facility's request**

The evaluation facility sends the certification body by standard post all the elements that justifies its request. This request may lead to the reworking of part of the licensing procedure (in principle from § 3.3 or 3.4). In particular, the elements which justify the request may be verified as an additional evaluation facility audit.

The licensing manager monitors all these stages. The elements of evidence for each stage are recorded into the evaluation facility's monitoring file.. Once all the results have been analysed, they draft a note for the attention of the Director General of the ANSSI, who decides, by delegation from the Premier Minister and after taking the opinion of the Certification Management Board, to maintain or modify the licensing scope.

The decision is taken by the Premier Minister and notified by letter to the evaluation facility.

#### **b Modification to the licensing scope at the initiative of the certification body**

When the ANSSI considers that the licensing conditions are no longer satisfied and that the evaluation facility's licensing scope must be modified, it informs the evaluation facility by letter, indicating the period allocated to put the necessary corrective measures in place. The evaluation facility has fifteen calendar days from reception of the ANSSI's letter to make its observations.

The licensing manager monitors all these stages. The elements of evidence for each stage are recorded into the evaluation facility's monitoring file.

At the end of the allocated period, they draft a note for the attention of the Director General of the ANSSI, who decides, by delegation from the Premier Minister and after taking the opinion of the Certification Management Board, to maintain or modify the licensing scope.

The decision is taken by the Premier Minister and notified by letter to the evaluation facility.

### **3.9 Licensing renewal**

It is the evaluation facility's responsibility to make a renewal request for their licensing if they wish so. They send their request to the ANSSI's certification body at the latest four months before the validity expires for their current licensing.

A new licensing audit is then carried out. It is carried out to check that the licensing criteria and obligations are still respected. It also enables an analysis to be carried out for the deviations observed and formalised during the licensing period, as well as the actions implemented to correct them.

If the conditions are satisfied, a new licensing decision is pronounced by the Premier Ministre, after opinion is taken from the Certification Management Board and notified by letter to the evaluation facility.

If the evaluation facility does not want to renew its license, it informs if possible the ANSSI . It may also not send a renewal request. When the licensing expires, the ANSSI sends the evaluation facility a letter notifying them of the loss of their licensing. Paragraph 3.11 below then applies.

### **3.10 Suspension of license**

The licence can be suspended by the Premier Minister when the evaluation facility no longer meets the obligations related to its licensing (see appendix C) or has insufficient activity in the domains covered by its licensing scope.

The ANSSI sends the evaluation facility a letter notifying it of its intent to suspend their licence and ordering them to put the necessary corrective measures in place before a set deadline. The evaluation facility has fifteen calendar days from reception of the ANSSI's letter to make its observations. Where applicable, the licensing suspension is confirmed and notified by letter to the evaluation facility.

At the end of the set deadline, if the certification body estimates that the causes which led to the suspension have not been corrected or are not in the process of being corrected, an licence withdrawal procedure is launched. If not, the suspension is maintained until all the causes which led to it are corrected.

During the suspension period, the certification body decides on the following on a case-by-case basis:

- The acceptance of new certification requests submitted by the evaluation facility;
- The acknowledgement of the results of the evaluations carried out by the evaluation facility.

### **3.11 Withdrawal of license**

The licence can be withdrawn by the Premier Minister, either because the evaluation facility has ceased its activities or on the initiative of the ANSSI. In this second case, the decision is taken after taking the opinion from the Certification Management Board.

A non-limiting list of the causes of withdrawal at the ANSSI's initiative is provided below as an example:

- The evaluation facility no longer meets the obligations set by the licensing decision (see appendix C);
- The causes which led to an licensing being suspended have not been corrected;
- A reason related to the interests of national defence and security.

The ANSSI sends a letter to the evaluation facility notifying it of its intention to launch a procedure to withdraw its license. The evaluation facility has fifteen calendar days from reception of the ANSSI's letter to make its observations to the Certification Management Board. Where applicable, the withdrawal decision is notified to the evaluation facility by letter.

### **3.12 Consequences of the withdrawal of license**

If the license is lost (withdrawal or non-renewal), the name of the evaluation facility concerned is removed from the list of licensed evaluation facilities.

No new evaluations may be launched.

The evaluations which are in progress may either be carried out to their completion by the evaluation facility, in agreement with the certification body, or stopped.

The evaluation facility must provide the ANSSI with all the files relating to the evaluations carried out.

The ANSSI may alert the sponsors, developers and other actors concerned by the evaluations which are in progress.

#### **4. Case of ITSEF licensed for the "Common Criteria" or "ITSEC" evaluations**

An information technology security evaluation facility (ITSEF) which is licensed for "Common Criteria" or "ITSEC" evaluations under decree 2002-535 may claim recognition as being able to carry out evaluation for first level security certification.

This aptitude is only valid for the types of product for which it is already licensed, as well as for any cryptographic skills for which it is recognised. In this case, the ITSEF sends a letter to the ANSSI requesting its licensing under this procedure, indicating the types of product for which the licensing is requested. It is then dispensed of the preliminary audit, pilot evaluation and licensing audit. The licensing renewal audit is carried out together with the audit for the "Common Criteria" or "ITSEC" evaluations.

For the types of product that are outside its "Common Criteria" or "ITSEC" licensing domain, the licensing procedure is the procedure described in § 3.

## **Annexe A : Licensing criteria**

### **Evaluation independence and impartiality**

- C1 The evaluation facility must provide evidence elements and the commitments to guarantee that the evaluations it carries out or will carry out are performed:
- Impartially: the evaluation facility may not be subject to pressure to modify the results of the evaluation work;
  - Independently: the evaluation facility does not accept any evaluations which generate a conflict of interest with the product's developer, distributor or importer.

### **Evaluation confidentiality**

- C2 The evaluation facility must have put provisions in place to ensure the confidentiality of the evaluations and their results. In particular, it must not provide any reports to any developers or sponsors with whom it is linked or has been linked (pre-project, project, etc.) in the context of this evaluation activity or the products of which it is aware and which have been the subject of an evaluation request or an evaluation. This requirement only relates to information which is not in the public domain.

### **Requirements relating to personnel**

- C3 The people who are authorised to sign the evaluation reports must have been indicated by name to the certification body. The ANSSI reserves the right to refuse a member indicated by the certification body from signing evaluation reports.
- C4 The evaluation facility's personnel must be competent in information technologies and be qualified and experienced in security evaluation. In particular, the evaluation facility's skills must be in line with the scope of its licensing (technical knowledge and experience necessary to carry out the corresponding activities). These conditions are judged by the certification body.
- C5 The personnel who carry out the evaluations must be indicated to the certification body. Its skills must be monitored (at least, evaluation projects in which the people took part, tasks carried out, dates). The ANSSI reserves the right to refuse a member indicated by the certification body from taking part in the evaluations carried out in the context of this licensing.

### **Requirements relating to contracts**

- C6 The commercial aspects must be governed by contract between the evaluation facility, the sponsor and, in certain cases, the developer(s).
- C7 All evaluation contracts must specify that the certification body receives all the information about the evaluation process.

**Technical skills**

- C8 At the certification body's request, the evaluation facility must be able to demonstrate the skills which correspond to its licensing scope. This is demonstrated within a deadline set by the certification body.

**Working methods and procedures**

- C9 The evaluation reports must be the subject of an internal validation process before they are sent to limit any undue influence and the consequences of any errors.
- C10 The reports which are sent to the sponsors and the certification body must be signed by the authority identified with the certification body for the licensing (see criterion C3).

## Annexe B : Scope of licensing

### B.1 Definition of the scope of licensing

The licensing scope is defined in terms of the type of product.

The ANSSI may grant waivers for exceptional tasks which are not covered by the licensing scope.

### B.2 Types of product

The following types of product are retained for the first level security certification:

- 1 - Intrusion detection<sup>2</sup>;
- 2 - Anti-virus, protection against malicious codes<sup>3</sup>;
- 3 - Firewall;
- 4 - Data erasure;
- 5 - Security administration and supervision;
- 6 - Identification, authentication and access control;
- 7 - Secure communication;
- 8 - Secure messaging;
- 9 - Secure storage;
- 10 - Secure execution environment;
- 11 - Digital reception terminal (*Set top box*, STB);
- 12 - Hardware and embedded software;
- 13 - Industrial programmable logic controller.

Within each category, restrictions may be issued by the ANSSI on the types of product that the evaluation facility may evaluate.

### B.3 Scope display

For each licensed evaluation facility, the ANSSI's website mentions the types of product to which the licensing relates.

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<sup>2</sup> At this stage, the main objective of the evaluation of these products is to announce that they are harmless for the network or host system.

<sup>3</sup> Idem.

## **Annexe C : Obligations of licensed facilities**

The evaluation facility undertakes to respect the procedures defined by the ANSSI's certification body and which are sent to it for application. It undertakes to respect the licensing criteria, in particular:

- O1 To refuse any evaluations which would put it in a situation of conflict of interest with a supplier in relation to its evaluation activity or to alert the certification body as soon as possible if this situation arises during an evaluation;
- O2 To only accept the sub-contracting of all or part of an evaluation after formal agreement is received from the ANSSI;
- O3 To not involve in an evaluation anyone who took part in the production of the product evaluated (advice, design, production, etc.);
- O4 To report immediately to the certification body any change in the company's structure, its organisation or its personnel and to provide the evidence documents for these modifications;
- O5 To authorise access by the certification body to its premises and all the documents, hardware or tools used in the context of the evaluations covered by the licensing scope;
- O6 To authorise the ANSSI members designated by the certification body to check the conduct of an evaluation at any time, to attend the evaluation work and to check that the licensing criteria are respected;
- O7 To comply with the information protection obligations which are imposed on it permanently or temporarily by the ANSSI;
- O8 To take part in the meetings organised by the ANSSI's certification body.