8 Community and Applicability

8.1 Issuance of EV Certificates

The CA MAY issue EV Certificates, provided that the CA and its Root CA satisfy the requirements in these Guidelines and the Baseline Requirements.

If a court or government body with jurisdiction over the activities covered by these Guidelines determines that the performance of any mandatory requirement is illegal, then such requirement is considered reformed to the minimum extent necessary to make the requirement valid and legal. This applies only to operations or certificate issuances that are subject to the laws of that jurisdiction. The parties involved SHALL notify the CA / Browser Forum of the facts, circumstances, and law(s) involved, so that the CA/Browser Forum may revise these Guidelines accordingly.

8.2 EV Policies

8.2.1 Implementation

Each CA MUST develop, implement, enforce, display prominently on its Web site, and periodically update as necessary its own auditable EV Certificate practices, policies and procedures, such as a Certification Practice Statement (CPS) and Certificate Policy (CP) that:

(A) Implement the requirements of these Guidelines as they are revised from time-to-time;

(B) Implement the requirements of (i) the then-current WebTrust Program for CAs, and ~~(ii)~~ the then-current WebTrust EV Program or (ii) the then-current ETSI TS 102 042 EV Certificate Policies (EVCP or EVCP+) ~~V2.1.1~~; and

(C) Specify the CA's and its Root CA's entire root certificate hierarchy including all roots that its EV Certificates depend on for proof of those EV Certificates' authenticity.

8.2.2 Disclosure

Each CA MUST publicly disclose their EV Policies through an appropriate and readily accessible online means that is available on a 24x7 basis. The CA is also REQUIRED to publicly disclose its CA business practices as required by both WebTrust for CAs and ETSI TS 102 042 ~~V2.1.1~~. The disclosures MUST be structured in accordance with either RFC 2527 or RFC 3647.

17 Audit

17.1 Eligible Audit Schemes

A CA issuing EV Certificates SHALL undergo an audit in accordance with one of the following schemes:

   (i) WebTrust Program for Certification Authorites audit and WebTrust EV Program audit, or

   (ii) ETSI TS 102- 042 v2.1.1 audit including EVCP or EVCP+.

If the CA is a Government Entity, an audit of the CA by the appropriate internal government auditing agency is acceptable in lieu of the audits specified above, provided that such internal government auditing agency publicly certifies in writing that its audit addresses the criteria specified in one of the above audit schemes and certifies that the government CA has successfully passed the audit.

EV audits MUST cover all CA obligations under these Guidelines regardless of whether they are performed directly by the CA or delegated to an RA or subcontractor.

17.2 Audit Period

CAs issuing EV Certificates MUST undergo an annual audit that meets the criteria of Section 17.1.

17.3 Audit Record

CAs SHOULD make its audit report publicly available no later than three months after the end of the audit period. If there is a delay greater than three months and if so requested by an Application Software Supplier, the CA MUST provide an explanatory letter signed by its auditor.

17.4 Pre-Issuance Readiness Audit

(1) If the CA has a currently valid WebTrust Seal of Assurance for CAs, then, before issuing EV Certificates, the CA and its Root CA MUST successfully complete a point-in-time readiness assessment audit against the WebTrust EV Program.

(2) If the CA has a currently valid ETSI 102 042 audit, then, before issuing EV Certificates, the CA and its Root CA MUST successfully complete a point-in-time readiness assessment audit against ETSI TS 102 042 V2.1.1 EVCP or EVCP+.

(3) If the CA does not have a currently valid WebTrust Seal of Assurance for CAs or an ETSI 102 042 audit, then, before issuing EV Certificates, the CA and its Root CA MUST successfully complete either: (i) a point-in-time readiness assessment audit against the WebTrust for CA Program, or (ii) a point-in-time readiness assessment audit against the WebTrust EV Program, or an ETSI TS 102 042 V2.1.1. audit including EVCP or EVCP+.

The CA MUST complete any required point-in-time readiness assessment no earlier than twelve (12) months prior to issuing an EV Certificate. The CA MUST undergo a complete audit under such scheme within ninety (90) days of issuing the first EV Certificate.