
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the provisions 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 (OJ No L 257, 28.8.2014, p73) (“the eIDAS Regulation”).

The eIDAS Regulation repeals and replaces [Directive 1999/93/EC](#) of the European Parliament and of the Council of 13 December 1999 on a Community Framework for electronic signatures (OJ No L 13, 19.1.2000, p12) which was implemented in the United Kingdom by the Electronic Signatures Regulations 2002 ([S.I. 2002/318](#)) (“the 2002 Regulations”) and section 7 of the Electronic Communications Act 2000 ([2000 c.7](#)) (“the ECA 2000”). These Regulations revoke and replace [S.I. 2002/318](#) and amend the ECA 2000.

Part 2 contains the supervisory provisions. Regulation 3 appoints the Information Commissioner as the supervisory body under these Regulations. The Information Commissioner is responsible for carrying out the supervisory body tasks and enforcing these Regulations.

Part 3 sets out the transitional provisions and consequential amendments. Qualified certificates issued before 1 July 2016, under the 2002 Regulations, are considered to be qualified certificates for electronic signatures under this Regulation until their expiry.

Schedules 1 and 2 set out the penalty and enforcement regime. Schedule 1 provides that where the supervisory body is satisfied that a trust service provider is in contravention of the eIDAS Regulation, it may issue a monetary penalty. Schedule 2 provides that where the supervisory body is satisfied that a trust service provider is in contravention of the eIDAS Regulation, the supervisory body may withdraw the provider’s qualified status or serve an enforcement notice, assessment notice or an information notice. A trust service provider served with a monetary penalty or notice may appeal to the Upper or First-tier Tribunal.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.

A transposition note is available from the European Reform Directorate, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET and is also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.