

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 and repealing Directive 1999/93/EC

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

With a view to ensuring the proper functioning of the ^{F1}... market while aiming at an adequate level of security of ^{F2}... trust services this Regulation:

- (a) ^{F3}
- (b) lays down rules for trust services, in particular for electronic transactions; and
- (c) establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic registered delivery services and certificate services for website authentication.

Textual Amendments

- F1** Word in *Art. 1* omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 2(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in *Art. 1* omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 2(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** *Art. 1(a)* omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 2(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 2

Scope

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2 This Regulation does not apply to the provision of trust services that are used exclusively within closed systems [^{F5}by operation of law] or from agreements between a defined set of participants.

3 This Regulation does not affect [^{F6}the] law related to the conclusion and validity of contracts or other legal or procedural obligations relating to form.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F4** Art. 2(1) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 3(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 2(2) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 3(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 2(3) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 3(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘electronic identification’ means the process of using person identification data in electronic form uniquely representing either a natural or legal person, or a natural person representing a legal person;
- (2) ‘electronic identification means’ means a material and/or immaterial unit containing person identification data and which is used for authentication for an online service;
- (3) ‘person identification data’ means a set of data enabling the identity of a natural or legal person, or a natural person representing a legal person to be established;
- (4) ^{F7}
- (5) ‘authentication’ means an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed;
- (6) ‘relying party’ means a natural or legal person that relies upon ^{F8}... a trust service;
- (7) ‘public sector body’ means a state, regional or local authority, a body governed by public law or an association formed by one or several such authorities or one or several such bodies governed by public law, or a private entity mandated by at least one of those authorities, bodies or associations to provide public services, when acting under such a mandate;
- (8) ‘body governed by public law’ [^{F9}has the same meaning as in the Public Contracts Regulations 2015 (S.I. 2015/102) (see the definition of “bodies governed by public law” in regulation 2(1) of those Regulations);]
- (9) ‘signatory’ means a natural person who creates an electronic signature;
- (10) ‘electronic signature’ means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;
- (11) ‘advanced electronic signature’ means an electronic signature which meets the requirements set out in Article 26;

- (12) ‘qualified electronic signature’ means an advanced electronic signature that is created by a qualified electronic signature creation device, and which is based on a qualified certificate for electronic signatures;
- (13) ‘electronic signature creation data’ means unique data which is used by the signatory to create an electronic signature;
- (14) ‘certificate for electronic signature’ means an electronic attestation which links electronic signature validation data to a natural person and confirms at least the name or the pseudonym of that person;
- (15) ‘qualified certificate for electronic signature’ means a certificate for electronic signatures, that is issued by a qualified trust service provider and meets the requirements laid down in Annex I;
- (16) ‘trust service’ means an electronic service normally provided for remuneration which consists of:
- (a) the creation, verification, and validation of electronic signatures, electronic seals or electronic time stamps, electronic registered delivery services and certificates related to those services, or
 - (b) the creation, verification and validation of certificates for website authentication; or
 - (c) the preservation of electronic signatures, seals or certificates related to those services;
- (17) ‘qualified trust service’ means a trust service that meets the applicable requirements laid down in this Regulation;
- (18) ‘conformity assessment body’ means a body defined in point 13 of Article 2 of Regulation (EC) No 765/2008, which is accredited in accordance with that Regulation as competent to carry out conformity assessment of a qualified trust service provider and the qualified trust services it provides;
- (19) ‘trust service provider’ means a natural or a legal person who provides one or more trust services either as a qualified or as a non-qualified trust service provider;
- (20) ‘qualified trust service provider’ means a trust service provider who provides one or more qualified trust services and is granted the qualified status by the supervisory body;
- (21) ‘product’ means hardware or software, or relevant components of hardware or software, which are intended to be used for the provision of trust services;
- (22) ‘electronic signature creation device’ means configured software or hardware used to create an electronic signature;
- (23) ‘qualified electronic signature creation device’ means an electronic signature creation device that meets the requirements laid down in Annex II;
- (24) ‘creator of a seal’ means a legal person who creates an electronic seal;
- (25) ‘electronic seal’ means data in electronic form, which is attached to or logically associated with other data in electronic form to ensure the latter’s origin and integrity;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

- (26) ‘advanced electronic seal’ means an electronic seal, which meets the requirements set out in Article 36;
- (27) ‘qualified electronic seal’ means an advanced electronic seal, which is created by a qualified electronic seal creation device, and that is based on a qualified certificate for electronic seal;
- (28) ‘electronic seal creation data’ means unique data, which is used by the creator of the electronic seal to create an electronic seal;
- (29) ‘certificate for electronic seal’ means an electronic attestation that links electronic seal validation data to a legal person and confirms the name of that person;
- (30) ‘qualified certificate for electronic seal’ means a certificate for an electronic seal, that is issued by a qualified trust service provider and meets the requirements laid down in Annex III;
- (31) ‘electronic seal creation device’ means configured software or hardware used to create an electronic seal;
- (32) ‘qualified electronic seal creation device’ means an electronic seal creation device that meets mutatis mutandis the requirements laid down in Annex II;
- (33) ‘electronic time stamp’ means data in electronic form which binds other data in electronic form to a particular time establishing evidence that the latter data existed at that time;
- (34) ‘qualified electronic time stamp’ means an electronic time stamp which meets the requirements laid down in Article 42;
- (35) ‘electronic document’ means any content stored in electronic form, in particular text or sound, visual or audiovisual recording;
- (36) ‘electronic registered delivery service’ means a service that makes it possible to transmit data between third parties by electronic means and provides evidence relating to the handling of the transmitted data, including proof of sending and receiving the data, and that protects transmitted data against the risk of loss, theft, damage or any unauthorised alterations;
- (37) ‘qualified electronic registered delivery service’ means an electronic registered delivery service which meets the requirements laid down in Article 44;
- (38) ‘certificate for website authentication’ means an attestation that makes it possible to authenticate a website and links the website to the natural or legal person to whom the certificate is issued;
- (39) ‘qualified certificate for website authentication’ means a certificate for website authentication, which is issued by a qualified trust service provider and meets the requirements laid down in Annex IV;
- (40) ‘validation data’ means data that is used to validate an electronic signature or an electronic seal;
- (41) ‘validation’ means the process of verifying and confirming that an electronic signature or a seal is valid;
- (42) [F10] ‘the equivalent EU law’ means Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

services for electronic transactions in the internal market and repealing Directive 1999/93/EC, or any instrument replacing that Regulation, as it has effect in EU law from time to time.]

Textual Amendments

- F7** Art. 3(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 4(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 3(6) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 4(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 3(8) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 4(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 3(42) inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 4(5)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F11} Article 4

Internal market principle

Textual Amendments

- F11** Art. 4 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 5**; 2020 c. 1, Sch. 5 para. 1(1)

^{F12} Article 5

Data processing and protection

Textual Amendments

- F12** Art. 5 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 6**; 2020 c. 1, Sch. 5 para. 1(1)

^{F13} CHAPTER II

ELECTRONIC IDENTIFICATION

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F13** Ch. 2 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 7**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER III

TRUST SERVICES

SECTION 1

General provisions

Article 13

Liability and burden of proof

1 Without prejudice to paragraph 2, trust service providers [^{F14}established in the United Kingdom or in the EU] shall be liable for damage caused intentionally or negligently to any natural or legal person due to a failure to comply with the obligations under this Regulation.

The burden of proving intention or negligence of a non-qualified trust service provider shall lie with the natural or legal person claiming the damage referred to in the first subparagraph.

The intention or negligence of a qualified trust service provider shall be presumed unless that qualified trust service provider proves that the damage referred to in the first subparagraph occurred without the intention or negligence of that qualified trust service provider.

2 Where trust service providers duly inform their customers in advance of the limitations on the use of the services they provide and where those limitations are recognisable to third parties, trust service providers shall not be liable for damages arising from the use of services exceeding the indicated limitations.

3 Paragraphs 1 and 2 shall be applied in accordance with [^{F15}general principles of liability in tort or delict].

Textual Amendments

- F14** Words in [Art. 13\(1\)](#) inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 8(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in [Art. 13\(3\)](#) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 8(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

F16 Article 14

International aspects

Textual Amendments

F16 Art. 14 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 9**; 2020 c. 1, Sch. 5 para. 1(1)

F17 Article 15

Accessibility for persons with disabilities

Textual Amendments

F17 Art. 15 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 10**; 2020 c. 1, Sch. 5 para. 1(1)

F18 Article 16

Penalties

Textual Amendments

F18 Art. 16 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 11**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 2

Supervision

Article 17

Supervisory body

*F19*¹

*F20*²

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

3 The role of the supervisory body [^{F21}(as assigned to the Information Commissioner by regulation 3 of the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696))] shall be the following:

- a to supervise qualified trust service providers established in the [^{F22}United Kingdom] to ensure, through *ex ante* and *ex post* supervisory activities, that those qualified trust service providers and the qualified trust services that they provide meet the requirements laid down in this Regulation;
- b to take action if necessary, in relation to non-qualified trust service providers established in the [^{F23}United Kingdom], through *ex post* supervisory activities, when informed that those non-qualified trust service providers or the trust services they provide allegedly do not meet the requirements laid down in this Regulation.

4 For the purposes of paragraph 3 and subject to the limitations provided therein, the tasks of the supervisory body shall include in particular:

- ^{F24}a
- b to analyse the conformity assessment reports referred to in Articles 20(1) and 21(1);
- c to inform ^{F25}... the public about breaches of security or loss of integrity in accordance with Article 19(2);
- ^{F26}d
- e to carry out audits or request a conformity assessment body to perform a conformity assessment of the qualified trust service providers in accordance with Article 20(2);
- f to cooperate with the data protection authorities, in particular, by informing them without undue delay, about the results of audits of qualified trust service providers, where personal data protection rules appear to have been breached;
- g to grant qualified status to trust service providers and to the services they provide and to withdraw this status in accordance with Articles 20 and 21;
- h to inform the body responsible for the ^{F27}... trusted list referred to in Article 22(3) about its decisions to grant or to withdraw qualified status, unless that body is also the supervisory body;
- i to verify the existence and correct application of provisions on termination plans in cases where the qualified trust service provider ceases its activities, including how information is kept accessible in accordance with point (h) of Article 24(2);
- j to require that trust service providers remedy any failure to fulfil the requirements laid down in this Regulation.

[^{F28}5 The Secretary of State may give directions to the supervisory body requiring it to establish, maintain and update a trust infrastructure in accordance with the directions.]

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Textual Amendments

F19 Art. 17(1) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F20 Art. 17(2) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

- F21** Words in Art. 17(3) inserted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 17(3)(a) substituted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 17(3)(b) substituted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Art. 17(4)(a) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 17(4)(c) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Art. 17(4)(d) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in Art. 17(4)(h) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Art. 17(5) substituted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Art. 17(6)-(8) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 12(6)**; 2020 c. 1, Sch. 5 para. 1(1)

F³⁰ Article 18

Co-operation with EU authorities

1 The supervisory body may give information and assistance to, and otherwise co-operate with, a public authority in the EU if the supervisory body considers that to do so would be in the interests of effective regulation or supervision of trust services (whether inside or outside the United Kingdom).

2 Nothing in paragraph 1 authorises the processing of personal data other than in accordance with the data protection legislation.

In this paragraph, “processing”, “personal data” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.]

Textual Amendments

- F30** Art. 18 substituted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 13**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Article 19

Security requirements applicable to trust service providers

1 Qualified and non-qualified trust service providers [^{F31}established in the United Kingdom] shall take appropriate technical and organisational measures to manage the risks posed to the security of the trust services they provide. Having regard to the latest technological developments, those measures shall ensure that the level of security is commensurate to the degree of risk. In particular, measures shall be taken to prevent and minimise the impact of security incidents and inform stakeholders of the adverse effects of any such incidents.

2 Qualified and non-qualified trust service providers [^{F32}established in the United Kingdom] shall, without undue delay but in any event within 24 hours after having become aware of it, notify the supervisory body ^{F33}... of any breach of security or loss of integrity that has a significant impact on the trust service provided or on the personal data maintained therein.

Where the breach of security or loss of integrity is likely to adversely affect a natural or legal person to whom the trusted service has been provided, the trust service provider shall also notify the natural or legal person of the breach of security or loss of integrity without undue delay.

^{F34}
...

The notified supervisory body shall inform the public or require the trust service provider to do so, where it determines that disclosure of the breach of security or loss of integrity is in the public interest.

^{F35}3

^{F36}4

Textual Amendments

- F31** Words in Art. 19(1) inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 19(2) inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 19(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 19(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Art. 19(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Art. 19(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 14(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

SECTION 3

Qualified trust services

Article 20

Supervision of qualified trust service providers

1 Qualified trust service providers shall be audited at their own expense at least every 24 months by a conformity assessment body. The purpose of the audit shall be to confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in this Regulation. The qualified trust service providers shall submit the resulting conformity assessment report to the supervisory body within the period of three working days after receiving it.

2 Without prejudice to paragraph 1, the supervisory body may at any time audit or request a conformity assessment body to perform a conformity assessment of the qualified trust service providers, at the expense of those trust service providers, to confirm that they and the qualified trust services provided by them fulfil the requirements laid down in this Regulation. Where personal data protection rules appear to have been breached, the supervisory body shall inform the data protection authorities of the results of its audits.

3 Where the supervisory body requires the qualified trust service provider to remedy any failure to fulfil requirements under this Regulation and where that provider does not act accordingly, and if applicable within a time limit set by the supervisory body, the supervisory body, taking into account, in particular, the extent, duration and consequences of that failure, may withdraw the qualified status of that provider or of the affected service it provides and inform the body referred to in Article 22(3) for the purposes of updating the trusted [^{F37}list] referred to in Article 22(1). The supervisory body shall inform the qualified trust service provider of the withdrawal of its qualified status or of the qualified status of the service concerned.

^{F38}4

Textual Amendments

- F37** Word in [Art. 20\(3\)](#) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), [Sch. para. 15\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F38** [Art. 20\(4\)](#) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), [Sch. para. 15\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 21

Initiation of a qualified trust service

1 Where trust service providers [^{F39}established in the United Kingdom], without qualified status, intend to start providing qualified trust services, they shall submit to the supervisory body a notification of their intention together with a conformity assessment report issued by a conformity assessment body.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

2 The supervisory body shall verify whether the trust service provider and the trust services provided by it comply with the requirements laid down in this Regulation, and in particular, with the requirements for qualified trust service providers and for the qualified trust services they provide.

If the supervisory body concludes that the trust service provider and the trust services provided by it comply with the requirements referred to in the first subparagraph, the supervisory body shall grant qualified status to the trust service provider and the trust services it provides and inform the body referred to in Article 22(3) for the purposes of updating the trusted [^{F40}list] referred to in Article 22(1), not later than three months after notification in accordance with paragraph 1 of this Article.

If the verification is not concluded within three months of notification, the supervisory body shall inform the trust service provider specifying the reasons for the delay and the period within which the verification is to be concluded.

3 Qualified trust service providers may begin to provide the qualified trust service after the qualified status has been indicated in the trusted [^{F41}list] referred to in Article 22(1).

^{F42}4

Textual Amendments

- F39** Words in Art. 21(1) inserted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 16(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Word in Art. 21(2) substituted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 16(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Word in Art. 21(3) substituted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 16(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Art. 21(4) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 16(d)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F43} Article 22

Trusted list

1 The Secretary of State must make arrangements for the maintenance and publication of a trusted list, containing information relating to qualified trust service providers and the qualified trust services provided by them.

2 The arrangements must provide for the maintenance and publication of the trusted list, in a secured manner, in a form that is electronically signed or sealed and suitable for automated processing.

3 The arrangements must provide for a body to be responsible for the maintenance and publication of the trusted list.

4 The arrangements may provide for the trusted list to include information relating to trust service providers established in the United Kingdom that do not have qualified status, and

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

the trust services provided by them. Where the arrangements do so, they must also provide for the list to indicate clearly which providers and services are not qualified.

5 The arrangements must provide for the publication, in a form that is electronically signed or sealed and suitable for automated processing, of:

- a information on the body referred to in paragraph 3, and
- b details of where the trusted list is published, the certificates used to sign or seal the list, and any changes thereto.

6 The trusted list maintained under this Article is initially to consist of the information that was in the list maintained immediately before exit day under Article 22 of this Regulation as it then had effect.]

Textual Amendments

F43 Art. 22 substituted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 17**; 2020 c. 1, Sch. 5 para. 1(1)

^{F44}Article 23

EU trust mark for qualified trust services

Textual Amendments

F44 Art. 23 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 18**; 2020 c. 1, Sch. 5 para. 1(1)

Article 24

Requirements for qualified trust service providers

1 When issuing a qualified certificate for a trust service, a qualified trust service provider shall verify, by appropriate means ^{F45}..., the identity and, if applicable, any specific attributes of the natural or legal person to whom the qualified certificate is issued.

The information referred to in the first subparagraph shall be verified by the qualified trust service provider either directly or by relying on a third party ^{F46}...:

- a by the physical presence of the natural person or of an authorised representative of the legal person; or
- b remotely, using electronic identification means, for which prior to the issuance of the qualified certificate, a physical presence of the natural person or of an authorised representative of the legal person was ensured and which meets the requirements [^{F47}for the assurance levels ‘substantial’ or ‘high’ under the equivalent EU law so far as relating to electronic identification schemes (or would meet those requirements if they were not predicated on the doing of anything in, or by, a member State)]; or

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

- c by means of a certificate of a qualified electronic signature or of a qualified electronic seal issued in compliance with point (a) or (b); or
 - d by using other identification methods ^{F48}... which provide equivalent assurance in terms of reliability to physical presence. The equivalent assurance shall be confirmed by a conformity assessment body.
- 2 A qualified trust service provider providing qualified trust services shall:
- a inform the supervisory body of any change in the provision of its qualified trust services and an intention to cease those activities;
 - b employ staff and, if applicable, subcontractors who possess the necessary expertise, reliability, experience, and qualifications and who have received appropriate training regarding security and personal data protection rules and shall apply administrative and management procedures which correspond to European or international standards;
 - c with regard to the risk of liability for damages in accordance with Article 13, maintain sufficient financial resources and/or obtain appropriate liability insurance ^{F49}...;
 - d before entering into a contractual relationship, inform, in a clear and comprehensive manner, any person seeking to use a qualified trust service of the precise terms and conditions regarding the use of that service, including any limitations on its use;
 - e use trustworthy systems and products that are protected against modification and ensure the technical security and reliability of the processes supported by them;
 - f use trustworthy systems to store data provided to it, in a verifiable form so that:
 - (i) they are publicly available for retrieval only where the consent of the person to whom the data relates has been obtained,
 - (ii) only authorised persons can make entries and changes to the stored data,
 - (iii) the data can be checked for authenticity;
 - g take appropriate measures against forgery and theft of data;
 - h record and keep accessible for an appropriate period of time, including after the activities of the qualified trust service provider have ceased, all relevant information concerning data issued and received by the qualified trust service provider, in particular, for the purpose of providing evidence in legal proceedings and for the purpose of ensuring continuity of the service. Such recording may be done electronically;
 - i have an up-to-date termination plan to ensure continuity of service in accordance with provisions verified by the supervisory body under point (i) of Article 17(4);
 - j ensure lawful processing of personal data ^{F50}...;
 - k in case of qualified trust service providers issuing qualified certificates, establish and keep updated a certificate database.
- 3 If a qualified trust service provider issuing qualified certificates decides to revoke a certificate, it shall register such revocation in its certificate database and publish the revocation status of the certificate in a timely manner, and in any event within 24 hours after the receipt of the request. The revocation shall become effective immediately upon its publication.
- 4 With regard to paragraph 3, qualified trust service providers issuing qualified certificates shall provide to any relying party information on the validity or revocation status of qualified certificates issued by them. This information shall be made available at least on a per certificate basis at any time and beyond the validity period of the certificate in an automated manner that is reliable, free of charge and efficient.

^{F51}5

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F45** Words in Art. 24(1) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 24(1) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 24(1)(b) substituted (31.12.2020) by The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 24(1)(d) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(2)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 24(2)(c) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 24(2)(j) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Art. 24(5) omitted (31.12.2020) by virtue of The Electronic Identification and Trust Services for Electronic Transactions (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/89), reg. 1(2), **Sch. para. 19(4)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F52}Article 24A

Recognition of EU standards etc.

1 For the purposes of Articles 25(2), 27, 35(2), 37, 41(2) and 43(2) (and any implementing measures having effect for the purposes of those provisions), anything which is not qualified under this Regulation is to be treated as qualified if:

- a it is qualified under the equivalent EU law, or
- b the application of any one or more of the assumptions in paragraph 2 would result in its being qualified under either this Regulation or the equivalent EU law.

2 The assumptions are:

- a to the extent that being qualified depends on anything being done by a qualified trust services provider, that a trust services provider with qualified status under this Regulation has qualified status under the equivalent EU law (and *vice versa*);
- b to the extent that being qualified depends on any related service, device, process or record being qualified, that any such thing that is qualified under this Regulation is qualified under the equivalent EU law (and *vice versa*);
- c to the extent that being qualified depends on meeting any technical standard or requirement, that anything meeting such a standard or requirement under this Regulation meets any corresponding standard or requirement under the equivalent EU law (and *vice versa*).

3 For the purposes of this Article, a trust service is not to be regarded as being qualified under the equivalent EU law if it is qualified (or is treated as such) only by virtue of provision for the recognition of trust services provided by entities established outside the EU pursuant to an international agreement to which the EU is party.]

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F52 Art. 24A inserted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 20**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 4

Electronic signatures

Article 25

Legal effects of electronic signatures

1 An electronic signature shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic signatures.

2 A qualified electronic signature shall have the equivalent legal effect of a handwritten signature.

^{F53}

Textual Amendments

F53 Art. 25(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 21**; 2020 c. 1, Sch. 5 para. 1(1)

Article 26

Requirements for advanced electronic signatures

An advanced electronic signature shall meet the following requirements:

- (a) it is uniquely linked to the signatory;
- (b) it is capable of identifying the signatory;
- (c) it is created using electronic signature creation data that the signatory can, with a high level of confidence, use under his sole control; and
- (d) it is linked to the data signed therewith in such a way that any subsequent change in the data is detectable.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Article 27

Electronic signatures in public services

[^{F54}1 If a public sector body requires an advanced electronic signature for the use of an online service offered by or on behalf of that body (but does not require it to be based on a qualified certificate for electronic signature), the body must recognise any advanced electronic signature (whether or not based on a qualified certificate for electronic signature) that complies with the Implementing Decision.

2 If a public sector body requires an advanced electronic signature based on a qualified certificate for electronic signature to use an online service offered by or on behalf of that body, the body must recognise any advanced electronic signature based on a qualified certificate for electronic signature, or any qualified electronic signature, that complies with the Implementing Decision.

3 If a public sector body requires an electronic signature to use an online service offered by or on behalf of that body, the body may not, for the use of that service from a place outside the United Kingdom, require the signature to be at a higher security level than that of a qualified electronic signature.]

^{F55}4

[^{F56}5 In this Article “the Implementing Decision” means Commission Implementing Decision (EU) 2015/1506 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies.]

Textual Amendments

F54 Art. 27(1)-(3) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 22(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F55 Art. 27(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 22(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F56 Art. 27(5) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 22(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 28

Qualified certificates for electronic signatures

1 Qualified certificates for electronic signatures shall meet the requirements laid down in Annex I.

^{F57}2

3 Qualified certificates for electronic signatures may include non-mandatory additional specific attributes. Those attributes shall not affect the interoperability and recognition of qualified electronic signatures.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

4 If a qualified certificate for electronic signatures has been revoked after initial activation, it shall lose its validity from the moment of its revocation, and its status shall not in any circumstances be reverted.

F58 5

F59 6

Textual Amendments

- F57** Art. 28(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 23**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Art. 28(5) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 23**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Art. 28(6) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 23**; 2020 c. 1, Sch. 5 para. 1(1)

Article 29

Requirements for qualified electronic signature creation devices

1 Qualified electronic signature creation devices shall meet the requirements laid down in Annex II.

F60 2

Textual Amendments

- F60** Art. 29(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 24**; 2020 c. 1, Sch. 5 para. 1(1)

Article 30

Certification of qualified electronic signature creation devices

1 Conformity of qualified electronic signature creation devices with the requirements laid down in Annex II shall be certified by appropriate public or private bodies designated by [F61 a person appointed for that purpose by the Secretary of State (“the appointed person”)].

[F62 2 The appointed person must notify the supervisory body of the name and address of any body the person designates under paragraph 1.

2A The supervisory body must maintain a list of the names and addresses of the designated bodies notified to it under paragraph 2.]

3 The certification referred to in paragraph 1 shall be based on one of the following:
a a security evaluation process [F63 that complies with the Implementing Decision]; or

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

- b a process other than the process referred to in point (a), provided that it uses comparable security levels and provided that the public or private body referred to in paragraph 1 notifies that process to the [^{F64}supervisory body]. That process may be used only in the absence of standards referred to in point (a) or when a security evaluation process referred to in point (a) is ongoing.

[^{F65}In this paragraph “the Implementing Decision” means Commission Implementing Decision (EU) 2016/650 laying down standards for the security assessment of qualified signature and seal creation devices.]

^{F66}4

Textual Amendments

- F61** Words in Art. 30(1) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F62** Art. 30(2)(2A) substituted for Art. 30(2) (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 30(3)(a) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in Art. 30(3)(b) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Words in Art. 30(3) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F66** Art. 30(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 25(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 31

Publication of a list of certified qualified electronic signature creation devices

[^{F67}1 A body designated under Article 30(1) must notify the supervisory body as soon as reasonably practicable of any certification of conformity that it makes, or cancels, for the purposes of Article 30.

2 The supervisory body must maintain and publish a list of electronic signature creation devices the certification of which is notified to it under paragraph 1.]

^{F68}3

Textual Amendments

- F67** Art. 31(1)(2) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 26(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

F68 Art. 31(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 26(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 32

Requirements for the validation of qualified electronic signatures

1 The process for the validation of a qualified electronic signature shall confirm the validity of a qualified electronic signature provided that:

- a the certificate that supports the signature was, at the time of signing, a qualified certificate for electronic signature complying with Annex I;
- b the qualified certificate was issued by a qualified trust service provider and was valid at the time of signing;
- c the signature validation data corresponds to the data provided to the relying party;
- d the unique set of data representing the signatory in the certificate is correctly provided to the relying party;
- e the use of any pseudonym is clearly indicated to the relying party if a pseudonym was used at the time of signing;
- f the electronic signature was created by a qualified electronic signature creation device;
- g the integrity of the signed data has not been compromised;
- h the requirements provided for in Article 26 were met at the time of signing.

2 The system used for validating the qualified electronic signature shall provide to the relying party the correct result of the validation process and shall allow the relying party to detect any security relevant issues.

F69³

Textual Amendments

F69 Art. 32(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 27**; 2020 c. 1, Sch. 5 para. 1(1)

Article 33

Qualified validation service for qualified electronic signatures

1 A qualified validation service for qualified electronic signatures may only be provided by a qualified trust service provider who:

- a provides validation in compliance with Article 32(1); and
- b allows relying parties to receive the result of the validation process in an automated manner, which is reliable, efficient and bears the advanced electronic signature or advanced electronic seal of the provider of the qualified validation service.

F70²

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F70 Art. 33(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 28**; 2020 c. 1, Sch. 5 para. 1(1)

Article 34

Qualified preservation service for qualified electronic signatures

1 A qualified preservation service for qualified electronic signatures may only be provided by a qualified trust service provider that uses procedures and technologies capable of extending the trustworthiness of the qualified electronic signature beyond the technological validity period.

^{F71}2

Textual Amendments

F71 Art. 34(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 29**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 5

Electronic seals

Article 35

Legal effects of electronic seals

1 An electronic seal shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic seals.

2 A qualified electronic seal shall enjoy the presumption of integrity of the data and of correctness of the origin of that data to which the qualified electronic seal is linked.

^{F72}3

Textual Amendments

F72 Art. 35(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 30**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Article 36

Requirements for advanced electronic seals

An advanced electronic seal shall meet the following requirements:

- (a) it is uniquely linked to the creator of the seal;
- (b) it is capable of identifying the creator of the seal;
- (c) it is created using electronic seal creation data that the creator of the seal can, with a high level of confidence under its control, use for electronic seal creation; and
- (d) it is linked to the data to which it relates in such a way that any subsequent change in the data is detectable.

Article 37

Electronic seals in public services

[^{F73}1 If a public sector body requires an advanced electronic seal for the use of an online service offered by or on behalf of that body (but does not require it to be based on a qualified certificate for electronic seal), the body must recognise any advanced electronic seal (whether or not based on a qualified certificate for electronic seal) that complies with the Implementing Decision.

2 If a public sector body requires an advanced electronic seal based on a qualified certificate for electronic seal to use an online service offered by or on behalf of that body, the body must recognise any advanced electronic seal based on a qualified certificate for electronic seal, or any qualified electronic seal, that complies with the Implementing Decision.

3 If a public sector body requires an electronic seal to use an online service offered by or on behalf of that body, the body may not, for the use of that service from a place outside the United Kingdom, require the seal to be at a higher security level than that of a qualified electronic seal.]

^{F74}

[^{F75}5 In this Article “the Implementing Decision” means Commission Implementing Decision (EU) 2015/1506 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies.]

Textual Amendments

F73 Art. 37(1)-(3) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 31(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F74 Art. 37(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 31(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F75 Art. 37(5) substituted (31.12.2020) by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 31(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Article 38

Qualified certificates for electronic seals

1 Qualified certificates for electronic seals shall meet the requirements laid down in Annex III.

F76²

3 Qualified certificates for electronic seals may include non-mandatory additional specific attributes. Those attributes shall not affect the interoperability and recognition of qualified electronic seals.

4 If a qualified certificate for an electronic seal has been revoked after initial activation, it shall lose its validity from the moment of its revocation, and its status shall not in any circumstances be reverted.

F77⁵

F78⁶

Textual Amendments

- F76** Art. 38(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 32**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Art. 38(5) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 32**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Art. 38(6) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 32**; 2020 c. 1, Sch. 5 para. 1(1)

Article 39

Qualified electronic seal creation devices

1 Article 29 shall apply mutatis mutandis to requirements for qualified electronic seal creation devices.

2 Article 30 shall apply mutatis mutandis to the certification of qualified electronic seal creation devices.

3 Article 31 shall apply mutatis mutandis to the publication of a list of certified qualified electronic seal creation devices.

Article 40

Validation and preservation of qualified electronic seals

Articles 32, 33 and 34 shall apply mutatis mutandis to the validation and preservation of qualified electronic seals.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

SECTION 6

Electronic time stamps

Article 41

Legal effect of electronic time stamps

1 An electronic time stamp shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic time stamp.

2 A qualified electronic time stamp shall enjoy the presumption of the accuracy of the date and the time it indicates and the integrity of the data to which the date and time are bound.

F793

Textual Amendments

F79 Art. 41(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 33**; 2020 c. 1, Sch. 5 para. 1(1)

Article 42

Requirements for qualified electronic time stamps

1 A qualified electronic time stamp shall meet the following requirements:

- a it binds the date and time to data in such a manner as to reasonably preclude the possibility of the data being changed undetectably;
- b it is based on an accurate time source linked to Coordinated Universal Time; and
- c it is signed using an advanced electronic signature or sealed with an advanced electronic seal of the qualified trust service provider, or by some equivalent method.

F802

Textual Amendments

F80 Art. 42(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 34**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

SECTION 7

Electronic registered delivery services

Article 43

Legal effect of an electronic registered delivery service

- 1 Data sent and received using an electronic registered delivery service shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic registered delivery service.
- 2 Data sent and received using a qualified electronic registered delivery service shall enjoy the presumption of the integrity of the data, the sending of that data by the identified sender, its receipt by the identified addressee and the accuracy of the date and time of sending and receipt indicated by the qualified electronic registered delivery service.

Article 44

Requirements for qualified electronic registered delivery services

- 1 Qualified electronic registered delivery services shall meet the following requirements:
 - a they are provided by one or more qualified trust service provider(s);
 - b they ensure with a high level of confidence the identification of the sender;
 - c they ensure the identification of the addressee before the delivery of the data;
 - d the sending and receiving of data is secured by an advanced electronic signature or an advanced electronic seal of a qualified trust service provider in such a manner as to preclude the possibility of the data being changed undetectably;
 - e any change of the data needed for the purpose of sending or receiving the data is clearly indicated to the sender and addressee of the data;
 - f the date and time of sending, receiving and any change of data are indicated by a qualified electronic time stamp.

In the event of the data being transferred between two or more qualified trust service providers, the requirements in points (a) to (f) shall apply to all the qualified trust service providers.

F812

Textual Amendments

- F81** Art. 44(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 35**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

SECTION 8

Website authentication

Article 45

Requirements for qualified certificates for website authentication

1 Qualified certificates for website authentication shall meet the requirements laid down in Annex IV.

^{F82}2

Textual Amendments

F82 Art. 45(2) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 36**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER IV

ELECTRONIC DOCUMENTS

Article 46

Legal effects of electronic documents

An electronic document shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form.

^{F83}CHAPTER V

DELEGATIONS OF POWER AND IMPLEMENTING PROVISIONS

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Textual Amendments

F83 Ch. 5 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 37**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

CHAPTER VI

FINAL PROVISIONS

^{F84}Article 49

Review

Textual Amendments

F84 Art. 49 omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 38**; 2020 c. 1, Sch. 5 para. 1(1)

Article 50

Repeal

- 1 Directive 1999/93/EC is repealed with effect from 1 July 2016.
- 2 References to the repealed Directive shall be construed as references to this Regulation.

Article 51

Transitional measures

- 1 Secure signature creation devices of which the conformity has been determined in accordance with Article 3(4) of Directive 1999/93/EC shall be considered as qualified electronic signature creation devices under this Regulation.
- 2 Qualified certificates issued to natural persons under Directive 1999/93/EC shall be considered as qualified certificates for electronic signatures under this Regulation until they expire.

^{F85}3

^{F86}4

Textual Amendments

F85 Art. 51(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 39**; 2020 c. 1, Sch. 5 para. 1(1)

F86 Art. 51(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 39**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

Article 52

Entry into force

1 This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2 This Regulation shall apply from 1 July 2016, except for the following:

- a Articles 8(3), 9(5), 12(2) to (9), 17(8), 19(4), 20(4), 21(4), 22(5), 23(3), 24(5), 27(4) and (5), 28(6), 29(2), 30(3) and (4), 31(3), 32(3), 33(2), 34(2), 37(4) and (5), 38(6), 42(2), 44(2), 45(2), and Articles 47 and 48 shall apply from 17 September 2014;
- b Article 7, Article 8(1) and (2), Articles 9, 10, 11 and Article 12(1) shall apply from the date of application of the implementing acts referred to in Articles 8(3) and 12(8);
- c Article 6 shall apply from three years as from the date of application of the implementing acts referred to in Articles 8(3) and 12(8).

F87 3

F88 4

Textual Amendments

F87 Art. 52(3) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 40**; 2020 c. 1, Sch. 5 para. 1(1)

F88 Art. 52(4) omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), **Sch. para. 40**; 2020 c. 1, Sch. 5 para. 1(1)

F89 ...

Done at Brussels, 23 July 2014.

For the Parliament

The President

M. SCHULZ

For the Council

The President

S. GOZI

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council. (See end of Document for details)

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Textual Amendments

- F89** Words in Signature omitted (31.12.2020) by virtue of [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/89\)](#), reg. 1(2), [Sch. para. 41](#); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 910/2014 of the European Parliament and of the Council.