

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 III

TRUST SERVICES

SECTION 2

Supervision

Article 17

Supervisory body

1 Member States shall designate a supervisory body established in their territory or, upon mutual agreement with another Member State, a supervisory body established in that other Member State. That body shall be responsible for supervisory tasks in the designating Member State.

Supervisory bodies shall be given the necessary powers and adequate resources for the exercise of their tasks.

2 Member States shall notify to the Commission the names and the addresses of their respective designated supervisory bodies.

3 The role of the supervisory body shall be the following:

- a to supervise qualified trust service providers established in the territory of the designating Member State 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 territory of the designating Member State, 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:

- a to cooperate with other supervisory bodies and provide them with assistance in accordance with Article 18;
- b to analyse the conformity assessment reports referred to in Articles 20(1) and 21(1);
- c to inform other supervisory bodies and the public about breaches of security or loss of integrity in accordance with Article 19(2);
- d to report to the Commission about its main activities in accordance with paragraph 6 of this Article;
- 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);

Status: Point in time view as at 31/01/2020.

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, SECTION 2. (See end of Document for details)

- 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 national 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.
- 5 Member States may require the supervisory body to establish, maintain and update a trust infrastructure in accordance with the conditions under national law.
- 6 By 31 March each year, each supervisory body shall submit to the Commission a report on its previous calendar year's main activities together with a summary of breach notifications received from trust service providers in accordance with Article 19(2).
- 7 The Commission shall make the annual report referred to in paragraph 6 available to Member States.
- 8 The Commission may, by means of implementing acts, define the formats and procedures for the report referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Article 18

Mutual assistance

- 1 Supervisory bodies shall cooperate with a view to exchanging good practice.
- A supervisory body shall, upon receipt of a justified request from another supervisory body, provide that body with assistance so that the activities of supervisory bodies can be carried out in a consistent manner. Mutual assistance may cover, in particular, information requests and supervisory measures, such as requests to carry out inspections related to the conformity assessment reports as referred to in Articles 20 and 21.
- 2 A supervisory body to which a request for assistance is addressed may refuse that request on any of the following grounds:
- a the supervisory body is not competent to provide the requested assistance;
 - b the requested assistance is not proportionate to supervisory activities of the supervisory body carried out in accordance with Article 17;
 - c providing the requested assistance would be incompatible with this Regulation.
- 3 Where appropriate, Member States may authorise their respective supervisory bodies to carry out joint investigations in which staff from other Member States' supervisory bodies is involved. The arrangements and procedures for such joint actions shall be agreed upon and established by the Member States concerned in accordance with their national law.

Status: Point in time view as at 31/01/2020.

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, SECTION 2. (See end of Document for details)

Article 19

Security requirements applicable to trust service providers

1 Qualified and non-qualified trust service providers 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 shall, without undue delay but in any event within 24 hours after having become aware of it, notify the supervisory body and, where applicable, other relevant bodies, such as the competent national body for information security or the data protection authority, 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.

Where appropriate, in particular if a breach of security or loss of integrity concerns two or more Member States, the notified supervisory body shall inform the supervisory bodies in other Member States concerned and ENISA.

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.

3 The supervisory body shall provide ENISA once a year with a summary of notifications of breach of security and loss of integrity received from trust service providers.

4 The Commission may, by means of implementing acts,:

- a further specify the measures referred to in paragraph 1; and
- b define the formats and procedures, including deadlines, applicable for the purpose of paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Status:

Point in time view as at 31/01/2020.

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, SECTION 2.