

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 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 [F1]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.

F24

Textual Amendments

F1 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)

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 3. (See end of Document for details)

F2 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 [^{F3}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.

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 [^{F4}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 [^{F5}list] referred to in Article 22(1).

^{F6}4

Textual Amendments
F3 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)
F4 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)
F5 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)
F6 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)

[^{F7}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 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

- F7** 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)

^{F8}Article 23

EU trust mark for qualified trust services

Textual Amendments

- F8** 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)

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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 ^{F9}..., 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 ^{F10}...:

- 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 [^{F11}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
- 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 ^{F12}... 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 ^{F13}...;
- 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,

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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 ^{F14} ...;
- 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.

F15

Textual Amendments

- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)

^{F16} 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:

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- 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.]

Textual Amendments

- F16** 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)

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