Council of the European Union

Brussels, 5 May 2023
(OR. en)

8933/23

**Interinstitutional File: 2021/0136(COD)**

**LIMITE**

**TELECOM 122**
**COMPET 396**
**MI 362**
**DATAPROTECT 124**
**JAI 537**
**CODEC 767**

**NOTE**

| | |
|---|---|
| From: | Presidency |
| To: | Delegations |
| No. Cion doc.: | 9471/21 |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity<br>– State of play and exchange of views |

1. The Swedish Presidency would like to thank the Czech Presidency for the substantial work done on the eID proposal and for successfully achieving a General Approach last December.

2. An opening political trilogue was held under the Swedish Presidency on 21 March, in which the technical level was mandated to work on the entire proposal. The Presidency would like to inform Delegations that eight technical discussions have taken place since the opening political trilogue and would like to present the progress achieved so far.

3. Technical meetings took place in a conducive and collaborative atmosphere across the negotiation cohort, with equal determination on the EP side to positively conclude on this file.



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4. In the ANNEX below, the amendments made by the EP and the Council on the text of the proposal compared to the Commission's proposal are found in the fourth column ("Draft Agreement") and marked as follows: the parts provisionally agreed at technical level are marked in green. The parts to be further discussed at technical level have orange markers on the sides. The rows that the Swedish Presidency would like to bring to your attention have a light yellow background.

5. At the **WP TELECOM** on **10 May**, the Presidency would like to know **whether** the tentative compromise **text marked in green is acceptable**.

6. Additionally, the Delegations are invited to express their views on:

**The obligations proposed by the EP for relying parties**

- Row 142a — The EP conceded that the registration process for relying parties should be cost-effective and proportionate-to-risk as suggested by the Council. Among the information required from relying parties, the EP insists to include the intended use of the European Digital Identity Wallet for transparency purposes, so that only the necessary data for the provision of the service is requested from the user.
- Row 144 — The Council proposed to align the wording on pseudonyms with Art. 5(2), whereby it is states that they "shall not be prohibited". However, for the EP it is important to explicitly oblige relying parties to accept the use of pseudonyms in any case where the identification of the user is not required by Union or national law.

**The new governance section proposed by the EP**

- Rows 404c to 404h — The EP proposes new articles on the governance framework for eID in a dedicated section. While their content is partly taken from Article 17 of 2014 eIDAS, it also features additional elements. In particular, a national single point of contact in the European digital identity framework would be established with a view to ensuring cross-border cooperation between Member States' competent authorities and, where appropriate, with the Commission and ENISA.



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- Rows 404m to 404ae — These rows in the EP's Article 46b are intended to outline the tasks assigned to the national competent authority. In particular, while supervisory obligations in relation to trust service providers are copied from Article 17 of 2014 eIDAS, the EP proposes to make authorities also competent for the supervision of issuers of European Digital Identity Wallets (404n) as well as of relying parties (404o), and enable them to take action in case of "unlawful or inappropriate behaviour". Throughout the article, the EP appears to enlarge the scope of supervision compared to the Commission's proposal.
- Rows 404ah to 404be — Part of the provisions found in the EP's Article 46c recall Article 18 of 2014 eIDAS on mutual assistance and cooperation. However, the EP goes further in proposing to establish a European Digital Identity Framework Board (EDIFB) in charge of, among other things, assisting the Commission in the preparation of legal and policy work; exchanging good practices and information and organising regular joint meetings with relevant interested parties; issuing common guidelines, also in relation to the notification of breaches. As outlined in row 142h as part of Article 6b, the EDIFB would also have to pursue relying parties in case of illegal or fraudulent use of the European Digital Identity Wallet, or suspend their authorisation until identified irregularities have been remedied.

7. The Swedish Presidency would appreciate to know the degree of flexibility that can be accorded to the above-mentioned issues.

8. Concerning the next steps, five additional technical meetings have been scheduled until the end of May. On a political level, the second trilogue will be held at Council premises on 23 May.

9. In preparation for the political trilogue, the Presidency will seek a revision of the mandate at the Coreper I meeting of 17 May.



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10. Delegations will be kept informed and consulted on the proposed changes at technical and political level.

11. The Swedish Presidency would like to stress its commitment to achieving an agreement on this file as soon as possible.



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# Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity

**2021/0136(COD)**

**[Version for Technical Meeting on 5 May, 2023]**

**02-05-2023 at 11h52**

| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|---|---|---|---|---|
| Formula | | | | |
| 1 | 2021/0136 (COD) | 2021/0136 (COD) | 2021/0136 (COD) | |
| Proposal Title | | | | |
| 2 | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity | |
| Formula | | | | |
| 3 | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | Text Origin: Commission Proposal |
| Citation 1 | | | | |
| 4 | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, | |
| Citation 2 | | | | |



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| 5 | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | |
| Citation 3 | | | | |
| 6 | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | |
| Citation 4 | | | | |
| 7 | Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. . | Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. . | Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. . | |
| Citation 5 | | | | |
| 8 | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | |
| Formula | | | | |
| 9 | Whereas: | Whereas: | Whereas: | |
| Recital 1 | | | | |



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| 10 | (1) The Commission Communication of 19 February 2020, entitled "Shaping Europe's Digital Future"[1] announces a revision of Regulation (EU) No 910/2014 of the European Parliament and of the Council with the aim of improving its effectiveness, extend its benefits to the private sector and promote trusted digital identities for all Europeans.<br>_____<br>1. COM/2020/67 final | (1) The Commission Communication of 19 February 2020, entitled "Shaping Europe's Digital Future"[1] announces a revision of Regulation (EU) No 910/2014 of the European Parliament and of the Council with the aim of improving its effectiveness, extend its benefits to the private sector and promote trusted digital identities for all Europeans.<br>_____<br>1. COM/2020/67 final | (1) The Commission Communication of 19 February 2020, entitled "Shaping Europe's Digital Future"[1] announces a revision of Regulation (EU) No 910/2014 of the European Parliament and of the Council with the aim of improving– its effectiveness, extend its benefits to the private sector and promote trusted digital identities for all Europeans.<br>_____<br>1. **[1]** COM/2020/67 final | |
| Recital 2 | | | | |
| 11 | (2) In its conclusions of 1-2 October 2020[1], the European Council called on the Commission to propose the development of a Union-wide framework for secure public electronic identification, including interoperable digital signatures, to provide people with control over their online identity and data as well as to enable access to public, private and cross-border digital services.<br>_____<br>1. https://www.consilium.europa.eu/en/press/press-releases/2020/10/02/european-council-conclusions-1-2-october-2020/ | (2) In its conclusions of 1-2 October 2020[1], the European Council called on the Commission to propose the development of a Union-wide framework for secure public electronic identification, including interoperable digital signatures, to provide people with control over their online identity and data as well as to enable access to public, private and cross-border digital services.<br>_____<br>1. https://www.consilium.europa.eu/en/press/press-releases/2020/10/02/european-council-conclusions-1-2-october-2020/ | (2) In its conclusions of 1-2 October 2020[1], the European Council called on the Commission to propose the development of a Union-wide framework for secure public electronic identification, including interoperable digital signatures, to provide people with control over their online identity and data as well as to enable access to public, private and cross-border digital services.<br>_____<br>1. **[1]** https://www.consilium.europa.eu/en/press/press-releases/2020/10/02/european-council-conclusions-1-2-october-2020/ | |



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| 11a | | ***(2a) The Digital Decade Policy Programme 2030 sets the objective and digital target of a Union framework which, by 2030, leads to wide deployment of a trusted, voluntary, user-controlled digital identity, that will be recognised throughout the Union and allow each user to control their data and presence in online interactions.*** | | |
| Recital 3 | | | | |
| 12 | (3) The Commission Communication of 9 March 2021 entitled "2030 Digital Compass: the European way for the Digital Decade"[1] sets the objective of a Union framework which, by 2030, leads to wide deployment of a trusted, user-controlled identity, allowing each user to control their own online interactions and presence.<br>_____<br>1. COM/2021/118 final/2 | (3) [redacted]<br>[redacted] | (3) The Commission Communication of 9 March 2021 entitled "2030 Digital Compass: the European way for the Digital Decade"[1] sets the objective of a Union framework which, by 2030, leads to wide deployment of a trusted, user-controlled identity, allowing each user to control their own online interactions and presence.<br>_____<br>1. COM/2021/118 final/2 | |
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| 12a | | ***(3a) The Commission Declaration of 26 January 2022 entitled "European Declaration on Digital Rights and Principles for the Digital Decade" underlines every citizen's right to access digital technologies, products and services that are safe, secure, and privacy-protective by design. This includes ensuring that all people living in the Union are offered an accessible, secure and trusted digital identity that enables access to a broad range of online and offline services, protected against all cyberthreats, including identity theft or manipulation. The Commission Declaration also states that everyone has the right to the protection of their personal data online. That right encompasses the control on how the data is used and with whom it is shared.*** | | |
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| 12b | | ***(3b) Union citizens should have the right to a digital identity that is under their sole control and that enables them to exercise their rights as citizens in the digital environment and to participate in the digital economy. A European digital identity should be legally recognised throughout the Union.*** | | |
| Recital 4 | | | | |



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| 13 | (4) A more harmonised approach to digital identification should reduce the risks and costs of the current fragmentation due to the use of divergent national solutions and will strengthen the Single Market by allowing citizens, other residents as defined by national law and businesses to identify online in a convenient and uniform way across the Union. Everyone should be able to securely access public and private services relying on an improved ecosystem for trust services and on verified proofs of identity and attestations of attributes, such as a university degree legally recognised and accepted everywhere in the Union. The framework for a European Digital Identity aims to achieve a shift from the reliance on national digital identity solutions only, to the provision of electronic attestations of attributes valid at European level. Providers of electronic attestations of attributes should benefit from a clear and uniform set of rules and public administrations should be able to rely on electronic documents in a given format. | (4) A more harmonised approach to digital identification should reduce the risks and costs of the current fragmentation due to the use of divergent national solutions ***or, in some Member States, the absence of solutions,*** and will strengthen the Single Market by allowing citizens, other residents as defined by national law and ***legal entities*** to identify ***and authenticate*** online ***and offline in a safe, trustworthy, user friendly,*** convenient***, accessible and harmonised way,*** across the Union. Everyone should be able to securely access public and private services relying on an improved ecosystem for trust services and on verified proofs of identity and ***electronic*** attestations of attributes, such as ***academic qualifications,*** university ***degrees or other educational or professional attainments*** legally recognised and accepted everywhere in the Union***, or a license or a mandate to represent a company, while creating a uniform set of rules for providers of electronic attestations that ensures a level playing field***. The framework for a | (4) A more harmonised approach to digital identification should reduce the risks and costs of the current fragmentation due to the use of divergent national solutions and will strengthen the Single Market by allowing citizens, other residents as defined by national law and businesses to identify online in a convenient and uniform way across the Union. **The European Digital Identity Wallet will provide natural and legal persons across the Union with a harmonised electronic identification means that will enable them to authenticate and share data linked to their identity.** Everyone should be able to securely access public and private services relying on an improved ecosystem for trust services and on verified proofs of identity and attestations of attributes, such as a university degree legally recognised and accepted everywhere in the Union. The framework for a European Digital Identity aims to achieve a shift from the reliance on national digital identity solutions only, to the provision of electronic attestations of attributes valid at | |



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| 13a | | | **(4a) Several Member States have implemented and largely use electronic identification means that nowadays are accepted by service providers in the Union. Additionally, investments were made into both national and cross-border solutions based on the current eIDAS Regulation, including the eIDAS nodes interoperability technical infrastructure. In order to guarantee complementarity and a fast adoption of European Digital Identity Wallets by current users of notified electronic identification means and to minimise the impacts on existing service providers, European Digital Identity Wallets are expected to benefit from building on the experience with existing electronic identification means and taking advantage of the deployed eIDAS infrastructure at European and national levels.** | |
| Recital 5 | | | | |



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| 14 | (5) To support the competitiveness of European businesses, online service providers should be able to rely on digital identity solutions recognised across the Union, irrespective of the Member State in which they have been issued, thus benefiting from a harmonised European approach to trust, security and interoperability. Users and service providers alike should be able to benefit from the same legal value provided to electronic attestations of attributes across the Union. | (5) To support the competitiveness of European businesses, online ***and offline*** service providers should be able to rely on digital identity solutions recognised across the Union, irrespective of the Member State in which they have been issued, thus benefiting from a harmonised European approach to trust, security and interoperability. Users and service providers alike should be able to benefit from the same legal value provided to electronic attestations of attributes across the Union. ***Harmonised digital identity framework has the potential to create economic value by providing easier access to goods and services, by significantly reducing operational costs linked to identification and authentication procedures, for example during the on-boarding of new customers, by reducing damages related to cybercrimes, such as identity theft, data theft and online fraud, and by promoting digital transformation of the Union's micro, small and medium sized enterprises (SMEs).*** | (5) To support the competitiveness of European businesses, online service providers should be able to rely on digital identity solutions recognised across the Union, irrespective of the Member State in which they have been ~~issued~~**provided**, thus benefiting from a harmonised European approach to trust, security and interoperability. Users and service providers alike should be able to benefit from the same legal value provided to electronic attestations of attributes across the Union. | |



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| 14a | | ***(5a) A fully harmonised digital identity framework would contribute to the creation of a more digitally integrated Union, taking down the digital barriers between Member States and empower the Union citizens and Union residents to enjoy the benefits of digitalisation while increasing transparency and the protection of their rights.*** | | |
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| 14b | | ***(5b) In order to encourage the digitalisation of the Member States' public sector services and to ensure wide up-take of the European digital identity framework and the European Digital Identity Wallet (EDIW), this Regulation should support the use of the 'once only' principle in order to reduce administrative burden, to support cross-border mobility of citizens and businesses, and to foster development of interoperable e-government services across the Union. The cross-border application of the 'once only' principle should result in citizens and businesses not having to supply the same data to public authorities more than once, and that it should also be possible to use those data only at the request of the user for the purposes of completing cross-border online procedures. The implementation of this Regulation and of the 'once-only' principle should comply with all applicable data protection rules, including the principle of data minimisation, accuracy, storage*** | | |



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| Recital 6 | | | | |



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| 15 | (6) Regulation (EU) No 2016/679[1] applies to the processing of personal data in the implementation of this Regulation. Therefore, this Regulation should lay down specific safeguards to prevent providers of electronic identification means and electronic attestation of attributes from combining personal data from other services with the personal data relating to the services falling within the scope of this Regulation.<br>_____<br>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1 | (6) ***Natural and legal persons who own person dentification data should be considered to be Digital Identity subjects. Regulations (EU) 2016/679[1] and (EU) 2018/1725[2] and Directive 2002/58/EC[3] or the European Parliament and of the Council apply*** to the processing of personal data in the implementation of this Regulation. Therefore, this Regulation should lay down specific safeguards to prevent providers of electronic identification means and electronic attestation of attributes from combining personal data from other services with the personal data relating to the services falling within the scope of this Regulation. ***This Regulation further specifies the application of principles of purpose limitation, data minimisation, and data protection by design and by default to specific-use cases, without prejudice to Regulation (EU) 2016/679.***<br>_____<br>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection | (6) Regulation (EU) No 2016/679[1] applies to the processing of personal data in the implementation of this Regulation. Therefore, this Regulation should lay down specific safeguards to prevent providers of electronic identification means and electronic attestation of attributes from combining personal data from other services with the personal data relating to the services falling within the scope of this Regulation. **Personal data relating to the provision of European Digital Identity Wallets should be kept logically separate from any other data held by the issuer. This Regulation does not prevent issuers of European Digital Identity Wallets to apply additional technical measures contributing to protection of personal data, such as physical separation of personal data relating to the provision of Wallets from any other data held by the issuer.**<br>_____<br>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC | |



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| 15a | | ***(6a) EDIWs should have the function of a privacy management dashboard embedded into the design, in order to ensure a higher degree of transparency and control of the users over their data. This function should provide an easy, user friendly interface with an overview of all relying parties with whom the user has shared data, including attributes, and the type of data shared with each relying party. It should allow the user to track all transactions executed through EDIWs, with at least the following data: the time and date of the transaction, the counterpart identification, the data requested and the data shared. That information should be stored even if the transaction was not concluded. It should not be possible to repudiate the authenticity of the information contained in the transaction history. Such a function should be active by default. It should allow users to easily request to a relying party the immediate deletion of personal data pursuant Article 17 of Regulation (EU) 2016/679 and to easily report to the*** | | |



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| 15b | | ***(6b) Zero knowledge proof allows verification of a claim without revealing the data that proves it, based on cryptographic algorithms. The EDIW should allow for verification of claims inferred from personal data identification or attestation of attributes without having to provide the source data, to preserve the privacy of the user of the EDIW.*** | | |
| Recital 7 | | | | |



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| 16 | (7) It is necessary to set out the harmonised conditions for the establishment of a framework for European Digital Identity Wallets to be issued by Member States, which should empower all Union citizens and other residents as defined by national law to share securely data related to their identity in a user friendly and convenient way under the sole control of the user. Technologies used to achieve those objectives should be developed aiming towards the highest level of security, user convenience and wide usability. Member States should ensure equal access to digital identification to all their nationals and residents. | (7) It is necessary to set out the harmonised conditions for the establishment of a framework for ***EDIWs*** to be issued ***directly by a*** Member ***State, under a mandate from a Member State or recognised by a Member State***, which should empower all Union citizens and ***Union*** residents as defined by national law to ***securely request, receive, store, combine and selectively share*** data related to their identity ***and request deletion of their personal data in a user-friendly way and*** under the sole control of the user. ***All data should be stored by default on the user's device unless the user explicitly choses otherwise. This Regulation should reflect shared values and uphold fundamental rights, strong ethical aspects, legal safeguards and liability, thus protecting democratic societies and citizens.*** Technologies used to achieve those objectives should be developed aiming towards the highest level of ***privacy and*** security, user convenience***,*** ***accessibility,*** and wide usability ***and seamless interoperability***. Member States should ensure equal access to ***and voluntary use of*** digital identification to | (7) It is necessary to set out the harmonised conditions for the establishment of a framework for European Digital Identity Wallets to be ~~issued~~**provided** by Member States, which should empower all Union citizens and other residents as defined by national law to share securely data related to their identity in a user friendly and convenient way under the sole control of the user. Technologies used to achieve those objectives should be developed aiming towards the highest level of security**,** **privacy**, user convenience and wide usability. Member States should ensure equal access to digital identification to all their nationals and residents. | |



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| 16a | | ***(7a) Where an EDIW is issued directly by a Member State, the competent authority concerned is directly responsible for the issuance and management of the EDIW, using its own resources. Where an EDIW is issued under a mandate from a Member State, the competent authority concerned has authorised a specific organisation to issue and manage the EDIW on its behalf on the basis of a public procurement procedure based on transparent, open and fair competition process in which all interested parties have the opportunity to participate and the best candidate is selected based on specific objective criteria and evaluation process. Where an EDIW is issued and managed independently but recognised by a Member State, the competent authority concerned has selected a specific organisation that has already developed an EDIW that complies with this Regulation. It is not necessary for the issuer and the manager of an EDIW to be the same entity.*** | | |



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| Recital 8 | | | | |



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| | (8) In order to ensure compliance within Union law or national law compliant with Union law, service providers should communicate their intent to rely on the European Digital Identity Wallets to Member States. That will allow Member States to protect users from fraud and prevent the unlawful use of identity data and electronic attestations of attributes as well as to ensure that the processing of sensitive data, like health data, can be verified by relying parties in accordance with Union law or national law. | (8) In order to ensure compliance within Union law or national law compliant with Union law, ***relying parties*** should ***register*** their intent to rely on ***EDIWs in the Member State where they are established***. That will allow Member States to protect users from fraud and prevent the unlawful use of identity data and electronic attestations of attributes as well as to ensure that the processing of sensitive data, like health data, can be verified by relying parties in accordance with Union ▌ or national law. ***The registration and approval processes should be cost-effective and proportional to the risk. The registration should include the data that the relying party intend to request, the intended use of and the reasons for the need of such data, per each different category of services provided by the relying party. Relying parties should provide reasons for their request complies with data minimisation principles.*** | (8) ~~In order~~ To ensure ~~compliance within Union law or national law compliant with Union law, service providers~~**that relying parties can rely on the use of European Digital Identity Wallets and to protect the user against unlawful use of sensitive data, relying parties** should ~~communicate their intent to rely~~**be registered as part of a notification process. The notification requirements applicable to relying parties should in most cases be based** on the **provision of a limited amount of information required for the authentication of the relying party towards the** European Digital Identity ~~Wallets to~~**Wallet. The requirements should also allow for the use of automated or simple self-reporting procedures, including the reliance on and the use of existing registers by** Member States. ~~That will allow Member States to protect users from fraud and~~ **At the same time, for categories of sensitive data, specific regimes may exist at national or Union level, which may impose more stringent registrations and** | (8) ***For registration, relying parties should provide the information necessary to allow for their [identification and] authentication towards the European Digital Identity Wallets and [, when applicable, regarding the data that they will request*** in order to ~~*ensure compliance within Union law or national law compliant*~~***provide their services and the reasons for the request,] namely why these data are necessary in order to facilitate Member States' verifications related to the lawfulness of the activities of the relying parties in accordance*** with union law***. The obligation to register, including information on the data intended for the*** ~~,~~service ~~*providers*~~ ***and why such information is necessary,*** should ~~*communicate their intent to rely on the European Digital Identity Wallets to Member States*~~***be without prejudice to obligations laid down in other Union or national law, such as the information to be provided to the data subjects pursuant to the General Data Protection Regulation. Relying parties should comply with*** |



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| | (9) All European Digital Identity Wallets should allow users to electronically identify and authenticate online and offline across borders for accessing a wide range of public and private services. Without prejudice to Member States' prerogatives as regards the identification of their nationals and residents, Wallets can also serve the institutional needs of public administrations, international organisations and the Union's institutions, bodies, offices and agencies. Offline use would be important in many sectors, including in the health sector where services are often provided through face-to-face interaction and ePrescriptions should be able to rely on QR-codes or similar technologies to verify authenticity. Relying on the level of assurance "high", the European Digital Identity Wallets should benefit from the potential offered by tamper-proof solutions such as secure elements, to comply with the security requirements under this Regulation. The European Digital Identity Wallets should also allow users to create and use qualified electronic | (9) All ***EDIWs*** should ***enable*** users to electronically identify and authenticate online and offline across borders for accessing a wide range of public and private services. Without prejudice to Member States' prerogatives as regards the identification of their nationals and residents, ***EDIWs*** can also serve the institutional needs of public administrations, international organisations and the Union's institutions, bodies, offices and agencies. Offline use would be important in many sectors, including in the health sector where services are often provided through face-to-face interaction and ePrescriptions should be able to rely on QR-codes or similar technologies to verify authenticity. Relying on the level of assurance "high" ***for identity proofing, EDIWs*** should benefit from the potential offered by tamper-proof solutions such as secure elements, to comply with the security requirements under this Regulation. ***When on-boarding into EDIWs, users*** should ***obtain the qualified electronic signature, free of charge and by default, without*** | (9) All European Digital Identity Wallets should allow users to electronically identify and authenticate online and offline across borders for accessing a wide range of public and private services. Without prejudice to Member States' prerogatives as regards the identification of their nationals and residents, Wallets can also serve the institutional needs of public administrations, international organisations and the Union's institutions, bodies, offices and agencies. Offline use would be important in many sectors, including in the health sector where services are often provided through face-to-face interaction and ePrescriptions should be able to rely on QR-codes or similar technologies to verify authenticity. Relying on the level of assurance "high", the European Digital Identity Wallets should benefit from the potential offered by tamper-proof solutions such as secure elements, to comply with the security requirements under this Regulation. The European Digital Identity Wallets should also allow users to create and use qualified electronic | |



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| 18a | | | **(9a) It is beneficial to facilitate the uptake and use of European Digital Identity Wallets by seamlessly integrating them with the ecosystem of public and private digital services already implemented at national, local or regional level. To achieve this goal, Member States may provide for legal and organizational measures in order to increase flexibility for issuers of European Digital Identity Wallets and to allow for additional functionalities of European Digital Identity Wallets beyond what is set out by this Regulation, including by enhanced interoperability with existing national eID means. This should be by no means to the detriment of providing core functions of the European Digital Identity Wallets as set out in this Regulation nor to promote existing national solutions over European Digital Identity Wallets. Since they go beyond this Regulation, those additional functionalities do not benefit from the provisions on cross-border reliance on** | |



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| 18b | | ***(9a) EDIWs should include a functionality to generate freely chosen and user managed pseudonyms, as a form of authentication to access online services provided, including services provided by very large online platforms as defined in Regulation (EU) 2022/2065 of the European Parliament and of the Council.*** | | |
| | | | | |
| 18c | | ***(9b) Member States should develop harmonised approaches to enable the technical possibility for persons with limited legal capacity, such as minors and for persons with no legal capacity, to use EDIWs, trust services and end-user products.*** | | |
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| 18d | | ***(9c) Natural and legal persons should be able to authorise EDIWs of third parties to perform certain actions on their behalf such as by means of powers of attorney or delegations of authority for specific transactions to specific employees or subcontractors in the case of a company or to parents acting on behalf of minor children.*** | | |
| Recital 10 | | | | |



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| | (10) In order to achieve a high level of security and trustworthiness, this Regulation establishes the requirements for European Digital Identity Wallets. The conformity of European Digital Identity Wallets with those requirements should be certified by accredited public or private sector bodies designated by Member States. Relying on a certification scheme based on the availability of commonly agreed standards with Member States should ensure a high level of trust and interoperability. Certification should in particular rely on the relevant European cybersecurity certifications schemes established pursuant to Regulation (EU) 2019/881[1]. Such certification should be without prejudice to certification as regards personal data processing pursuant to Regulation (EC) 2016/679<br>_____<br>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act), OJ L 151, 7.6.2019, p. 15 | (10) In order to achieve a high level of security and trustworthiness, this Regulation establishes the requirements for ***EDIWs***. The conformity of ***EDIWs*** with those requirements should be certified by accredited public or private sector bodies designated by Member States. Relying on a certification scheme based on the availability of commonly agreed standards with Member States should ensure a high level of trust and interoperability. Certification should in particular rely on the relevant European cybersecurity certifications schemes established pursuant to Regulation (EU) 2019/881[1]. Such certification should be without prejudice to certification as regards personal data processing pursuant to Regulation (EC) 2016/679<br>_____<br>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act), OJ L 151, 7.6.2019, p. 15 | (10) ~~In order~~ To achieve a high level of **data protection,** security and trustworthiness, this Regulation ~~establishes the~~ **should establish a harmonized framework detailing the common specifications and** requirements ~~for~~**applicable to the** European Digital Identity Wallets. The conformity of European Digital Identity Wallets with those requirements should be certified by accredited ~~public or private sector~~**conformity assessment** bodies designated by Member States. ~~Relying on a certification scheme based on the availability of commonly agreed standards with Member States~~**Certification should rely, in particular, on relevant European cybersecurity certifications schemes, or parts thereof, established pursuant to Regulation (EU) 2019/881[1], as far as they cover the cybersecurity requirements applicable to European Digital Identity Wallets. Relying on European cybersecurity certifications schemes** should ~~ensure a high~~**bring a** | |



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| 19a | | | **(10a) The on-boarding of citizens and residents to the European Digital Identity Wallet should be facilitated by relying on electronic identification means issued at level of assurance 'high'. Electronic identification means issued at level of assurance 'substantial' should be relied upon only in cases where harmonised technical and operational specifications using electronic identification means issued at level of assurance 'substantial' in combination with other supplementary means of identity verification will allow the fulfillment of the requirements set out in this Regulation as regards level of assurance 'high'. Such supplementary means or measures should be reliable and easy to utilize by the users and could be built on the possibility to use remote on-boarding procedures, qualified certificates supported by qualified signatures, qualified electronic attestation of attributes or a combination thereof. To ensure sufficient uptake of European** | |



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| 19b | | | **(10b) The objective of this Regulation is to provide the user with a fully mobile, secure and user-friendly European Digital Identity Wallet. As a transitional measure until the availability of certified tamper-proof solutions, such as secure elements within the users' devices, the European Digital Identity Wallets may rely upon certified external secure elements for the protection of the cryptographic material and other sensitive data or upon notified national solutions at level of assurance 'high' in order to demonstrate compliance with the relevant requirements of the Regulation as regards the level of assurance of the Wallet. The use of the above-mentioned transitional measure should be limited to use cases requiring level of assurance 'high', such as on-boarding of the user to the Wallet and authenticating to services requiring level of assurance 'high'. When authenticating to services requiring level of assurance 'substantial', European Digital Identity Wallets** | |



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| 19c | | ***(10a) The transparency of EDIWs and accountability of their issuers are key elements by which to create social trust on the framework. All issuers of EDIWs should make the source codes available to the public for its scrutiny, in particular for privacy and security. Issuers and managers of EDIWs should be subject to controls and liabilities similar to those of qualified trust services providers.*** | | |
| Recital 11 | | | | |



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| 20 | (11) European Digital Identity Wallets should ensure the highest level of security for the personal data used for authentication irrespective of whether such data is stored locally or on cloud-based solutions, taking into account the different levels of risk. Using biometrics to authenticate is one of the identifications methods providing a high level of confidence, in particular when used in combination with other elements of authentication. Since biometrics represents a unique characteristic of a person, the use of biometrics requires organisational and security measures, commensurate to the risk that such processing may entail to the rights and freedoms of natural persons and in accordance with Regulation 2016/679. | (11) ***EDIWs*** should ensure the highest level of security for the personal data used for ***identification and*** authentication irrespective of whether such data is stored locally***, in decentralised ledgers*** or on cloud-based solutions, ***and*** taking into account the different levels of risk. Using biometrics to ***identify and*** authenticate ***should not be a precondition for using EDIWs, notwithstanding the requirement for strong user authentication. Biometric data used for the purpose to authenticate a natural person in the context of this Regulation should not be stored in the cloud without the explicit consent of the user. Using biometrics*** is one of the identifications methods providing a high level of confidence, ▌ when used in combination with ***'what you know' factor***. Since biometrics represents a unique characteristic of a person, the use of biometrics ***should not be obligatory. Furthermore the use of biometric data should be limited to specific scenarios pursuant to Article 9 of Regulation (EU) 2016/679, and*** requires organisational and security measures, | (11) European Digital Identity Wallets should ensure the highest level of **protection and** security for the personal data used for authentication irrespective of whether such data is stored locally or on cloud-based solutions, taking into account the different levels of risk. ~~Using biometrics to authenticate~~**The processing of biometric data as an authentication factor in strong user authentication** is one of the identifications methods providing a high level of confidence, in particular when used in combination with other elements of authentication. Since ~~biometrics~~**biometric data** represents a unique characteristic of a person, the ~~use of biometrics requires organisational and security measures~~**processing of biometric data is only allowed under the exceptions of Article 9(2) of Regulation (EU) 2016/679 and requires appropriate safeguards**, commensurate to the risk that such processing may entail to the rights and freedoms of natural persons ~~and in accordance with Regulation 2016/679~~. | |



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| 20a | | ***(11a) EDIWs should be secure-by-design. They should implement advanced security features to protect against identity theft, data theft, denial of service and any other cyber threat. This should include state of-the-art encryption and storage methods that are only accessible to and decryptable by the user, and establishing end-to-end encrypted communication with other EDIWs and relying parties. Additionally, EDIWs should require secure explicit, and active use confirmation for operations.*** | **(11a) The functioning of European Digital Identity Wallets should be transparent and allow for verifiable processing of personal data. In order to achieve this, Member States are encouraged to disclose the source code of software components of European Digital Identity Wallets that are related to processing of personal data and data of legal persons. Disclosure of such source code enables society, including users and developers, to understand its operation. This also has the potential of increasing users' trust in the Wallet ecosystem and contributing to the security of Wallets by allowing anyone to report vulnerabilities and errors in the code. This entices suppliers to deliver and maintain a highly secure product. Additionally and where appropriate Member States are also encouraged to make the source code available under an open source license. An open source license enables society, including users and developers, to modify and reuse the source code.** | |



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| 20b | | ***(11b) The use of the EDIWs as well as the discontinuation of their use are rights and the choice of users. Member States should develop a simple, user-friendly, speedy and secure procedure for the users to request immediate revocation of validity of EDIWs. For the situations when users are in possession of the device, this functionality should be designed as an integrated feature of the EDIWs. A user-friendly and speedy remote mechanism should be established for cases when users do not hold the device in their possession, such as in the case of theft or loss. Upon the death of the user or the cessation of activity by a legal person, a mechanism should be established to enable the authority responsible for settling the succession of the natural person or assets of the legal person to request the immediate termination of EDIWs.*** | | |
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| 20c | | ***(11c) In order to promote uptake of the EDIWs and wider use of digital identities, Member States should not only show the benefits of the relevant services, but also, in cooperation with the private sector, researchers and academia, develop training programmes aiming to strengthen the digital skills of their citizens and residents, in particular for vulnerable groups such as persons with disabilities, older persons and persons lacking digital skills.*** | | |
| Recital 12 | | | | |



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| 21 | (12) To ensure that the European Digital Identity framework is open to innovation, technological development and future-proof, Member States should be encouraged to set-up jointly sandboxes to test innovative solutions in a controlled and secure environment in particular to improve the functionality, protection of personal data, security and interoperability of the solutions and to inform future updates of technical references and legal requirements. This environment should foster the inclusion of European Small and Medium Enterprises, start-ups and individual innovators and researchers. | (12) To ensure that the European digital identity framework is open to innovation, technological development and future-proof, Member States should be encouraged to ***jointly*** set-up ▌ sandboxes to test innovative solutions in a controlled***, time limited*** and secure environment in particular to improve the functionality, protection of personal data, security and interoperability of the solutions and to inform future updates of technical references and legal requirements. This environment should foster the inclusion of European Small and Medium Enterprises, start-ups and individual innovators and researchers ***as well as relevant industry stakeholders while improving compliance and preventing the placing on the market of solutions which infringe Union law on data protection and IT security***. | (12) To ensure that the European Digital Identity framework is open to innovation, technological development and future-proof, Member States should be encouraged to set-up jointly sandboxes to test innovative solutions in a controlled and secure environment in particular to improve the functionality, protection of personal data, security and interoperability of the solutions and to inform future updates of technical references and legal requirements. This environment should foster the inclusion of European Small and Medium Enterprises, start-ups and individual innovators and researchers. | |
| Recital 13 | | | | |



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| 22 | (13) Regulation (EU) No 2019/1157[1] strengthens the security of identity cards with enhanced security features by August 2021. Member States should consider the feasibility of notifying them under electronic identification schemes to extend the cross-border availability of electronic identification means.<br>_____<br>1. Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (OJ L 188, 12.7.2019, p. 67). | (13) Regulation (EU) ***2019/1157 of the European Parliament and of the Council***[1] strengthens the security of identity cards with enhanced security features by August 2021. Member States should consider the feasibility of notifying them under electronic identification schemes to extend the cross-border availability of electronic identification means.<br>_____<br>1. Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (OJ L 188, 12.7.2019, p. 67). | (13) Regulation (EU) No 2019/1157[1] strengthens the security of identity cards with enhanced security features by August 2021. Member States should consider the feasibility of notifying them under electronic identification schemes to extend the cross-border availability of electronic identification means.<br>_____<br>1. Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (OJ L 188, 12.7.2019, p. 67). | |
| Recital 14 | | | | |



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| 23 | (14) The process of notification of electronic identification schemes should be simplified and accelerated to promote the access to convenient, trusted, secure and innovative authentication and identification solutions and, where relevant, to encourage private identity providers to offer electronic identification schemes to Member State's authorities for notification as national electronic identity card schemes under Regulation 910/2014. | (14) The process of notification of electronic identification schemes should be ***improved*** and accelerated to promote the access to convenient, trusted, secure and innovative authentication and identification solutions and, where relevant, to encourage private identity providers to offer electronic identification schemes to Member State's authorities for notification as national electronic identity card schemes under ***Regulation (EU) No 910/2014***. | (14) The process of notification of electronic identification schemes should be simplified and accelerated to promote the access to convenient, trusted, secure and innovative authentication and identification solutions and, where relevant, to encourage private identity providers to offer electronic identification schemes to Member State's authorities for notification as national electronic ~~identity card~~**identification** schemes under Regulation 910/2014. | |
| Recital 15 | | | | |
| 24 | (15) Streamlining of the current notification and peer-review procedures will prevent heterogeneous approaches to the assessment of various notified electronic identification schemes and facilitate trust-building between Member States. New, simplified, mechanisms should foster Member States' cooperation on the security and interoperability of their notified electronic identification schemes. | (15) Streamlining of the current notification and peer-review procedures will prevent heterogeneous approaches to the assessment of various notified electronic identification schemes and facilitate trust-building between Member States. New, simplified, mechanisms should foster Member States' cooperation on the security and interoperability of their notified electronic identification schemes. | (15) Streamlining of the current notification and peer-review procedures will prevent heterogeneous approaches to the assessment of various notified electronic identification schemes and facilitate trust-building between Member States. New, simplified, mechanisms should foster Member States' cooperation on the security and interoperability of their notified electronic identification schemes. | |
| Recital 16 | | | | |



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| 25 | (16) Member States should benefit from new, flexible tools to ensure compliance with the requirements of this Regulation and of the relevant implementing acts. This Regulation should allow Member States to use reports and assessments performed by accredited conformity assessment bodies or voluntary ICT security certification schemes, such as certification schemes to be established at Union level under Regulation (EU) 2019/881, to support their claims on the alignment of the schemes or of parts thereof with the requirements of the Regulation on the interoperability and the security of the notified electronic identification schemes. | (16) Member States should benefit from new, flexible tools to ensure compliance with the requirements of this Regulation and of the relevant implementing acts. This Regulation should allow Member States to use reports and assessments performed by accredited conformity assessment bodies or voluntary ICT security certification schemes, such as certification schemes to be established at Union level under Regulation (EU) 2019/881, to support their claims on the alignment of the schemes or of parts thereof with the requirements of the Regulation on the interoperability and the security of the notified electronic identification schemes. | (16) Member States should benefit from new, flexible tools to ensure compliance with the requirements of this Regulation and of the relevant implementing acts. This Regulation should allow Member States to use reports and assessments**,** performed by accredited conformity assessment bodies**, as foreseen in** ~~or voluntary ICT security certification schemes, such as~~ certification schemes to be established at Union level under Regulation (EU) 2019/881, to support their claims on the alignment of the schemes or of parts thereof with the requirements of the Regulation on the interoperability and the security of the notified electronic identification schemes. | |
| Recital 17 | | | | |



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| 26 | (17) Service providers use the identity data provided by the set of person identification data available from electronic identification schemes pursuant to Regulation (EU) No 910/2014 in order to match users from another Member State with the legal identity of that user. However, despite the use of the eIDAS data set, in many cases ensuring an accurate match requires additional information about the user and specific unique identification procedures at national level. To further support the usability of electronic identification means, this Regulation should require Member States to take specific measures to ensure a correct identity match in the process of electronic identification. For the same purpose, this Regulation should also extend the mandatory minimum data set and require the use of a unique and persistent electronic identifier in conformity with Union law in those cases where it is necessary to legally identify the user upon his/her request in a unique and persistent way. | (17) Service providers use the identity data provided by the set of person identification data available from electronic identification schemes pursuant to Regulation (EU) No 910/2014 in order to match users from another Member State with the legal identity of that user. However, despite the use of the eIDAS data set, in many cases ensuring an accurate match requires additional information about the user and specific unique identification procedures at national level. ***In order to ensure a high-level of trust and security of personal data of natural persons, different technical solutions should be considered, including the use or combination of various cryptographic techniques, such as cryptographically verifiable identifiers.*** To further support the usability of electronic identification means ***and implementation of 'once-only' principle***, this Regulation should require Member States to take specific measures to ensure a correct identity match in the process of electronic identification. ***exclusively*** for the ***cross-border access of*** | *deleted* | |



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| *26a* | | ***(17a) When accessing public and private services across borders, the authentication and identification of EDIW users should be possible. The receiving Member States should be able to unequivocally identify users upon their request, in those cases where their identification is required by law and to proceed to identity matching. In order to ensure a high level of trust and security of personal data, different technical solutions should be considered, including the use or combination of various state-of-the-art cryptographic techniques and technologies, such as cryptographically verifiable identifiers, unique user-generated digital pseudonyms, self-sovereign identities, and domain specific identifiers.*** | **(17a) The use of unique and persistent identifiers issued by Member States or generated by the European Digital Identity Wallet, jointly with the use of person identification data, is essential to ensure that the identity of the user, in particular in the public sector and when mandated by national or Union law, can be verified. This Regulation should ensure that the European Digital Identity Wallet can provide a mechanism to enable record matching, including by the use of qualified electronic attestations of attributes, and allow for the inclusion of unique and persistent identifiers in the person identification data set. A unique and persistent identifier may consist of either single or multiple identification data that can be sector-specific as long as it serves to uniquely identify the user across the Union. The European Digital Identity Wallet should also provide a mechanism that allows for the use of relying party specific identifiers in cases when the use of a unique and persistent identifier** | |



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| 26b | | | **(17b) It is essential to take into consideration the needs of users, thereby boosting demand for European Digital Identity Wallets. There should be meaningful use cases and online services relying on European Digital Identity Wallets available. For convenience of users and in order to ensure cross-border availability of such services, it is important to undertake actions in order to facilitate a similar approach to design, development and implementation of online services in all Member States. Non-binding guidelines on how to design, develop and implement online services relying on European Digital Identity Wallets have the potential of becoming a useful tool to achieve this goal. These guidelines should be prepared in due account of the interoperability framework of the Union. Member States should have a leading role when it comes to adopting them.** | |
| Recital 18 | | | | |



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| 27 | (18) In line with Directive (EU) 2019/882[1], persons with disabilities should be able to use the European digital identity wallets, trust services and end-user products used in the provision of those services on an equal basis with other users.<br>_____<br>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70). | (18) In ***accordance*** with Directive (EU) 2019/882 ***of the European Parliament and of the Council***[1], persons with disabilities should be able to use the ***EDIWs***, trust services and end-user products used in the provision of those services on an equal basis with other users.<br>_____<br>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70). | (18) In line with Directive (EU) 2019/882[1], persons with disabilities should be able to use the European digital identity wallets, trust services and end-user products used in the provision of those services on an equal basis with other users.<br>_____<br>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70). | |
| Recital 19 | | | | |
| 28 | (19) This Regulation should not cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form laid down by national or Union law. In addition, it should not affect national form requirements pertaining to public registers, in particular commercial and land registers. | (19) This Regulation should not cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form laid down by ***Union or national*** law. In addition, it should not affect national form requirements pertaining to public registers, in particular commercial and land registers. | (19) This Regulation should not cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form laid down by national or Union law. In addition, it should not affect national form requirements pertaining to public registers, in particular commercial and land registers. | |
| Recital 20 | | | | |



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| 29 | (20) The provision and use of trust services are becoming increasingly important for international trade and cooperation. International partners of the EU are establishing trust frameworks inspired by Regulation (EU) No 910/2014. Therefore, in order to facilitate the recognition of such services and their providers, implementing legislation may set the conditions under which trust frameworks of third countries could be considered equivalent to the trust framework for qualified trust services and providers in this Regulation, as a complement to the possibility of the mutual recognition of trust services and providers established in the Union and in third countries in accordance with Article 218 of the Treaty. | (20) The provision and use of trust services are becoming increasingly important for international trade and cooperation. International partners of the EU are establishing trust frameworks inspired by Regulation (EU) No 910/2014. Therefore, in order to facilitate the recognition of such services and their providers, implementing legislation may set the conditions under which trust frameworks of third countries could be considered equivalent to the trust framework for qualified trust services and providers in this Regulation, as a complement to the possibility of the mutual recognition of trust services and providers established in the Union and in third countries in accordance with Article 218 of the Treaty. | (20) The provision and use of trust services are becoming increasingly important for international trade and cooperation. International partners of the EU are establishing trust frameworks inspired by Regulation (EU) No 910/2014. Therefore, in order to facilitate the recognition of such services and their providers, implementing legislation may set the conditions under which trust frameworks of third countries could be considered equivalent to the trust framework for qualified trust services and providers in this Regulation, as a complement to the possibility of the mutual recognition of trust services and providers established in the Union and in third countries in accordance with Article 218 of the Treaty. **When setting out the conditions under which trust frameworks of third countries could be considered equivalent to the trust framework for qualified trust services and providers in this Regulation, compliance with the relevant provisions in the Directive XXXX/XXXX, (NIS2 Directive) and** | |



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| 30 | (21) This Regulation should build on Union acts ensuring contestable and fair markets in the digital sector. In particular, it builds on the Regulation XXX/ XXXX [Digital Markets Act], which introduces rules for providers of core platform services designated as gatekeepers and, among others, prohibits gatekeepers to require business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper. Article 6(1)(f) of the Regulation XXX/ XXXX [Digital Markets Act] requires gatekeepers to allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services. According to Article 2 (15) of [Digital Markets Act] identification services constitute a type of ancillary services. Business users and providers of ancillary services should therefore be able to | (21) ***Issuers of EDIWs may need access to specific hardware and software features of smartphones, such as parts of the operating system, secure hardware (secure element, SIM etc.), NFC, Bluetooth, Wi-Fi Aware and biometric sensors. Such features are under the control of operating system and equipment manufacturers. Therefore this Regulation should build on Union acts ensuring contestable and fair markets*** in the ***digital sector. In particular, it builds on Article 6(7) of the Regulation (EU) 2022/1925 of the European Parliament and*** of the ***Council[1a], which requires the providers of core platform services designated as gatekeepers*** to allow business users and ***alternative*** providers of ▌ services ***provided together with, or in support of, core platform*** services***, free of charge, effective interoperability with, and access for the purposes of interoperability to, the same operating system,*** hardware or software features, ***regardless of whether those features are part of the operating system, as are*** | (21) This Regulation should build on Union acts ensuring contestable and fair markets in the digital sector. In particular, it builds on the Regulation ~~XXX/ XXXX [Digital Markets Act]~~**(EU) 2022/1925**, which introduces rules for providers of core platform services designated as gatekeepers and, among others, prohibits gatekeepers to require business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper. Article ~~6(1)(f)~~**6(7)** of the ~~Regulation XXX/ XXXX [Digital Markets Act]~~**Regulation 2022/1925** requires gatekeepers to allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services. According to Article 2 (15) of ~~[~~**the** Digital Markets Act~~]~~ identification services constitute a type of ancillary services. Business users and | |



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| 30a | | ***(21a) This Regulation aims to facilitate the creation of the choice between and and the possibility of switching between EDIWs. In order to avoid lock-in effects, the issuers of EDIWs should, at the request of EDIW users, ensure the effective portability of data, including continuous and real-time access to services, and should not be allowed to use contractual, economic or technical barriers to prevent or to discourage effective switching between different EDIWs.*** | | |
| Recital 22 | | | | |



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| 31 | (22) In order to streamline the cybersecurity obligations imposed on trust service providers, as well as to enable these providers and their respective competent authorities to benefit from the legal framework established by Directive XXXX/ XXXX (NIS2 Directive), trust services are required to take appropriate technical and organisational measures pursuant to Directive XXXX/ XXXX (NIS2 Directive), such as measures addressing system failures, human error, malicious actions or natural phenomena in order to manage the risks posed to the security of network and information systems which those providers use in the provision of their services as well as to notify significant incidents and cyber threats in accordance with Directive XXXX/ XXXX (NIS2 Directive). With regard to the reporting of incidents, trust service providers should notify any incidents having a significant impact on the provision of their services, including such caused by theft or loss of devices, network cable damages or incidents | (22) In order to streamline the cybersecurity obligations imposed on trust service providers, as well as to enable these providers and their respective competent authorities to benefit from the legal framework established by Directive XXXX/ XXXX (NIS2 Directive), trust services are required to take appropriate technical and organisational measures pursuant to Directive XXXX/ XXXX (NIS2 Directive), such as measures addressing system failures, human error, malicious actions or natural phenomena in order to manage the risks posed to the security of network and information systems which those providers use in the provision of their services as well as to notify significant incidents and cyber threats in accordance with Directive XXXX/ XXXX (NIS2 Directive). With regard to the reporting of incidents, trust service providers should notify any incidents having a significant impact on the provision of their services, including such caused by theft or loss of devices, network cable damages or incidents | (22) In order to streamline the cybersecurity obligations imposed on trust service providers, as well as to enable these providers and their respective competent authorities to benefit from the legal framework established by Directive XXXX/ XXXX (NIS2 Directive), trust services are required to take appropriate technical and organisational measures pursuant to Directive XXXX/ XXXX (NIS2 Directive), such as measures addressing system failures, human error, malicious actions or natural phenomena in order to manage the risks posed to the security of network and information systems which those providers use in the provision of their services as well as to notify significant incidents and cyber threats in accordance with Directive XXXX/ XXXX (NIS2 Directive). With regard to the reporting of incidents, trust service providers should notify any incidents having a significant impact on the provision of their services, including such caused by theft or loss of devices, network cable damages or incidents | |



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| Recital 23 | | | | |
| 32 | (23) Due consideration should be given to ensure effective cooperation between the NIS and eIDAS authorities. In cases where the supervisory body under this Regulation is different from the competent authorities designated under Directive XXXX/ XXXX [NIS2], those authorities should cooperate closely, in a timely manner by exchanging the relevant information in order to ensure effective supervision and compliance of trust service providers with the requirements set out in this Regulation and Directive XXXX/ XXXX [NIS2]. In particular, the supervisory bodies under this Regulation should be entitled to request the competent authority under Directive XXXXX/ XXXX [NIS2] to provide the relevant information needed to grant the qualified status and to carry out supervisory actions to verify compliance of the trust service providers with the relevant requirements under NIS 2 or require them to remedy non-compliance. | (23) Due consideration should be given to ensure effective cooperation between the NIS and eIDAS authorities. In cases where the supervisory body under this Regulation is different from the competent authorities designated under Directive XXXX/ XXXX [NIS2], those authorities should cooperate closely, in a timely manner by exchanging the relevant information in order to ensure effective supervision and compliance of trust service providers with the requirements set out in this Regulation and Directive XXXX/ XXXX [NIS2]. In particular, the supervisory bodies under this Regulation should be entitled to request the competent authority under Directive XXXXX/ XXXX [NIS2] to provide the relevant information needed to grant the qualified status and to carry out supervisory actions to verify compliance of the trust service providers with the relevant requirements under NIS 2 or require them to remedy non-compliance. | (23) Due consideration should be given to ensure effective cooperation between the NIS and eIDAS authorities. In cases where the supervisory body under this Regulation is different from the competent authorities designated under Directive XXXX/ XXXX [NIS2], those authorities should cooperate closely, in a timely manner by exchanging the relevant information in order to ensure effective supervision and compliance of trust service providers with the requirements set out in this Regulation and Directive XXXX/ XXXX [NIS2]. In particular, the supervisory bodies under this Regulation should be entitled to request the competent authority under Directive XXXXX/ XXXX [NIS2] to provide the relevant information needed to grant the qualified status and to carry out supervisory actions to verify compliance of the trust service providers with the relevant requirements under NIS 2 or require them to remedy non-compliance. | |
| Recital 24 | | | | |



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| 33 | (24) It is essential to provide for a legal framework to facilitate cross-border recognition between existing national legal systems related to electronic registered delivery services. That framework could also open new market opportunities for Union trust service providers to offer new pan-European electronic registered delivery services and ensure that the identification of the recipients is ensured with a higher level of confidence than the identification of the sender. | (24) It is essential to provide for a legal framework to facilitate cross-border recognition between existing national legal systems related to electronic registered delivery services. That framework could also open new market opportunities for Union trust service providers to offer new pan-European electronic registered delivery services and ensure that the identification of the recipients is ensured with a higher level of confidence than the identification of the sender. | (24) It is essential to provide for a legal framework to facilitate cross-border recognition between existing national legal systems related to electronic registered delivery services. That framework could also open new market opportunities for Union trust service providers to offer new pan-European electronic registered delivery services**. In order to** ~~and~~ ensure that the ~~identification of the recipients is ensured with a higher~~**data using a qualified electronic registered delivery service is delivered to the correct addressee, qualified electronic registered delivery services should ensure with full certainty the identification of the addressee while a high** level of confidence ~~than~~**would suffice as regard to** the identification of the sender. **Providers of qualified electronic registered delivery services should be encouraged by Member States to have their services to be interoperable with qualified electronic registered delivery services provided by other qualified trust service providers in order to easily transfer the electronic registered** | |



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| Recital 25 | | | | |
| 34 | (25) In most cases, citizens and other residents cannot digitally exchange, across borders, information related to their identity, such as addresses, age and professional qualifications, driving licenses and other permits and payment data, securely and with a high level of data protection. | (25) ▌ | (25) In most cases, citizens and other residents cannot digitally exchange, across borders, information related to their identity, such as addresses, age and professional qualifications, driving licenses and other permits and payment data, securely and with a high level of data protection. | |
| Recital 26 | | | | |
| 35 | (26) It should be possible to issue and handle trustworthy digital attributes and contribute to reducing administrative burden, empowering citizens and other residents to use them in their private and public transactions. Citizens and other residents should be able, for instance, to demonstrate ownership of a valid driving license issued by an authority in one Member State, which can be verified and relied upon by the relevant authorities in other Member States, to rely on their social security credentials or on future digital travel documents in a cross border context. | (26) It should be possible to issue and handle trustworthy digital attributes and contribute to reducing administrative burden, empowering citizens and other residents to use them in their private and public transactions. Citizens and other residents should be able, for instance, to demonstrate ownership of a valid driving license issued by an authority in one Member State, which can be verified and relied upon by the relevant authorities in other Member States, to rely on their social security credentials or on future digital travel documents in a cross border context. | (26) It should be possible to issue and handle trustworthy digital attributes and contribute to reducing administrative burden, empowering citizens and other residents to use them in their private and public transactions. Citizens and other residents should be able, for instance, to demonstrate ownership of a valid driving license issued by an authority in one Member State, which can be verified and relied upon by the relevant authorities in other Member States, to rely on their social security credentials or on future digital travel documents in a cross border context. | |
| Recital 27 | | | | |



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| 36 | (27) Any entity that collects, creates and issues attested attributes such as diplomas, licences, certificates of birth should be able to become a provider of electronic attestation of attributes. Relying parties should use the electronic attestations of attributes as equivalent to attestations in paper format. Therefore, an electronic attestation of attributes should not be denied legal effect on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic attestation of attributes. To that effect, general requirements should be laid down to ensure that a qualified electronic attestation of attributes has the equivalent legal effect of lawfully issued attestations in paper form. However, those requirements should apply without prejudice to Union or national law defining additional sector specific requirements as regards form with underlying legal effects and, in particular, the cross-border recognition of qualified electronic attestation of attributes, where appropriate. | (27) Any entity that collects, creates and issues attested attributes such as diplomas, licences, certificates of birth should be able to become a provider of electronic attestation of attributes ***and should be responsible for revoking the attestation in the event of falsification, identity theft, or any issuance based on an abusive request***. Relying parties should use the electronic attestations of attributes as equivalent to attestations in paper format. ***Nevertheless, lawfully issued attestations of attributes in paper form should continue to be accepted by relying parties as an alternative to electronic attestations of attributes.*** An electronic attestation of attributes should not be denied legal effect ***solely*** on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic attestation of attributes. To that effect, general requirements should be laid down to ensure that a qualified electronic attestation of attributes has the equivalent legal effect of lawfully issued attestations in paper form. However, those | (27) Any entity that collects, creates and issues attested attributes such as diplomas, licences, certificates of birth should be able to become a provider of electronic attestation of attributes. Relying parties should use the electronic attestations of attributes as equivalent to attestations in paper format. Therefore, an electronic attestation of attributes should not be denied legal effect on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic attestation of attributes. To that effect, general requirements should be laid down to ensure that a qualified electronic attestation of attributes has the equivalent legal effect of lawfully issued attestations in paper form. However, those requirements should apply without prejudice to Union or national law defining additional sector specific requirements as regards form with underlying legal effects and, in particular, the cross-border recognition of qualified electronic attestation of attributes, where appropriate. | |



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| Recital 28 | | | | |



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| | (28) Wide availability and usability of the European Digital Identity Wallets require their acceptance by private service providers. Private relying parties providing services in the areas of transport, energy, banking and financial services, social security, health, drinking water, postal services, digital infrastructure, education or telecommunications should accept the use of European Digital Identity Wallets for the provision of services where strong user authentication for online identification is required by national or Union law or by contractual obligation. Where very large online platforms as defined in Article 25.1. of Regulation [reference DSA Regulation] require users to authenticate to access online services, those platforms should be mandated to accept the use of European Digital Identity Wallets upon voluntary request of the user. Users should be under no obligation to use the wallet to access private services, but if they wish to do so, large online platforms should accept the European Digital Identity Wallet for this purpose while | (28) ***The*** wide availability and usability of ***EDIWs require their acceptance and trust by both private individuals and*** private service providers. Private relying parties providing services ***such as*** in the areas of transport, energy, banking and financial services, social security, health, drinking water, postal services, digital infrastructure, ***telecommunications or education*** should accept the use of ***EDIWs*** for the provision of services where strong user authentication for online identification is required ***by Union or national law. Information requested from the user via EDIW should be necessary and proportionate for the intended use case of the relying party and should be in line with the principle of data minimisation, ensuring transparency over which data is shared and for what purposes***. Where very large online platforms as defined in Article 25.1. of Regulation ***(EU) 2022/2065*** require users to authenticate to access online services, those platforms should be | (28) Wide availability and usability of the European Digital Identity Wallets require their acceptance by private service providers. Private relying parties providing services in the areas of transport, energy, banking ~~and~~**,** financial services, social security, health, drinking water, postal services, digital infrastructure, education or telecommunications should accept the use of European Digital Identity Wallets for the provision of services where strong user authentication ~~for online identification~~ is required by national or Union law or by contractual obligation. **To facilitate the use and acceptance of the European Digital Identity Wallet, widely accepted industry standards and specifications should be taken into account.** Where very large online platforms as defined in Article 25.1. of Regulation [reference DSA Regulation] require users to authenticate to access online services, those platforms should be mandated to accept the use of European Digital Identity Wallets upon voluntary request of the user. Users should be under no obligation to use the wallet to | |



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| 38 | (29) The European Digital Identity Wallet should technically enable the selective disclosure of attributes to relying parties. This feature should become a basic design feature thereby reinforcing convenience and personal data protection including minimisation of processing of personal data. | (29) ***EDIWs*** should technically enable the selective disclosure of attributes ▌ to relying parties ***in a secure and user-friendly manner as one of its key features and advantages. They should also ensure that no attributes are disclosed to parties that are not registered to receive such attributes***. This feature should become a basic ▌ design feature***,*** thereby reinforcing convenience and personal data protection including minimisation of processing of personal data ***in particular privacy by design and by default. Mechanisms for the validation of EDIWs, the selective disclosure and authentication of users to access online services should be privacy-preserving thereby preventing the tracking of the user and respecting the principle of purpose limitation, which implies a right to pseudonymity to ensure the user cannot be linked across several relying parties. The technical architecture and implementation of EDIWs should be in full compliance with Regulation (EU)*** | (29) **Selective disclosure is a concept empowering the owner of data to disclose only certain parts of a larger data set, in order for the receiving entity to obtain only information that is required, e.g. for a user to disclose only data to a relying party that is necessary for provision of a service requested by a user.** The European Digital Identity Wallet should technically enable the selective disclosure of attributes to relying parties. **Such selectively disclosed attributes, including when originally parts of multiple distinct electronic attestations, may be subsequently combined and presented to relying parties.** This feature should become a basic design feature thereby reinforcing convenience and ~~personal data~~**the** protection ~~including minimisation of processing of personal data~~**of personal data including data minimisation**. | |



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| 38a | | ***(29a) Unless specific rules of Union or national law require users to identify themselves, the use of services under a pseudonym should be allowed and should not be restricted by Member States, for example by imposing a general obligation on service providers to limit the pseudonymous use of their services.*** | | |
| Recital 30 | | | | |



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| 39 | (30) Attributes provided by the qualified trust service providers as part of the qualified attestation of attributes should be verified against the authentic sources either directly by the qualified trust service provider or via designated intermediaries recognised at national level in accordance with national or Union law for the purpose of secure exchange of attested attributes between identity or attestation of attributes' service providers and relying parties. | (30) Attributes provided by the qualified trust service providers as part of the qualified attestation of attributes should be verified against the authentic sources either directly by the qualified trust service provider or via designated intermediaries recognised at national level in accordance with ***Union or national*** law for the purpose of secure exchange of attested attributes between identity or attestation of attributes' service providers and relying parties. | (30) Attributes provided by the qualified trust service providers as part of the qualified attestation of attributes should be verified against the authentic sources either directly by the qualified trust service provider or via designated intermediaries recognised at national level in accordance with national or Union law for the purpose of secure exchange of attested attributes between identity or attestation of attributes' service providers and relying parties. **Member States should establish appropriate mechanisms at national level to ensure that qualified trust service providers issuing qualified electronic attestation of attributes are able, based on the consent of the person to whom the attestation is issued, to verify the authenticity of the attributes relying on authentic sources. Appropriate mechanisms may include the use of specific intermediaries or technical solutions in compliance with national law allowing access to authentic sources. Ensuring the availability of a mechanism that will allow for the** | |



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| Recital 31 | | | | |
| 40 | (31) Secure electronic identification and the provision of attestation of attributes should offer additional flexibility and solutions for the financial services sector to allow identification of customers and the exchange of specific attributes necessary to comply with, for example, customer due diligence requirements under the Anti Money Laundering Regulation, [reference to be added after the adoption of the proposal], with suitability requirements stemming from investor protection legislation, or to support the fulfilment of strong customer authentication requirements for account login and initiation of transactions in the field of payment services. | (31) Secure electronic identification and the provision of attestation of attributes should offer additional flexibility and solutions for the financial services sector to allow identification of customers and the exchange of specific attributes necessary to comply with, for example, customer due diligence requirements under the Anti Money Laundering Regulation, [reference to be added after the adoption of the proposal], with suitability requirements stemming from investor protection legislation, or to support the fulfilment of strong customer authentication requirements for account login and ***for*** initiation of transactions in the field of payment services. | (31) Secure electronic identification and the provision of attestation of attributes should offer additional flexibility and solutions for the financial services sector to allow identification of customers and the exchange of specific attributes necessary to comply with, for example, customer due diligence requirements under the Anti Money Laundering Regulation, [reference to be added after the adoption of the proposal], with suitability requirements stemming from investor protection legislation, or to support the fulfilment of strong customer authentication requirements for **online identification for the purpose of** account login and initiation of transactions in the field of payment services. | |
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| 40a | | ***(31a) This Regulation should establish the principle that the legal effect of an electronic signature cannot be challenged on the grounds that it is in an electronic form or that it does not meet the requirements of the qualified electronic signature. However, it is for national law to define the legal effect of electronic signatures, except for the requirements provided for in this Regulation according to which the legal effect of a qualified electronic signature it is to be equivalent to that of a handwritten signature. In determining the legal effects of electronic signatures Member States should take into account the principle of proportionality between the judicial value of a document to be signed and level of security and cost that an electronic signature requires. To increase the accessibility and use of electronic signatures, Member States are encouraged to consider the use of advanced electronic signatures in the day-to- day transactions for which they provide a sufficient level of security and confidence. The use*** | **(31a) In order to ensure the consistency of certification practices across the EU, the Commission should issue guidelines on the certification and recertification of qualified electronic signature creation devices and of qualified electronic seal creation devices, including their validity and limitations in time. This regulation does not prevent Member States from allowing public or private bodies that have certified qualified electronic signature creation devices to temporarily extend the validity of certification when a recertification of the same device could not be performed within the legally defined timeframe for a reason other than a breach or security incident, and without prejudice to the applicable certification practice.** | |



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| 41 | (32) Website authentication services provide users with assurance that there is a genuine and legitimate entity standing behind the website. Those services contribute to the building of trust and confidence in conducting business online, as users will have confidence in a website that has been authenticated. The use of website authentication services by websites is voluntary. However, in order for website authentication to become a means to increasing trust, providing a better experience for the user and furthering growth in the internal market, this Regulation lays down minimal security and liability obligations for the providers of website authentication services and their services. To that end, web-browsers should ensure support and interoperability with Qualified certificates for website authentication pursuant to Regulation (EU) No 910/2014. They should recognise and display Qualified certificates for website authentication to provide a high level of assurance, allowing website owners to assert their identity as owners of a website and users to identify | (32) Website authentication services provide users with ***a high level of assurance of the identity of the*** entity standing behind the website. Those services contribute to the building of trust and confidence in conducting business online, as users will have confidence in a website that has been authenticated. The use of website authentication services by websites is voluntary. However, in order for website authentication to become a means to increasing trust, providing a better experience for the user and furthering growth in the internal market, this Regulation lays down minimal security and liability obligations for the providers of website authentication services and their services. To that end, web-browsers should ensure support and interoperability with qualified certificates for website authentication pursuant to Regulation (EU) No 910/2014. They should recognise and display qualified certificates for website authentication to provide a high level of assurance, allowing website owners to assert their identity as owners of a website and users to identify | (32) Website authentication services provide users with **a high level of** assurance that there is a genuine and legitimate entity standing behind the website**, irrespective of the platform used to display it**. Those services contribute to the building of trust and confidence in conducting business online~~, as users will have confidence in a website that has been authenticated~~ **and to reducing instances of fraud online**. The use of website authentication services by websites ~~is~~**should be** voluntary. However, in order for website authentication to become a means to ~~increasing~~**increase** trust, providing a better experience for the user and furthering growth in the internal market, this Regulation ~~lays~~**should lay** down minimal security and liability obligations for the providers of website authentication services and their services. To that end, **providers of** web-browsers should ensure support and interoperability with qualified certificates for website authentication pursuant to Regulation (EU) No 910/2014. They should recognise ~~and display~~ qualified certificates for website authentication ~~to~~ | |



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| | (33) Many Member States have introduced national requirements for services providing secure and trustworthy digital archiving in order to allow for the long term preservation of electronic documents and associated trust services. To ensure legal certainty and trust, it is essential to provide a legal framework to facilitate the cross border recognition of qualified electronic archiving services. That framework could also open new market opportunities for Union trust service providers. | (33) Many Member States have introduced national requirements for services providing secure and trustworthy digital archiving in order to allow for the long term preservation of electronic documents and associated trust services. To ensure legal certainty and trust, it is essential to provide a legal framework to facilitate the cross border recognition of qualified electronic archiving services. That framework could also open new market opportunities for Union trust service providers. | (33) Many Member States have introduced national requirements for services providing secure and trustworthy digital archiving in order to allow for the long term preservation of electronic ~~documents~~**data** and associated trust services. To ensure legal certainty**, trust and harmonization across Member states, a legal framework for qualified electronic archiving services should be established, inspired by the framework of the other** ~~and~~ trust **services set out in this Regulation. This framework should offer trust service providers and users an efficient toolbox that includes functional requirements for the electronic archiving service, as well as clear legal effects when a qualified electronic archiving service is used. These provisions should apply to electronically born documents as well as paper documents that have been scanned and digitised. When required, these provisions should allow for the preserved electronic data to be ported on different media or formats for the purpose of extending** | |



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| 42a | | | **(33a) National archives and memory institutions, in their capacity as organizations dedicated to preserving the documentary heritage in public interest, are usually mandated to conduct their activities by national law and do not necessarily provide trust services within the meaning of this Regulation. In so far these institutions do not provide such services, this Regulation is without prejudice to their operation.** | |
| Recital 34 | | | | |



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| | (34) Qualified electronic ledgers record data in a manner that ensures the uniqueness, authenticity and correct sequencing of data entries in a tamper proof manner. An electronic ledger combines the effect of time stamping of data with certainty about the data originator similar to e-signing and has the additional benefit of enabling more decentralised governance models that are suitable for multi-party co-operations. For example, it creates a reliable audit trail for the provenance of commodities in cross-border trade, supports the protection of intellectual property rights, enables flexibility markets in electricity, provides the basis for advanced solutions for self-sovereign identity and supports more efficient and transformative public services. To prevent fragmentation of the internal market, it is important to define a pan-European legal framework that allows for the cross-border recognition of trust services for the recording of data in electronic ledgers. | (34) ▌ | (34) ~~Qualified~~ Electronic ledgers ~~record data in a manner that ensures the uniqueness, authenticity and correct sequencing of data entries in a tamper proof manner. An~~**are a sequence of electronic data records which ensure their integrity and the accuracy of their chronological ordering. The purpose of electronic ledgers is to establish a chronological sequence of data records to prevent that digital assets are copied and sold to several recipients.** Electronic ~~ledger combines the effect of time stamping of data with certainty about the data originator similar to e-signing and has the additional benefit of enabling more decentralised governance models that are suitable for multi-party co-operations. For example, it creates a reliable audit trail~~**ledgers can, for example, be used for digital records of ownership in global trade, supply chain financing, the digitalisation of intellectual property rights or of commodities such as electricity. In conjunction with other technologies, they can contribute to solutions for more** | |



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| | (35) The certification as qualified trust service providers should provide legal certainty for use cases that build on electronic ledgers. This trust service for electronic ledgers and qualified electronic ledgers and the certification as qualified trust service provider for electronic ledgers should be notwithstanding the need for use cases to comply with Union law or national law in compliance with Union law. Use cases that involve the processing of personal data must comply with Regulation (EU) 2016/679. Use cases that involve crypto assets should be compatible with all applicable financial rules for example with the Markets in Financial Instruments Directive[1], the Payment Services Directive[2] and the future Markets in Crypto Assets Regulation[3].<br>_____<br>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU Text with EEA relevance, OJ L 173, 12.6.2014, p. 349–496.<br>2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives | (35) [redacted] | (35) **To prevent fragmentation of the internal market a pan-European legal framework** ~~The certification as qualified trust service providers~~ should ~~provide legal certainty for use cases that build on~~**be established allowing for the cross-border recognition of trust services for the recording of data in qualified** electronic ledgers. ~~This~~ Trust service **providers for** ~~for~~ electronic ledgers ~~and qualified electronic ledgers and the certification as qualified trust service provider for electronic ledgers should be~~**should be mandated to ascertain the sequential recording of data into the ledger. This Regulation is** notwithstanding ~~the need for use cases~~**any legal obligations that users of electronic ledgers may need** to comply with **under** Union ~~law or~~**and** national law**. For instance,** ~~in compliance with Union law.~~ use cases that involve the processing of personal data ~~must~~**should** comply with Regulation (EU) 2016/679. Use cases that involve crypto assets should be compatible with all applicable financial | |



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| Recital 36 | | | | |



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| 45 | (36) In order to avoid fragmentation and barriers, due to diverging standards and technical restrictions, and to ensure a coordinated process to avoid endangering the implementation of the future European Digital Identity framework, a process for close and structured cooperation between the Commission, Member States and the private sector is needed. To achieve this objective, Member States should cooperate within the framework set out in the Commission Recommendation XXX/XXXX [Toolbox for a coordinated approach towards a European Digital Identity Framework][1] to identify a Toolbox for a European Digital Identity framework. The Toolbox should include a comprehensive technical architecture and reference framework, a set of common standards and technical references and a set of guidelines and descriptions of best practices covering at least all aspects of the functionalities and interoperability of the European Digital Identity Wallets including eSignatures and of the qualified trust service for | (36) In order to avoid fragmentation and barriers, due to diverging standards and technical restrictions, and to ensure a coordinated process to avoid endangering the implementation of the future european digital Identity framework, a process for close and structured cooperation between the Commission, Member States***, civil society, academics*** and the private sector is needed. To achieve this objective, Member States should cooperate***. The Member States*** should ***agree on*** a comprehensive technical architecture and reference framework, a set of common standards and technical references ***including recognised existing standards,*** and a set of guidelines and descriptions of best practices covering at least all aspects of the functionalities and interoperability of the ***EDIWs*** including eSignatures and of the qualified trust service ***providers*** for attestation of attributes as laid out in this regulation. In this context, Member States should also reach agreement on common elements of a business model and fee structure of ***EDIWs***, to facilitate | (36) In order to avoid fragmentation and barriers, due to diverging standards and technical restrictions, and to ensure a coordinated process to avoid endangering the implementation of the future European Digital Identity framework, a process for close and structured cooperation between the Commission, Member States and the private sector is needed. To achieve this objective, Member States should cooperate within the framework set out in the Commission Recommendation XXX/XXXX [Toolbox for a coordinated approach towards a European Digital Identity Framework][1] to identify a Toolbox for a European Digital Identity framework. The Toolbox should include a comprehensive technical architecture and reference framework, a set of common standards and technical references and a set of guidelines and descriptions of best practices covering at least all aspects of the functionalities and interoperability of the European Digital Identity Wallets including eSignatures and of the qualified trust service for | |



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| | | | | |
| 45a | | ***(36a) In order to ensure wide usability and availability, additional financial support measures should be envisaged to support Member States in issuing and managing the EDIWs. To that end, the Commission should asses the availability of additional Union funds to be made available for the Member States that would request support in the development, deployment and management of EDIWs.*** | **(36a) Member States should lay down rules on penalties for infringements such as direct or indirect practices leading to confusion between non-qualified and qualified trust services or to the abusive use of the EU trust mark by non-qualified trust service providers. The EU trust mark should not be used under conditions which, directly or indirectly, lead to the belief that any non-qualified trust services offered by this provider are qualified.** | |
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| 45b | | ***(36b) In order to ensure a wider use and applicability of EDIWs across the Union, the Commission should build on and leverage the framework of this Regulation when developing sectoral Union instruments, such as the European Social Security Pass and the common European data spaces. The coordination with the European Social Security Pass should enable the digital portability of citizens' social security rights across borders and the verification of their entitlements and validity of documents. For the common European data space, EDIWs should enable a higher degree of transparency and control of the users over their data.*** | **(36b) This Regulation should ensure a harmonized level of quality, trustworthiness and security of qualified trust services, regardless of the place where the operations are conducted. Thus, a qualified trust service provider should be allowed to outsource its operations related to the provision of a qualified trust service outside of the Union, should it provide the guarantees, ensuring that supervisory activities and audits can be enforced as if these operations were carried out in the Union. When the compliance with the Regulation cannot be fully assured, the supervisory bodies should be able to adopt proportionate and justified measures including withdrawal of the qualified status of the trust service provided.** | |
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| 45c | | | **(36c) To ensure legal certainty as regards the validity of advanced electronic signatures based on qualified certificates, it is essential to specify the components of an advanced electronic signature based on qualified certificates, which should be assessed by the relying party carrying out the validation of that signature.** | |
| | | | | |
| 45d | | | **(36d) Trust service providers should use cryptographic algorithms reflecting current best practices and trustworthy implementations of these algorithms in order to ensure security and reliability of their trust services.** | |
| | | | | |



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| 45e | | | **(36e) This Regulation should set out an obligation for qualified trust service providers to verify the identity of a natural or legal person to whom the qualified certificate is issued based on various harmonized methods across the EU. Such a method may include the reliance on electronic identification means which meets the requirements of level of assurance 'substantial' in combination with additional harmonized remote procedures which ensures the identification of the person with a high level of confidence.** | |
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| 45f | | | **(36f) Issuers of European Digital Identity Wallets and issuers of notified electronic identification means acting in a commercial or professional capacity using core platform services offered by gatekeepers for the purpose of or in the course of providing goods and services to end-users should be considered business users in accordance with Art. 2(21) of Regulation (EU) 2022/1925. The gatekeepers should therefore be required to ensure, free of charge, effective interoperability with, and access for the purposes of interoperability to, the same operating system, hardware or software features that are available or used in the provision of its own complementary and supporting services and hardware. This should allow issuers of European Digital Identity Wallets and issuers of notified electronic identification means to interconnect through interfaces or similar solutions to the respective features as effectively as the gatekeeper's own services or hardware.** | |



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| 45g | | | **(36g) To keep this Regulation in line with current developments and to follow the practices on the internal market, the delegated and implementing acts adopted by the Commission should be reviewed and if necessary updated on a regular basis. The assessment of the necessity of these updates should take into account new technologies, practices, standards or technical specifications emerged on the internal market.** | |
| Recital 37 | | | | |



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| 46 | (37) The European Data Protection Supervisor has been consulted pursuant to Article 42 (1) of Regulation (EU) 2018/1525 of the European Parliament and of the Council[1].<br>_____<br>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). | (37) The European Data Protection Supervisor has been consulted pursuant to Article 42 (1) of Regulation (EU) 2018/1525 of the European Parliament and of the Council[1].<br>_____<br>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). | (37) The European Data Protection Supervisor has been consulted pursuant to Article 42 (1) of Regulation (EU) 2018/1525 of the European Parliament and of the Council[1].<br>_____<br>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). | |
| Recital 38 | | | | |
| 47 | (38) Regulation (EU) 910/2014 should therefore be amended accordingly, | (38) Regulation (EU) ***No 910/2014*** should therefore be amended accordingly, | (38) Regulation (EU) 910/2014 should therefore be amended accordingly, | |
| Formula | | | | |
| 48 | HAVE ADOPTED THIS REGULATION: | HAVE ADOPTED THIS REGULATION: | HAVE ADOPTED THIS REGULATION: | |
| Article 1 | | | | |
| G 49 | Article 1 | Article 1 | Article 1 | Article 1<br>Text Origin: Commission Proposal G |
| Article 1, first paragraph | | | | |



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| 50 | Regulation (EU) 910/2014 is amended as follows: | Regulation (EU) 910/2014 is amended as follows: | Regulation (EU) 910/2014 is amended as follows: | Regulation (EU) 910/2014 is amended as follows:<br><br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (1) | | | | |
| 51 | (1) Article 1 is replaced by the following: | (1) Article 1 is replaced by the following: | (1) Article 1 is replaced by the following: | (1) Article 1 is replaced by the following:<br><br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (1), amending provision, first paragraph | | | | |
| 52 | ‘<br>This Regulations aims at ensuring the proper functioning of the internal market and providing an adequate level of security of electronic identification means and trust services. For these purposes, this Regulation: | ‘<br>This ***Regulation aims to contribute towards*** ensuring the proper functioning of the internal market providing an adequate level of security of electronic identification means and trust services ***used across the Union***. For these purposes, this Regulation: | ‘<br>This ~~Regulations~~**Regulation** aims at ensuring the proper functioning of the internal market and providing an adequate level of security of electronic identification means and trust services. For these purposes, this Regulation: | ‘<br>This ~~*Regulations*~~***Regulation*** aims at ensuring the proper functioning of the internal market and providing an adequate level of security of electronic identification means and trust services ***used across the Union in order to enable and to facilitate the exercise of the right to safely participate in the digital society and the access to online public services throughout the Union for any natural or legal person***. For these purposes, this Regulation: |
| Article 1, first paragraph, point (1), amending provision, first paragraph, point (a) | | | | |



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| 53 | (a) lays down the conditions under which Member States shall provide and recognise electronic identification means of natural and legal persons, falling under a notified electronic identification scheme of another Member State; | (a) lays down the conditions under which Member States shall provide and recognise electronic identification means of natural and legal persons, falling under a notified electronic identification scheme of another Member State; | (a) lays down the conditions under which Member States shall provide and recognise electronic identification means of natural and legal persons~~,~~ falling under a notified electronic identification scheme of another Member State; | (a) lays down the conditions under which Member States shall provide and recognise electronic identification means of natural and legal persons, falling under a notified electronic identification scheme of another Member State;<br>Text Origin: Commission Proposal |
| | | | | |
| 53a | | | **(aa) lays down the conditions under which Member States shall provide and recognise European Digital Identity Wallets;** | |
| Article 1, first paragraph, point (1), amending provision, first paragraph, point (b) | | | | |
| 54 | (b) lays down rules for trust services, in particular for electronic transactions; | (b) lays down rules for trust services, in particular for electronic transactions; | (b) lays down rules for trust services, in particular for electronic transactions; | (b) lays down rules for trust services, in particular for electronic transactions;<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (1), amending provision, first paragraph, point (c) | | | | |



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| 55 | (c) establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic registered delivery services, certificate services for website authentication, electronic archiving and electronic attestation of attributes, the management of remote electronic signature and seal creation devices, and electronic ledgers; | (c) establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, ***non-qualified electronic delivery services, qualified*** electronic registered delivery services, certificate services for website authentication, electronic ▌ attestation of attributes ***and*** the management of remote electronic signature and seal creation devices ▌ ; | (c) establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic registered delivery services, certificate services for website authentication, electronic ~~archiving and~~ **validation of electronic signatures, electronic seals and their certificates, electronic validation of certificates for website authentication, electronic preservation of electronic signatures, electronic seals and their certificates, electronic archiving,** electronic attestation of attributes, the management of remote **qualified** electronic signature and seal creation devices, and electronic ledgers; , | |
| Article 1, first paragraph, point (1), amending provision, first paragraph, point (d) | | | | |
| 56 | (d) lays down the conditions for the issuing of European Digital Identity Wallets by Member States.; , | (d) lays down the conditions for the issuing**, *managing and recognition*** of European Digital Identity Wallets by Member States ***and for ensuring their interoperability and their cross-border use in the Union***; | *deleted* | |



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| G 56a | | ***(da) enables the exercise of the right to safely participate in the digital society and facilitates unrestricted access to online public services throughout the Union for any natural or legal person. ;*** , | | G |
| Article 1, first paragraph, point (2) | | | | |
| G 57 | (2) Article 2 is amended as follows: | (2) Article 2 is amended as follows: | (2) Article 2 is amended as follows: | (2) Article 2 is amended as follows:<br>Text Origin: Commission Proposal G |
| Article 2, first paragraph, point (2)(a) | | | | |
| G 58 | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following:<br>Text Origin: Commission Proposal G |
| Article 2, first paragraph, point (2)(a), amending provision, numbered paragraph (1) | | | | |
| Y 59 | ‘<br>1. This Regulation applies to electronic identification schemes that have been notified by a Member State, European Digital Identity Wallets issued by Member States and to trust service providers that are established in the Union.; , | ‘<br>1. This Regulation applies to electronic identification schemes that have been notified by a Member State, European Digital Identity Wallets issued ***and managed*** by Member States and to trust service providers that are established in the Union.**’**; , | ‘<br>1. —This Regulation applies to electronic identification schemes that have been notified by a Member State, European Digital Identity Wallets ~~issued~~**provided** by Member States and to trust service providers that are established in the Union.**’**; , | Y |
| Article 2, first paragraph, point (2)(b) | | | | |



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| 60 | (b) paragraph 3 is replaced by the following: | (b) paragraph 3 is replaced by the following: | (b) paragraph 3 is replaced by the following: | (b) paragraph 3 is replaced by the following:<br>Text Origin: Commission Proposal |
| Article 2, first paragraph, point (2)(b), amending provision, numbered paragraph (3) | | | | |
| 61 | ‘<br>3. This Regulation does not affect national or Union law related to the conclusion and validity of contracts or other legal or procedural obligations relating to sector specific requirements as regards form with underlying legal effects.;<br>’ | ‘<br>3. This Regulation does not affect ***Union or national*** law related to ***:***<br>***(a)*** the conclusion and validity of contracts or other legal or procedural obligations relating to ***form; or***<br>***(b) sector-specific*** requirements ***for qualified electronic attestation of attributes*** as regards form with underlying legal effects***,***<br>***in particular in the context of the cross-border recognition of qualified electronic attestation of attributes.’***;<br>’ | ‘<br>3. This Regulation does not affect national or Union law related to the conclusion and validity of contracts or other legal or procedural obligations relating to ~~sector specific~~**form or sector-specific** requirements ~~as regards form with underlying legal effects~~**relating to form.’**;<br>’ | ‘<br>3. This Regulation does not affect national or Union law related to the conclusion and validity of contracts or other legal or procedural obligations relating to ~~*sector specific*~~***form or sector-specific*** requirements ~~*as regards form with underlying legal effects*~~***relating to form.’***;<br>Text Origin: Council Mandate |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3a) | | | | |
| 61a | | | | ***3a. This Regulation shall be without prejudice to Regulation (EU) 2016/679.***<br>’ |
| Article 1, first paragraph, point (3) | | | | |
| 62 | (3) Article 3 is amended as follows: | (3) Article 3 is amended as follows: | (3) Article 3 is amended as follows: | |



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| | | | | |
| 62a | | | **(-a) point (1) is replaced by the following:** | |
| | | | | |
| 62b | | | (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 **natural or** legal person;**'** | |
| | | | | |
| 62c | | | **(-b) point (3) is replaced by the following:** | |
| | | | | |
| 62d | | | **(3) 'person identification data' means a set of data, issued in accordance with Union or national law, enabling the identity of a natural or legal person, or of a natural person representing a natural or legal person, to be established.** | |
| Article 1, first paragraph, point (3)(a), first subparagraph | | | | |



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| 63 | (a) point (2) is replaced by the following: | (a) ***points (2) to (6) are*** replaced by the following: | (a) point (2) is replaced by the following: | |
| Article 1, first paragraph, point (3)(a), first subparagraph, amending provision, numbered paragraph (2) | | | | |
| 64 | ‘<br>(2) ‘electronic identification means’ means a material and/ or immaterial unit, including European Digital Identity Wallets or ID cards following Regulation 2019/1157, containing person identification data and which is used for authentication for an online or offline service;;<br>’ | ‘<br>(2) ‘electronic identification means’ means a material and/ or immaterial unit, including European Digital Identity Wallets or ID cards following Regulation 2019/1157, containing person identification data and which is used for authentication for an online or offline service**′**; | ‘<br>(2) ‘electronic identification means’ means a material and/ or immaterial unit, including European Digital Identity Wallets ~~or ID cards following Regulation 2019/1157,~~ containing person identification data and which is used for authentication for an online **service or, where appropriate, for an**~~**or**~~ offline service;**’**;<br>’ | |
| Article 1, first paragraph, point (3)(-a), first subparagraph, amending provision, numbered paragraph (3) | | | | |
| 64a | | (3) ‘person identification data’ means a set of data**,** ***issued in accordance with national law,*** enabling the identity of a natural or legal person, or a natural person representing a legal person to be established;<br>’ | | |
| Article 1, first paragraph, point (3)(b), second subparagraph | | | | |
| 65 | (b) point (4) is replaced by the following: | ▌ ▌ | (b) point (4) is replaced by the following: | |



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| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (4) | | | | |
| 66 | ‘<br>(4) ‘electronic identification scheme’ means a system for electronic identification under which electronic identification means, are issued to natural or legal persons or natural persons representing legal persons;;<br>, | ‘<br>(4) ‘electronic identification scheme’ means a system for electronic identification under which electronic identification means, are issued to natural or legal persons or natural persons representing legal ***or natural*** persons***'***;<br> | ‘<br>(4) ‘electronic identification scheme’ means a system for electronic identification under which electronic identification means, are issued to natural or legal persons or natural persons representing **natural or** legal persons;**’**;<br>, | |
| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (4a) | | | | |
| 66a | | ***(4a) ‘user’ means a natural or legal person, or a natural person representing a legal person using trust services, notified electronic identification means or European Digital Identity Wallets;*** | | |
| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (5) | | | | |
| 66b | | (5) ‘authentication’ means an electronic process that enables the ***verification of*** the origin and integrity of data in electronic form ▌ ; | | |
| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (5a) | | | | |



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| 66c | | ***(5a) 'identification' means an electronic process that establish an unequivocal relationship between a set of data and a natural or legal person;*** | | |
| | | | | |
| 66d | | ***(5b) 'validation' means the process of verifying that an electronic signature, an electronic seal, a European Digital Identity Wallet, an electronic identification mean, a relying party authorisation, person identification data, an electronic attestation of attributes or any electronic certificates for trust services is valid and has not been revoked;*** | | |
| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (5c) | | | | |



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| 66e | | ***(5c) 'zero knowledge proof' means cryptographic methods by which a relying party can validate that a given statement based on the electronic attestation of attributes held in a user's European Digital Identity Wallet is true, without conveying any data related to those electronic attestation of attributes to the relying party;*** | | |
| Article 1, first paragraph, point (3)(b), second subparagraph, amending provision, numbered paragraph (6) | | | | |
| 66f | | (6) 'relying party' means a natural or legal person that relies upon an electronic identification ***means, including European Digital Identity Wallets,*** or a trust service***, directly or through an intermediary, in order to provide services***; ' | | |
| | | | | |
| 66g | | | **(ba) point (5) is replaced by the following:** | |
| | | | | |



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| 66h | | | (5) 'authentication' means an electronic process that enables the electronic identification of a natural or legal person **to be confirmed**, or the origin and integrity of data in electronic form to be confirmed; | |
| | | | | |
| 66i | | | **(bb) the following point (5a) is inserted:** | |
| | | | | |
| 66j | | | **(5a) 'user' means a natural or legal person, or a natural person representing a natural or legal person, using trust services or electronic identification means, provided according to this Regulation;** | |
| Article 1, first paragraph, point (3)(c) | | | | |
| 67 | (c) point (14) is replaced by the following: | (c) point (14) is replaced by the following: | (c) point (14) is replaced by the following: | |
| Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (14) | | | | |



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| 68 | ‘<br>(14) ‘certificate for electronic signature’ means an electronic attestation or set of attestations which links electronic signature validation data to a natural person and confirms at least the name or the pseudonym of that person;;<br>’ | ‘<br>(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**′**;<br>’ | ‘<br>(14) ‘certificate for electronic signature’ means an electronic attestation ~~or set of attestations~~ which links electronic signature validation data to a natural person and confirms at least the name or the pseudonym of that person;**’**;<br>’ | |
| Article 1, first paragraph, point (3)(d) | | | | |
| 69 | (d) point (16) is replaced by the following: | (d) point (16) is replaced by the following: | (d) point (16) is replaced by the following: | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16) | | | | |
| 70 | ‘<br>(16) ‘trust service’ means an electronic service normally provided against payment which consists of: | ‘<br>(16) ‘trust service’ means an electronic service normally provided against payment which consists of: | ‘<br>(16) ‘trust service’ means an electronic service normally provided ~~against payment~~**for remuneration** which consists of: | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (a) | | | | |



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| 71 | (a) the creation, verification, and validation of electronic signatures, electronic seals or electronic time stamps, electronic registered delivery services, electronic attestation of attributes and certificates related to those services; | (a) the creation, verification, and validation of electronic signatures, electronic seals or electronic time stamps, electronic registered delivery services, electronic attestation of attributes and certificates related to those services; | (a) the ~~creation, verification, and validation of~~**issuing of certificates for** electronic signatures, ~~electronic seals or~~**of certificates for** electronic ~~time stamps, electronic registered delivery services, electronic attestation of attributes and certificates related to those~~**seals, of certificates for website authentication or of certificates for the provision of other trust** services; | |
| | | | | |
| 71a | | | **(aa) the validation of certificates for electronic signatures, of certificates for electronic seals, of certificates for website authentication or of certificates for the provision of other trust services;** | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (b) | | | | |
| 72 | (b) the creation, verification and validation of certificates for website authentication; | (b) the creation, verification and validation of certificates for website authentication; | (b) the creation~~,~~ ~~verification and validation of certificates for website authentication~~ **of electronic signatures or of electronic seals**; | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (c) | | | | |



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| 73 | (c) the preservation of electronic signatures, seals or certificates related to those services; | (c) the preservation of electronic signatures, seals or certificates related to those services; | (c) the ~~preservation~~**validation** of electronic signatures~~, seals or certificates related to those services~~ **or of electronic seals**; | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (d) | | | | |
| 74 | (d) the electronic archiving of electronic documents; | (d) the electronic archiving of electronic documents; | (d) the **preservation of** electronic ~~archiving of~~ **signatures, of electronic seals, of certificates for electronic signatures or of certificates for** electronic ~~documents~~**seals**; | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (e) | | | | |
| 75 | (e) the management of remote electronic signature and seal creation devices; | (e) the management of remote electronic signature and seal creation devices; , | (e) the management of remote **qualified** electronic signature ~~and~~**creation devices or of remote qualified electronic** seal creation devices; | |
| Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (16), point (f) | | | | |
| 76 | (f) the recording of electronic data into an electronic ledger.; , | | (f) the ~~recording~~**issuing** of electronic ~~data into an electronic ledger.~~**attestations of attributes**; | |
| | | | | |
| 76a | | | **(fa) the validation of electronic attestation of attributes;** | |
| | | | | |



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| 76b | | | **(fb) the creation of electronic timestamps;** | |
| | | | | |
| 76c | | | **(fc) the validation of electronic timestamps;** | |
| | | | | |
| 76d | | | **(fd) the provision of electronic registered delivery services;** | |
| | | | | |
| 76e | | | **(fe) the validation of data transmitted through electronic registered delivery services and related evidence;** | |
| | | | | |
| 76f | | | **(ff) the electronic archiving of electronic data; or** | |
| | | | | |
| 76g | | | **(fg) the recording of electronic data into an electronic ledger;** , | |
| | | | | |
| 76h | | | **(da) point (18) is replaced by the following:** | |
| | | | | |



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| 76i | | | (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**, or to carry out certification of European Digital Identity Wallets or electronic identification means**; | |
| Article 1, first paragraph, point (3)(e) | | | | |
| 77 | (e) point (21) is replaced by the following: | (e) point (21) is replaced by the following: | (e) point (21) is replaced by the following: | |
| Article 1, first paragraph, point (3)(e), amending provision, numbered paragraph (21) | | | | |
| 78 | ' (21) 'product' means hardware or software, or relevant components of hardware and / or software, which are intended to be used for the provision of electronic identification and trust services;; ' | ' (21) 'product' means hardware or software, or relevant components of hardware and / or software, which are intended to be used for the provision of electronic identification and trust services;; ' | ' (21) 'product' means hardware or software, or relevant components of hardware ~~and / or~~**and/ or** software, which are intended to be used for the provision of electronic identification and trust services;**'**; ' | |
| Article 1, first paragraph, point (3)(f) | | | | |



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| 79 | (f) the following points (23a) and (23b) are inserted: | (f) the following points ▌ are inserted: | (f) the following points (23a) and (23b) are inserted: | |
| Article 1, first paragraph, point (3)(f), amending provision, first paragraph | | | | |
| 80 | ‘<br>(23a) ‘remote qualified signature creation device’ means a qualified electronic signature creation device where a qualified trust service provider generates, manages or duplicates the electronic signature creation data on behalf of a signatory; | ‘<br>(23a) ‘remote qualified signature creation device’ means a qualified electronic signature creation device where a qualified trust service provider generates, manages or duplicates the electronic signature creation data on behalf of a signatory; | ‘<br>(23a) ‘remote qualified **electronic** signature creation device’ means a qualified electronic signature creation device ~~where~~**managed by** a qualified trust service provider ~~generates, manages or duplicates the electronic signature creation data~~**in accordance with Article 29a** on behalf of a signatory; | |
| Article 1, first paragraph, point (3)(f), amending provision, second paragraph | | | | |
| 81 | (23b) ‘remote qualified seal creation device’ means a qualified electronic seal creation device where a qualified trust service provider generates, manages or duplicates the electronic signature creation data on behalf of a seal creator;; ’ | (23b) ‘remote qualified seal creation device’ means a qualified electronic seal creation device where a qualified trust service provider generates, manages or duplicates the electronic signature creation data on behalf of a seal creator;; ’ | (23b) ‘remote qualified **electronic** seal creation device’ means a qualified electronic seal creation device ~~where~~**managed by** a qualified trust service provider ~~generates, manages or duplicates the electronic signature creation data~~**in accordance with Article 39a** on behalf of a seal creator;~~;~~ ’ | |
| Article 1, first paragraph, point (3)(g) | | | | |



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| 82 | (g) point (29) is replaced by the following: | (g) point (29) is replaced by the following: | (g) point (29) is replaced by the following: | |
| Article 1, first paragraph, point (3)(g), amending provision, numbered paragraph (29) | | | | |
| 83 | ‘<br>(29) ‘certificate for electronic seal’ means an electronic attestation or set of attestations that links electronic seal validation data to a legal person and confirms the name of that person;;<br>’ | ‘<br>(29) ‘certificate for electronic seal’ means an electronic attestation or set of attestations that links electronic seal validation data to a legal person and confirms the name of that person**’**;<br>’ | ‘<br>(29) ‘certificate for electronic seal’ means an electronic attestation ~~or set of attestations~~ that links electronic seal validation data to a legal person and confirms the name of that person;**’**;<br>’ | |
| | | | | |
| 83a | | ***(ga) points (38) and (39) are replaced by the following:*** | | |
| | | | | |
| 83b | | "<br>(38) ‘certificate for website authentication’ means an ***electronic*** 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; | | |
| | | | | |



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| 83c | | (39) 'qualified certificate for website authentication' means a certificate for website authentication ***that links the website to the natural or legal person to whom the certificate is issued with a high level of assurance***, which is issued by a qualified trust service provider and meets the requirements laid down in Annex IV; " | | |
| Article 1, first paragraph, point (3)(h) | | | | |
| 84 | (h) point (41) is replaced by the following: | (h) ▌ | (h) point (41) is replaced by the following: | |
| Article 1, first paragraph, point (3)(h), amending provision, numbered paragraph (41) | | | | |
| 85 | ' (41) 'validation' means the process of verifying and confirming that an electronic signature or a seal or person identification data or an electronic attestation of attributes is valid; ' | ' (41) ▌ ' | ' (41) 'validation' means the process of verifying and confirming that ~~an~~**data in** electronic ~~signature or a seal or person identification data or an electronic attestation of attributes is valid~~**form are valid according to the requirements of this Regulation'**; ' | |
| Article 1, first paragraph, point (3)(i) | | | | |
| 86 | (i) the following points (42) to (55) are added: | (i) the following points ▌ are added: | (i) the following points (42) to (~~55~~**55b**) are added: | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (42) | | | | |



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| 87 | ‘<br>(42) ‘European Digital Identity Wallet’ is a product and service that allows the user to store identity data, credentials and attributes linked to her/his identity, to provide them to relying parties on request and to use them for authentication, online and offline, for a service in accordance with Article 6a; and to create qualified electronic signatures and seals; | ‘<br>(42) ‘European Digital Identity Wallet’ ***means an electronic identification means, which securely stores, manages and validates*** identity data ***and electronic attestations of attributes***, to provide them to relying parties ***and other users of European Digital Identity Wallets on request, and which enables the creation of*** qualified electronic signatures and seals; | ‘<br>(42) ‘European Digital Identity Wallet’ is ~~a product and service~~**an electronic identification means** that allows the user to store **and retrieve** identity data, ~~credentials and~~**including person identification data, electronic attestations of** attributes linked to ~~her/his~~**their** identity, to provide them to relying parties on request and to use them for authentication, online and**, where appropriate,** offline, for a service in accordance with Article 6a; and **enables to sign by means of**~~to create~~ qualified electronic signatures and **seal by means of qualified electronic** seals;**’;** | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (43) | | | | |
| 88 | (43) ‘attribute’ is a feature, characteristic or quality of a natural or legal person or of an entity, in electronic form; | (43) ‘attribute’ is a feature, characteristic or quality of a natural or legal person or of an entity ▌ ; | (43) ‘attribute’ ~~is a feature, characteristic or quality~~**represents the characteristic, quality, right or permission** of a natural or legal person or of an ~~entity, in electronic form~~**object**; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (44) | | | | |



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| 89 | (44) 'electronic attestation of attributes' means an attestation in electronic form that allows the authentication of attributes; | (44) 'electronic attestation of attributes' means an attestation in electronic form that allows the ***presentation and*** authentication of attributes; | (44) 'electronic attestation of attributes' means an attestation in electronic form that allows the authentication of attributes; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (45) | | | | |
| 90 | (45) 'qualified electronic attestation of attributes' means an electronic attestation of attributes, which is issued by a qualified trust service provider and meets the requirements laid down in Annex V; | (45) 'qualified electronic attestation of attributes' means an electronic attestation of attributes, which is issued by a qualified trust service provider and meets the requirements laid down in Annex V; | (45) 'qualified electronic attestation of attributes' means an electronic attestation of attributes, which is issued by a qualified trust service provider and meets the requirements laid down in Annex V; | |
| | | | | |



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| 90a | | | **(45a) 'electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source' means an electronic attestations of attributes issued by a public sector body responsible for an authentic source or by a public sector body designated by the Member State to issue such attestations of attributes on behalf of the public sector bodies responsible for authentic sources in accordance with Article 45da and meeting the requirements laid down in Annex VII;** | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (46) | | | | |
| 91 | (46) 'authentic source' is a repository or system, held under the responsibility of a public sector body or private entity, that contains attributes about a natural or legal person and is considered to be the primary source of that information or recognised as authentic in national law; | (46) 'authentic source' is a repository or system, held under the responsibility of a public sector body or private entity, that contains attributes about a natural or legal person and is considered to be the primary source of that information or recognised as authentic in ***Union or*** national law; | (46) 'authentic source' is a repository or system, held under the responsibility of a public sector body or private entity, that contains **and provides** attributes about a natural or legal person and is considered to be ~~the~~**a** primary source of that information or recognised as authentic in **accordance with Union or** national law**, including administrative practice**; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (47) | | | | |



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| 92 | (47) 'electronic archiving' means a service ensuring the receipt, storage, deletion and transmission of electronic data or documents in order to guarantee their integrity, the accuracy of their origin and legal features throughout the conservation period; | (47) 'electronic archiving' means a service ensuring ***preservation*** of electronic data or documents in order to guarantee their integrity, the accuracy of their origin and legal features throughout the conservation period; | (47) 'electronic archiving' means a service ensuring the receipt, storage, ~~deletion and transmission~~**retrieval and deletion** of electronic data ~~or documents~~ in order to guarantee their ~~integrity, the accuracy of~~**durability and legibility as well as to preserve** their ~~origin and legal features~~**integrity, confidentiality and proof of origin** throughout the ~~conservation~~**preservation** period; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (48) | | | | |
| 93 | (48) 'qualified electronic archiving service' means a service that meets the requirements laid down in Article 45g; | (48) 'qualified electronic archiving service' means a service that meets the requirements laid down in Article 45g; | (48) 'qualified electronic archiving service' means ~~a~~**an electronic archiving** service that meets the requirements laid down in Article ~~45g~~**45ga**; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (49) | | | | |
| 94 | (49) 'EU Digital Identity Wallet Trust Mark' means an indication in a simple, recognisable and clear manner that a Digital Identity Wallet has been issued in accordance with this Regulation; | (49) 'EU Digital Identity Wallet Trust Mark' means an indication in a simple, recognisable and clear manner that a Digital Identity Wallet has been issued in accordance with this Regulation; | (49) 'EU Digital Identity Wallet Trust Mark' means ~~an~~**a verifiable** indication in a simple, recognisable and clear manner that a **European** Digital Identity Wallet has been ~~issued~~**provided** in accordance with this Regulation; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (50) | | | | |



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| 95 | (50) 'strong user authentication' means an authentication based on the use of two or more elements categorised as user knowledge , possession and inherence that are independent, in such a way that the breach of one does not compromise the reliability of the others, and is designed in such a way to protect the confidentiality of the authentication data; | (50) 'strong user authentication' means an authentication based on the use of ***at least two authentication factors*** categorised as user knowledge , possession and inherence that are independent, in such a way that the breach of one does not compromise the reliability of the others, and is designed in such a way to protect the confidentiality of the authentication data; | (50) 'strong user authentication' means an authentication based on the use of **at least two authentication factors from different categories of either**~~two or more elements categorised as user~~ knowledge **(something only the user knows)**, possession ~~and~~ **(something only the user possesses) or** inherence **(something the user is)** that are independent, in ~~such a way~~ that the breach of one does not compromise the reliability of the others, and is designed in such a way to protect the confidentiality of the authentication data; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (51) | | | | |
| 96 | (51) 'user account' means a mechanism that allows a user to access public or private services on the terms and conditions established by the service provider; | (51) 'user account' means a mechanism that allows a user to access public or private services on the terms and conditions established by the service provider; | *deleted* | |
| *Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (52)* | | | | |
| *97* | *(52)* 'credential' means a proof of a person's abilities, experience, right or permission; | (52) ▌ | *deleted* | |
| *Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (53)* | | | | |



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| *98* | *(53)* 'electronic ledger' means a tamper proof electronic record of data, providing authenticity and integrity of the data it contains, accuracy of their date and time, and of their chronological ordering; | (53) ▌ | (53) 'electronic ledger' means a ~~tamper proof~~**sequence of** electronic ~~record of data, providing authenticity and~~**data records, which ensures their** integrity ~~of the data it contains,~~ **and the** accuracy of their ~~date and time, and of their~~ chronological ordering**'**; | |
| | | | | |
| 98a | | | **(53a) 'qualified electronic ledger' means an electronic ledger that meets the requirements laid down in Article 45i;** | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (54) | | | | |
| 99 | (54) 'Personal data' means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679.; | (54) 'personal data' means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679.; | (54) 'personal data' means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679.**'**; | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (55) | | | | |



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| 100 | (55) 'unique identification' means a process where person identification data or person identification means are matched with or linked to an existing account belonging to the same person.'; | (55) '***identity matching'*** means a process where person identification data or person identification means are matched with or linked to an existing account belonging to the same person.'; | (55) '~~unique identification~~**record matching**' means a process where person identification data ~~or~~**,** person identification means**, qualified electronic attestation of attributes or attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source** are matched with or linked to an existing account belonging to the same person~~.~~'; | |
| | | | | |
| 100 a | | | **(55a) 'unique and persistent identifier' means an identifier which may consist of either single or multiple national or sectoral identification data, is associated with a single user within a given system and persistent in time;** | |
| | | | | |



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| 100 b | | ***(55a) 'offline service' means the capability of a user to electronically identify and authenticate with a third party with close proximity technologies irrespective of whether the device is connected to the internet or not in order to access a wide range of public and private services";*** ‘ | | |
| Article 1, first paragraph, point (3)(i), amending provision, numbered paragraph (55b) | | | | |
| 100 c | | | **(55b) ‘data record’ means electronic data recorded with related meta-data (or attributes) supporting the processing of the data.** | |
| Article 1, first paragraph, point (4) | | | | |



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| 101 | (4) Article 5 is replaced by the following: | (4) Article 5 is replaced by the following: | (4) Article 5 is replaced by the following: | (4) Article 5 is replaced by the following:<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (4), amending provision, first paragraph | | | | |
| 102 | ‘<br>Article 5 | ‘<br>Article 5 | ‘<br>Article 5 | ‘<br>Article 5<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (4), amending provision, second paragraph | | | | |
| 103 | Pseudonyms in electronic transaction | ***Protection of personal data, and use of*** pseudonyms in electronic transaction | Pseudonyms in electronic transaction | |
| Article 1, first paragraph, point (4), amending provision, second paragraph a | | | | |



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| 103 a | | ***1. The processing of personal data shall be carried out in accordance with Regulations (EU) 2016/679 and (EU) 2018/1725 and, where relevant, Directive 2002/58/EC, by implementing the principles of data minimisation, purpose limitation, and data protection by design and by default, in particular with respect to the technical measures for the implementation of this Regulation and the interoperability framework in accordance with Article 12 thereof.*** | | *deleted* |
| *Article 1, first paragraph, point (4), amending provision, third paragraph* | | | | |



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| *104* | Without prejudice to the legal effect given to pseudonyms under national law, the use of pseudonyms in electronic transactions shall not be prohibited.; | ***2.*** Without prejudice to the legal effect given to pseudonyms under national law ***and unless specific rules of the Union or national law require users to identify themselves for legal purposes***, the use of pseudonyms in electronic transactions***, freely chosen by the user, shall always be allowed and*** shall not be prohibited ***or restricted by means of a contract or the terms and conditions applicable to the use of the service***; | Without prejudice to the legal effect given to pseudonyms under national law, the use of pseudonyms in electronic transactions shall not be prohibited.**'**; | ***Without prejudice to specific rules of Union or national law requiring users to identify themselves and*** without prejudice to the legal effect given to pseudonyms under national law, the use of pseudonyms***, chosen by the user,*** ~~*in electronic transactions*~~ shall not be prohibited.~~;~~ |
| Article 1, first paragraph, point (4), amending provision, third paragraph a | | | | |
| 104 a | | ***3. Unless specific rules of the Union or national law require users to identify themselves for legal purposes, relying parties shall make reasonable efforts to enable the use of their services without electronic identification or authentication.';*** | | *deleted* |
| *Article 1, first paragraph, point (5)* | | | | |
| *105* | *(5)* in Chapter II the heading is replaced by the following: | (5) in Chapter II the heading is replaced by the following: | (5) in Chapter II the **following** heading is ~~replaced by the following~~**inserted before Article 6a**: | |
| Article 1, first paragraph, point (5), amending provision, first paragraph | | | | |



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| 106 | ‘<br>SECTION I | ‘<br>SECTION I | ‘<br>SECTION I | |
| Article 1, first paragraph, point (5), amending provision, second paragraph | | | | |
| 107 | ELECTRONIC IDENTIFICATION;<br>’, | ELECTRONIC IDENTIFICATION;<br>’, | ~~ELECTRONIC IDENTIFICATIONE~~ **UROPEAN DIGITAL IDENTITY WALLET**;<br>’, | |
| Article 1, first paragraph, point (6) | | | | |
| G 108 | (6) Article 6 is deleted; | (6) Article 6 is deleted; | *deleted* | *deleted* G |
| *Article 1, first paragraph, point (7)* | | | | |
| *109* | *(7)* the following Articles (6a, 6b, 6c and 6d) are inserted: | (7) the following Articles ▌ are inserted: | (7) the following Articles (6a, 6b, 6c**, 6d, 6da and 6db** ~~and 6d~~) are inserted: | |
| Article 1, first paragraph, point (7), amending provision, first paragraph | | | | |
| G 110 | ‘<br>Article 6a | ‘<br>Article 6a | ‘<br>Article 6a | ‘<br>Article 6a<br>Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (7), amending provision, second paragraph | | | | |
| G 111 | European Digital Identity Wallets | European Digital Identity Wallets | European Digital Identity Wallets | European Digital Identity Wallets<br>Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |



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| 112 | 1. For the purpose of ensuring that all natural and legal persons in the Union have secure, trusted and seamless access to cross-border public and private services, each Member State shall issue a European Digital Identity Wallet within 12 months after the entry into force of this Regulation. | 1. For the purpose of ensuring that all natural and legal persons in the Union have secure, ***reliable,*** trusted and seamless access to cross-border public and private services, ***while having full control over their data,*** each Member State shall issue ***at least one*** European Digital Identity Wallet ***by ... [18*** months after the ***date of*** entry into force of this ***amending*** Regulation***]*** | 1. For the purpose of ensuring that all natural and legal persons in the Union have secure, trusted and seamless **cross-border** access to ~~cross-border~~ public and private services, each Member State shall ~~issue~~**ensure that** a European Digital Identity Wallet **is provided** within ~~12~~**24** months after the entry into force of ~~this Regulation~~**the implementing acts referred to in paragraph 11 and Article 6c(4)**. | 1. For the purpose of ensuring that all natural and legal persons in the Union have secure, trusted and seamless ***cross-border*** access to ~~*cross-border*~~ public and private services, ***while having full control over their data,*** each Member State shall ~~*issue*~~ ***provide at least one*** European Digital Identity Wallet ~~*within 12 months after the entry into force of this Regulation.*~~***by ... [STILL BEING DISCUSSED]*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2) | | | | |
| 113 | 2. European Digital Identity Wallets shall be issued: | 2. European Digital Identity Wallets shall be issued ***and managed in any of the following ways***: | 2. European Digital Identity Wallets shall be ~~issued~~**provided**: | 2. European Digital Identity Wallets shall be ~~*issued*~~***provided***:<br>Text Origin: Council Mandate |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), point (a) | | | | |
| 114 | (a) by a Member State; | (a) ***directly*** by a Member State; | (a) by a Member State; | (a) ***directly*** by a Member State;<br>Text Origin: EP Mandate |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), point (b) | | | | |
| 115 | (b) under a mandate from a Member State; | (b) under a mandate from a Member State; | (b) under a mandate from a Member State; | (b) under a mandate from a Member State;<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), point (c) | | | | |



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| 116 | (c) independently but recognised by a Member State. | (c) independently ***from a Member State*** but recognised by ***that*** Member State. | (c) independently **of a Member State** but recognised by a Member State. | (c) independently ***of a Member State*** but recognised by a Member State.<br>Text Origin: Council Mandate |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), point (ca) | | | | |
| 116 a | | ***2a. The source code used for providing European Digital Identity Wallets shall be open source and shall be published for auditing and review.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3) | | | | |
| 117 | 3. European Digital Identity Wallets shall enable the user to: | 3. European Digital Identity Wallets shall***, in a user-friendly manner,*** enable the user to: | 3. European Digital Identity Wallets **are electronic identification means that** shall enable the user **in a manner that is transparent and traceable by the user to:** ~~to:~~ | 3. European Digital Identity Wallets ***are electronic identification means that*** shall enable the user ***in a manner that is user-friendly, transparent, and traceable by the user to:*** ~~*to:*~~<br>Text Origin: Council Mandate |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (a) | | | | |



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| 118 | (a) securely request and obtain, store, select, combine and share, in a manner that is transparent to and traceable by the user, the necessary legal person identification data and electronic attestation of attributes to authenticate online and offline in order to use online public and private services; | (a) securely request and obtain, store, select, combine and share, in a manner that is transparent to, ***traceable by and under the sole control of*** the user, the necessary identification data ***to identify and authenticate the user*** online and offline in order to use online public and private services; | (a) securely request ~~and obtain, store~~, select, combine ~~and share, in a manner that is transparent to and traceable by the user, the necessary legal~~, **store, delete and present electronic attestation of attributes and** person identification data ~~and electronic attestation of attributes~~**to relying parties, including** to authenticate online and**, where appropriate,** offline in order to use ~~online~~ public and private services**, while ensuring that selective disclosure of data is possible**; | (a) securely request ~~*and obtain, store*~~***,*** ***obtain***, select, combine ~~*and share, in a manner that is transparent to and traceable by*~~***, store, delete, share and present, under the sole control of*** the user, ~~*the necessary legal person identification data and*~~ electronic attestation of attributes ~~*to authenticate online and offline in order to use online public and private services*~~***and person identification data to relying parties, while ensuring that selective disclosure of data is possible***;<br><br>Text Origin: Council Mandate |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (aa) | | | | |
| 118 a | | ***(aa) securely store, select, combine and share electronic attestation of attributes;*** | | *deleted*<br><br>*Text Origin: EP Mandate* |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (ab)* | | | | |
| *118 b* | | ***(ab) securely issue and revoke electronic attestation of attributes issued directly by the user;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (ac) | | | | |



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| 118 c | | ***(ac) generate pseudonyms and store them encrypted and locally within it;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (ad) | | | | |
| 118 d | | ***(ad) securely authenticate a third person's European Digital Identity Wallets or a connecting relying party, and receive and authenticate in a transparent and traceable manner the third party identity data and electronic attestation of attributes online and offline;*** | | |
| | | | | |
| 118 e | | ***(ae) access a data base of all transactions carried out through the European Digital Identity Wallet via a common dashboard enabling the user to:*** | | |
| | | | | |
| 118f | | ***(i) view an up to date list of relying parties with whom the user has established a connection and where applicable all data shared;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (a)(i) | | | | |



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| 118 g | | ***(ii) easily request to a relying party the deletion of personal data pursuant to Article 17 of the Regulation (EU) 2016/679);*** | | *deleted*<br>Text Origin: EP Mandate |
| | | | | |
| *118 h* | | ***(iii) easily report to the competent national authority where a relying party is established if an unlawful or inappropriate request of data is received without leaving the European Digital Identity Wallet;*** | | |
| | | | | |
| 118i | | ***(iv) revoke any electronic attestation of attribute issued by the user;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (b) | | | | |
| 119 | (b) sign by means of qualified electronic signatures. | (b) sign by means of qualified electronic signatures***;*** | (b) sign by means of qualified electronic signatures **and seal by means of qualified electronic seals**. | |
| | | | | |
| 119 a | | ***(ba) download all users' data, electronic attestation of attributes and configurations;*** | | |
| | | | | |



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| 119 b | | ***(bb) exercise users' rights of data portability by switching to another European Digital Identity Wallet belonging to the same user.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4) | | | | |
| 120 | 4. Digital Identity Wallets shall, in particular: | 4. ***European*** Digital Identity Wallets shall, in particular: | 4. Digital Identity Wallets shall, in particular: | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (a) | | | | |
| 121 | (a) provide a common interface: | (a) provide ▌ common ***protocols and interfaces***: | (a) provide a common ~~interface~~**set of interfaces**: | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (a)(1) | | | | |
| 122 | (1) to qualified and non-qualified trust service providers issuing qualified and non-qualified electronic attestations of attributes or other qualified and non-qualified certificates for the purpose of issuing such attestations and certificates to the European Digital Identity Wallet; | (1) ▌ | (1) ~~to qualified and non-qualified trust service providers issuing~~**for issuance of person identification data,** qualified and non-qualified electronic attestations of attributes or ~~other~~ qualified and non-qualified ~~certificates for the purpose of issuing such attestations and~~ certificates to the European Digital Identity Wallet; | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (a)(2) | | | | |



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| 123 | (2) for relying parties to request and validate person identification data and electronic attestations of attributes; | (2) ▌ | (2) for relying parties to request ~~and validate~~ person identification data and electronic attestations of attributes; | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (a)(3) | | | | |
| 124 | (3) for the presentation to relying parties of person identification data, electronic attestation of attributes or other data such as credentials, in local mode not requiring internet access for the wallet; | (3) ▌ | (3) for the presentation to relying parties of person identification data~~,~~ **or** electronic attestation of attributes ~~or other data such as credentials, in local mode not requiring internet access for the wallet~~**online and, where appropriate, also offline**; | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (a)(4) | | | | |
| 125 | (4) for the user to allow interaction with the European Digital Identity Wallet and display an "EU Digital Identity Wallet Trust Mark"; | (4) ▌ | (4) for the user to allow interaction with the European Digital Identity Wallet and display an "EU Digital Identity Wallet Trust Mark"; | |
| | | | | |
| 125 a | | ***(i) to securely interact with the electronic identification means associated pursuant to Article 7(2), for the purpose of identifying and authenticating the user;*** | | |
| | | | | |



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| 125 b | | ***(ii) for issuers of electronic attestation of attributes to issue electronic attestation of attributes into the user's European Digital Identity Wallet;*** | | |
| | | | | |
| 125 c | | ***(iii) to establish unique, private and secure peer-to peer connections between two European Digital Identity Wallets or between an European Digital Identity Wallet and a relying party;*** | | |
| | | | | |
| 125 d | | ***(iv) for users of European Digital Identity Wallets and relying parties to request, receive, select, send, authenticate and validate electronic attestations of attributes, person identification data, the identification of relying parties, electronic signatures and electronic seals;*** | | |
| | | | | |



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| 125 e | | ***(v) for users of European Digital Identity Wallets and relying parties to authenticate and validate the European Digital Identity Wallet and approved relying parties;*** | | |
| | | | | |
| 125 f | | ***(vi) for users of European Digital Identity Wallets or relying parties, when available, to perform a zero knowledge proof inferred from person identification data or electronic attestation of attributes;*** | | |
| | | | | |
| 125 g | | ***(vii) for users of European Digital Identity Wallets to transfer and request reissuance of their own electronic attestation of attributes and configurations to another European Digital Identity Wallet belonging to the same user or a device controlled by the same user;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (b) | | | | |



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| 126 | (b) ensure that trust service providers of qualified attestations of attributes cannot receive any information about the use of these attributes; | (b) ensure that ▌ providers of qualified ***and non-qualified electronic*** attestations of attributes ***are technologically prevented from receiving*** any information about the use of these attributes; | (b) ~~ensure that~~**not provide any information to** trust service providers of ~~qualified~~**electronic** attestations of attributes ~~cannot receive any information~~ about the use of these attributes **after their issuance**; | |
| | | | | |
| 126 a | | | **(ba) Ensure that the identity of relying parties can be validated by implementing authentication mechanisms in accordance with Article 6b;** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (c) | | | | |
| 127 | (c) meet the requirements set out in Article 8 with regards to assurance level "high", in particular as applied to the requirements for identity proofing and verification, and electronic identification means management and authentication; | (c) meet the requirements set out in Article 8 with regards to assurance level "high", in particular as applied to the requirements for identity proofing and verification, and electronic identification means management and authentication; | (c) meet the requirements set out in Article 8 with regards to assurance level ~~"high", in particular as applied~~**'high' applicable mutatis mutandis** to the ~~requirements for identity proofing and verification,~~ ~~and~~**management and use of person identification data through the Wallet, including** electronic identification ~~means management~~ and authentication; | |
| | | | | |



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| 127 a | | ***(ca) in the case of electronic attestation of attributes with embedded disclosure policies, provide a mechanism to ensure that only the relying party or the user of European Digital Identity Wallets having the necessary electronic attestation of attribute has permission to access it;*** | | |
| | | | | |
| 127 b | | ***(cb) provide a mechanism to record digital requests received and digital transactions in a cryptographic manner that ensures that it is not possible to repudiate their authenticity;*** | | |
| | | | | |
| 127 c | | ***(cc) provide a mechanism to inform users, without delay, of any security breach that may have entirely or partially compromised their European Digital Identity Wallet or its content and in particular if their European Digital Identity Wallet has been suspended or revoked pursuant to Article 10a.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (d) | | | | |



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| 128 | (d) provide a mechanism to ensure that the relying party is able to authenticate the user and to receive electronic attestations of attributes; | (d) ▌ | *deleted* | |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), point (e)* | | | | |
| *129* | *(e)* ensure that the person identification data referred to in Articles 12(4), point (d) uniquely and persistently represent the natural or legal person is associated with it. | (e) ensure that the person identification data referred to in ***Article*** 12(4), point (d)***, representing*** the natural or legal person is associated with it. | (e) ensure that the person identification data referred to in Articles 12(4), point (d) uniquely and persistently represent the natural **person, legal person or the natural person representing the natural** or legal person**, who** is associated with ~~it.~~**the Wallet;** | |
| | | | | |
| 129 a | | ***(ea) provide a mechanism allowing the user of the European Digital Identity Wallet to act on behalf of another natural or legal person;*** | | |
| | | | | |
| 129 b | | ***(eb) display an "EU Digital Identity Wallet Trust Mark" for the recognition of qualified electronic attestation of attributes;*** | | |
| | | | | |



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| 129 c | | ***(ec) offer qualified electronic signatures to all users by default and free of charge.';*** | | |
| | | | | |
| 129 d | | | **4a. Member States shall provide for procedures to enable the user to report possible loss or misuse of their wallet and request its revocation.** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (5) | | | | |
| 130 | 5. Member States shall provide validation mechanisms for the European Digital Identity Wallets: | 5. Member States shall provide ***free of charge validation mechanisms to***: | 5. Member States shall provide validation mechanisms for the European Digital Identity Wallets: | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (5), point (a) | | | | |
| 131 | (a) to ensure that its authenticity and validity can be verified; | (a) ▌ ensure that ***the*** authenticity and validity ***of European Digital Identity Wallets*** can be verified; | (a) to ensure that its authenticity and validity can be verified; | |
| | | | | |
| 131 a | | | **(aa) to allow the user to authenticate relying parties in accordance with Article 6b;** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (5), point (b) | | | | |



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| 132 | (b) to allow relying parties to verify that the attestations of attributes are valid; | (b) ▌ allow relying parties ***and users of European Digital Identity Wallets*** to verify that the ***electronic*** attestations of attributes are ***authentic and*** valid; | *deleted* | |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (5), point (c)* | | | | |
| *133* | *(c)* to allow relying parties and qualified trust service providers to verify the authenticity and validity of attributed person identification data. | (c) ▌ allow relying parties***, users of European Digital Identity Wallets*** and qualified trust service providers to verify the authenticity and validity of attributed person identification data***;*** | *deleted* | |
| | | | | |
| *133 a* | | ***(ca) allow European Digital Identity Wallet users to verify the authenticity and validity of the identity of relying parties approved in accordance with Article 6b(1).*** | | |
| | | | | |
| 133 b | | ***5a. Member States shall provide means to revoke the validity of the European Digital Identity Wallet:*** | | |
| | | | | |
| 133 c | | ***(a) upon the explicit request of the user;*** | | |



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| 133 d | | ***(b) when its security has been compromised;*** | | |
| | | | | |
| 133 e | | ***(c) upon the death of the user or cease of activity of the legal person.*** | | |
| | | | | |
| 133 f | | ***5b. Member States shall raise awareness about the benefits and risks of the European Digital Identity Wallet by means of communication campaigns. They shall ensure that their citizens are well-trained in its use.*** | | |
| | | | | |
| 133 g | | ***5c. Issuers of European Digital Identity Wallets shall ensure that users can easily request technical support and report technical problems or any other incidents having a negative impact on the provision of services of the European Digital Identity Wallet.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (6) | | | | |



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| 134 | 6. The European Digital Identity Wallets shall be issued under a notified electronic identification scheme of level of assurance 'high'. The use of the European Digital Identity Wallets shall be free of charge to natural persons. | 6. ▌ European Digital Identity Wallets shall be issued under a notified electronic identification scheme of level of assurance 'high'. ▌ | 6. The European Digital Identity Wallets shall be issued under a notified electronic identification scheme of level of assurance 'high'. ~~The use of the European Digital Identity Wallets shall be free of charge to natural persons.~~ | |
| | | | | |
| 134 a | | ***6a. European Digital Identity Wallets shall ensure security-by-design. European Digital Identity Wallets shall provide the necessary state-of-the-art security functionalities, such us mechanisms to encrypt and store data in a way that is only accessible to and decryptable by the user and establish end-to-end encrypted exchanges with relying parties and other European Digital Identity Wallets. They shall offer resistance to skilled attackers, ensure the confidentiality, integrity and availability of their content, including person identification data and electronic attestation of attributes and request the secure, explicit and active user's confirmation of its operation.*** | **6a. The issuance, use for authentication and the revocation of the European Digital Identity Wallets shall be free of charge to natural persons.** | |



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| | | | | |
| 134 b | | ***6b. The issuance and use of the European Digital Identity Wallets shall be free of charge to all natural and legal persons.*** | **6b. Without prejudice to Article 6db, Member States may provide, in accordance with national law, for additional functionalities of the European Digital Identity Wallets, including interoperability with existing national eID means.** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (7) | | | | |



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| 135 | 7. The user shall be in full control of the European Digital Identity Wallet. The issuer of the European Digital Identity Wallet shall not collect information about the use of the wallet which are not necessary for the provision of the wallet services, nor shall it combine person identification data and any other personal data stored or relating to the use of the European Digital Identity Wallet with personal data from any other services offered by this issuer or from third-party services which are not necessary for the provision of the wallet services, unless the user has expressly requested it. Personal data relating to the provision of European Digital Identity Wallets shall be kept physically and logically separate from any other data held. If the European Digital Identity Wallet is provided by private parties in accordance to paragraph 1 (b) and (c), the provisions of article 45f paragraph 4 shall apply mutatis mutandis. | 7. The ***technical framework*** for the ▌ European Digital Identity Wallet ▌ shall be ***subject to the following principles:*** | 7. The ~~user~~**users** shall be in full control of the **use of the European Digital Identity Wallet and of the data in their** European Digital Identity Wallet. The issuer of the European Digital Identity Wallet shall not collect information about the use of the wallet which are not necessary for the provision of the wallet services, nor shall it combine person identification data and any other personal data stored or relating to the use of the European Digital Identity Wallet with personal data from any other services offered by this issuer or from third-party services which are not necessary for the provision of the wallet services, unless the user has expressly requested it. Personal data relating to the provision of European Digital Identity Wallets shall be kept ~~physically and~~ logically separate from any other data held **by the issuer of European Digital Identity Wallets**. If the European Digital Identity Wallet is provided by private parties in accordance to paragraph ~~1~~**2** (b) and (c), the provisions of article 45f paragraph 4 shall apply mutatis mutandis. | |



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| Article 1, first paragraph, point (7), amending provision, 7., point (a) | | | | |
| 135 a | | ***(a) the user shall be in full control of the European Digital Identity Wallet and the user's data, including self-certification;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point (b) | | | | |
| 135 b | | ***(b) the European Digital Identity Wallet shall use decentralised elements for the identity architecture;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point(c) | | | | |
| 135 c | | ***(c) the set of electronic identification means, attributes and certificates contained in a European Digital Identity Wallet shall be stored securely and exclusively on devices controlled by the user, unless the user freely consents to storage on third-party devices or to a cloud based option;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point (d) | | | | |
| 135 d | | ***(d) the European Digital Identity Wallet shall allow secure connections between the user and the relying parties;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point (e) | | | | |



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| 135 e | | ***(e) the technical architecture of the European Digital Identity Wallet shall prevent the issuer of European Digital Identity Wallets, Member State or any other parties from collecting or obtaining electronic identification means, attributes, electronic documents contained in a European Digital Identity Wallet and information about the use of the European Digital Identity Wallet by the user, except where requested by the user using devices in the user's control and he exchange of information via the European Digital Identity Wallet shall not allow providers of electronic attestations of attributes to track, link, correlate or otherwise obtain knowledge of transactions or user behaviour;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point (f) | | | | |
| 135 f | | ***(f) unique and persistent identifiers shall not be accessible to relying parties in cases other than when identification of the user is required by Union or national law;*** | | |
| Article 1, first paragraph, point (7), amending provision, 7., point (g) | | | | |



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| 135 g | | ***(g) Member States shall ensure that relevant information on the European Digital Identity Wallet is publicly available;*** | | |
| | | | | |
| 135 h | | ***(h) personal data relating to the provision of European Digital Identity Wallets shall be kept physically and logically separate from any other data held;*** | | |
| | | | | |
| 135i | | ***(i) if the European Digital Identity Wallet is provided by private parties in accordance to paragraph 1 (b) and (c), the provisions of Article 45f(4) shall apply mutatis mutandis;*** | | |
| | | | | |
| 135j | | ***(j) where attestation of attributes does not require the identification of the user, zero knowledge proof shall be performed;*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (7), point (a) | | | | |



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| 135 k | | ***(k) the issuer of the European Digital Identity Wallet shall be the controller for the purposes of Regulation (EU) 2016/679 regarding the processing of personal data in the European Digital Identity Wallet;*** | | *deleted*<br><br>Text Origin: EP Mandate |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (7), point (b)* | | | | |
| *135l* | | ***(l) the European Digital Identity Wallet shall provide a complaint mechanism to enable users to inform the supervisory body under this Regulation and the supervisory authorities established under Regulation (EU) 2016/679 directly where a relying party requests a disproportionate amount of data which is not in line with the registered intended use of that data.*** | | *deleted*<br><br>Text Origin: EP Mandate |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (7a)* | | | | |



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| *135 m* | | ***7a. The use of the European Digital Identity Wallet shall be voluntary. Access to public and private services, access to labour market and freedom to conduct business shall not in any way be restricted or made disadvantageous for natural or legal persons not using European Digital Identity Wallets. It shall remain possible to access public and private services by other existing identification and authentication means.*** | | |
| | | | | |
| 135 n | | | **7a. Member States shall notify to the Commission, without undue delay information about:** | |
| | | | | |
| 135 o | | | **(a) the body responsible for establishing and maintaining the list of notified relying parties that rely on the European Digital Identity Wallets in accordance with Article 6b(2);** | |
| | | | | |



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| 135 p | | | **(b) the bodies responsible for the provision of the European Digital Identity Wallets in accordance with Article 6a(1);** | |
| | | | | |
| 135 q | | | **(c) the bodies responsible for ensuring that the person identification data is associated with the Wallet in accordance with Article 6a(4)(e);** | |
| | | | | |
| 135 r | | | **The notification shall also provide information about the mechanism allowing for the validation of the person identification data referred to in Article 12(4) and of the identity of the relying parties.** | |
| | | | | |
| 135 s | | | **The Commission shall make available to the public, through a secure channel, the information referred in this paragraph in electronically signed or sealed form suitable for automated processing.** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (8) | | | | |



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| 136 | 8. Article 11 shall apply mutatis mutandis to the European Digital Identity Wallet. | 8. ▌ | 8. Article 11 shall apply mutatis mutandis to the European Digital Identity Wallet. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (9) | | | | |
| 137 | 9. Article 24(2), points (b), (e), (g), and (h) shall apply mutatis mutandis to Member States issuing the European Digital Identity Wallets. | 9. Article 24(2), points (b), ***(d), (e), (f), (fa), (fb),*** (g), and (h) shall apply mutatis mutandis to Member States ***directly*** issuing ***and managing*** the European Digital Identity Wallets. | 9. Article 24(2), points (b), (e), (g), and (h) shall apply mutatis mutandis to ~~Member States issuing~~**the issuer of** the European Digital Identity Wallets. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (10) | | | | |



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| 138 | 10. The European Digital Identity Wallet shall be made accessible for persons with disabilities in accordance with the accessibility requirements of Annex I to Directive 2019/882. | 10. The European Digital Identity Wallet shall be made accessible for persons with disabilities in accordance with the accessibility requirements of Annex I to Directive ***(EU) 2019/882 and the United Nations Convention on the Rights of Persons with Disabilities[1], as well as to persons with special needs, including older people and persons with limited access to digital technologies or with insufficient digital literacy***.<br>_____<br>***1. Approved by Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).*** | 10. The European Digital Identity Wallet shall be made accessible for persons with disabilities in accordance with the accessibility requirements of ~~Annex I to~~ Directive 2019/882. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (11) | | | | |



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| 139 | 11. Within 6 months of the entering into force of this Regulation, the Commission shall establish technical and operational specifications and reference standards for the requirements referred to in paragraphs 3, 4 and 5 by means of an implementing act on the implementation of the European Digital Identity Wallet. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2). | 11. ***By … [***6 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall ▌ reference standards for the requirements referred to in ***this Article*** by means of an implementing act on the implementation of the European Digital Identity Wallet. ***That*** implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2). | 11. Within 6 months of the entering into force of this Regulation, the Commission shall establish technical and operational specifications and reference standards for the requirements referred to in paragraphs 3, 4**, 5 and 7a** ~~and 5~~ by means of an implementing act on the implementation of the European Digital Identity Wallet. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2). | |
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| 139 a | | ***11a. By ... [6 months after the date of entry into force of this amending Regulation], the Commission shall adopt a delegated act in accordance with Article 47 supplementing this Regulation by establishing technical and operational specifications for the requirements referred to in this Article.*** | **11a. The Commission shall establish technical and operational specifications as well as reference standards in order to facilitate the on-boarding to the European Digital Identity Wallet of users using either electronic identification means conforming to level 'high' or electronic identification means conforming to level 'substantial' in conjunction with additional remote on-boarding procedures that together meet the requirements of level of assurance 'high'. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
| Article 1, first paragraph, point (7), amending provision, fourteenth paragraph | | | | |
| G 140 | Article 6b | Article 6b | Article 6b | Article 6b<br><br>Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (7), amending provision, fifteenth paragraph | | | | |
| G 141 | European Digital Identity Wallets Relying Parties | European Digital Identity Wallets Relying Parties | European Digital Identity Wallets Relying Parties | European Digital Identity Wallets Relying Parties<br><br>Text Origin: Commission Proposal G |



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| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |
| 142 | 1. Where relying parties intend to rely upon European Digital Identity Wallets issued in accordance with this Regulation, they shall communicate it to the Member State where the relying party is established to ensure compliance with requirements set out in Union law or national law for the provision of specific services. When communicating their intention to rely on European Digital Identity wallets, they shall also inform about the intended use of the European Digital Identity Wallet. | 1. Where ***a*** relying ***party intends*** to rely upon European Digital Identity Wallets ***for the provision of public or private services it*** shall ***register in*** to the Member State where the relying party is established***. The relying party's registration shall include information about the data that it intends to request with regard to each different service provided, the intended use of the data requested and the reasons for the request. The relying party shall notify the Member State*** about ***any change to the information notified with undue delay***. | 1. Where relying parties **that provide private or public services** intend to rely upon European Digital Identity Wallets ~~issued~~**provided** in accordance with this Regulation, they shall ~~communicate~~**notify** it to the Member State where the relying ~~party is~~**parties are** established ~~to ensure compliance with requirements set out in Union law or national law for the provision of specific services. When communicating their intention to rely on European Digital Identity wallets, they shall also inform about the intended use of the European Digital Identity Wallet.~~**.** | 1. Where ***a*** relying ~~*parties intend*~~***party intends*** to rely upon European Digital Identity Wallets ~~*issued in accordance with this Regulation, they*~~***for the provision of public or private services it*** shall ~~*communicate it to*~~***register in*** the Member State where the relying party is established ~~*to ensure compliance with requirements set out in Union law or national law for the provision of specific services. When communicating their intention to rely on European Digital Identity wallets, they shall also inform about the intended use of the European Digital Identity Wallet*~~. |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |



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| 142 a | | | | ***1a. 1a The registration process shall be cost-effective and proportionate-to-risk. Relying parties shall provide at least: a) the information necessary to authenticate to European Digital Identity Wallets, which as a minimum includes: i) the Member State in which they are established and ii) the name of the relying party and, its registration number as stated in an official record together with identification data of that official record; b) contact details; c) the intended use of the European Digital Identity Wallet*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1a) | | | | |



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| 142 b | | ***1b. Relying parties that intend to process special categories of personal data, such as health or biometric data as referred to in Article 9 of the Regulation (EU) 2016/679 shall require prior approval from the competent authorities in the Member State in which they intend to provide their services. Relying parties that are granted the approval shall ensure that processing of personal information is carried out in accordance with Article 6(1) of the Regulation (EU) 2016/679.*** | | *deleted*<br><br>Text Origin: EP Mandate |
| *Article 1, first paragraph, point (7), amending provision, numbered paragraph (1a)* | | | | |
| *142 c* | | | | ***1c. [Relying parties shall not request any data beyond what they have registered for according to paragraphs 1 and 1a.]*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1a) | | | | |



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| 142 d | | ***1d. Paragraphs 1 and 1a shall be without prejudice to ex-ante approval requirements set out in Union law or national law for the provision of specific services.*** | **1b. The notification requirement shall be without prejudice to other notification and registration requirements in accordance with Union or national law such as those applicable to special categories of personal data, which may require additional authorisation requirements.** | ***1d. Paragraphs 1 and 1a shall be without prejudice to requirements in accordance with Union or national law, applicable for the provision of specific services.*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1a) | | | | |
| 142 e | | ***1e. Member States shall make the information referred to in paragraph 1 publicly available online, together with the identity of each relying party and their contact details.*** | | ***1e. Member States shall make the information referred to in paragraph 1a publicly available online in electronically signed or sealed form suitable for automated processing.*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1f) | | | | |



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| Y | 142 f | | **1c. Member States may exempt relying parties from the notification requirement where Union or national law does not provide for specific notification or registration requirements in order to access information provided by means of the European Digital Identity Wallet. The exempted relying parties may not need to authenticate to the European Digital Identity Wallet.** | Y |
| | Article 1, first paragraph, point (7), amending provision, numbered paragraph (1g) | | | |
| G | 142 g | ***1g. Member States shall establish ex-post controls to verify that data requests are proportionate and commensurate with the declared intent and that the principle of data minimisation is respected.*** | **1d. Relying parties notified in accordance with this Article shall inform without delay the Member State about any subsequent change in the information initially provided.** | ***1g. Relying parties registered in accordance with this Article shall inform Member States without delay about any changes in to the information provided.*** G |
| | Article 1, first paragraph, point (7), amending provision, numbered paragraph (1h) | | | |



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| 142 h | | ***1h. The European Digital Identity Framework Board established pursuant to Article 46c or any Member State shall revoke the authorisation of relying parties in the case of illegal or fraudulent use of the European Digital Identity Wallet, or suspend such authorisation until identified irregularities have been remedied.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1i) | | | | |
| 142i | | | **1e. The notification procedure shall be cost-effective and proportionate-to-risk and ensure that relying parties provide at least the information necessary to authenticate to European Digital Identity Wallets. This should as a minimum include the Member State in which they are established and the name of the relying party and, where applicable, its registration number as stated in the official records.** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2) | | | | |



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| 143 | 2. Member States shall implement a common mechanism for the authentication of relying parties | 2. Member States shall implement a common mechanism for the ***identification and*** authentication of relying parties ***and the verification of the notified data sets referred in Article 6a(4), points (ca) and (cb).*** | 2. ~~Member States~~**Relying parties** shall ~~implement a common mechanism for the authentication of relying parties~~**ensure the implementation of authentication mechanisms referred to in Article 6a(4) (ba).** | 2. Member States shall ~~*implement*~~***provide*** a common mechanism for ***allowing the identification and*** ~~*the*~~ authentication of relying parties***, as referred to in Article 6a(4)(ba) [GA].*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2a) | | | | |
| 143 a | | ***2a. Where relying parties intend to rely upon European Digital Identity Wallets issued in accordance with this Regulation, they shall authenticate and identify themselves to the user of the European Digital Identity Wallet, before any other form of transaction can take place.*** | | ***2a. Where relying parties intend to rely upon European Digital Identity Wallets issued in accordance with this Regulation, they shall identify themselves to the user of the European Digital Identity Wallet.*** |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3) | | | | |



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| Y 144 | 3. Relying parties shall be responsible for carrying out the procedure for authenticating person identification data and electronic attestation of attributes originating from European Digital Identity Wallets. | 3. Relying parties shall be responsible for carrying out the procedure for authenticating ***and validating*** person identification data and electronic attestation of attributes originating from European Digital Identity Wallets. ***Relying parties shall accept the use of pseudonyms, unless the identification of the user is required by Union or national law.*** | 3. Relying parties shall be responsible for carrying out the procedure for authenticating ~~person identification data and~~**persons and validating** electronic attestation of attributes originating from European Digital Identity Wallets **obtained through the common interface according to Article 6a (4)(a)(2)**. | 3. Relying parties shall be responsible for carrying out the procedure for authenticating ***and validating*** person identification data and electronic attestation of attributes ~~*originating*~~***requested*** from European Digital Identity Wallets. ***[Relying parties shall accept the use of pseudonyms, where the identification of the user is not required by Union or national law.]*** Y |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3a) | | | | |
| G 144 a | | ***3a. Intermediaries acting on behalf of relying parties are to be considered relying parties and shall not obtain data about the content of the transaction.*** | | ***3a. Intermediaries acting on behalf of relying parties are to be considered relying parties and shall not obtain data about the content of the transaction.*** G |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4) | | | | |



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| 145 | 4. Within 6 months of the entering into force of this Regulation, the Commission shall establish technical and operational specifications for the requirements referred to in paragraphs 1 and 2 by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). | 4. ***By ... [***6 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall ***adopt delegated acts in accordance with Article 47, supplementing this Regulation by establishing technical and operational specifications for the requirements referred to in this Article, in accordance with*** Article ***6a(11a)***. | 4. Within 6 months of the entering into force of this Regulation, the Commission shall establish technical and operational specifications for the requirements referred to in paragraphs 1**, 1a and 1d** ~~and 2~~ by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a~~(10).~~ **a(11). This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
| Article 1, first paragraph, point (7), amending provision, twentieth paragraph | | | | |
| 146 | Article 6c | Article 6c | Article 6c | |
| Article 1, first paragraph, point (7), amending provision, twenty-first paragraph | | | | |
| 147 | Certification of the European Digital Identity Wallets | Certification of the European Digital Identity Wallets | Certification of the European Digital Identity Wallets | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |



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| 148 | 1. European Digital Identity Wallets that have been certified or for which a statement of conformity has been issued under a cybersecurity scheme pursuant to Regulation (EU) 2019/881 and the references of which have been published in the Official Journal of the European Union shall be presumed to be compliant with the cybersecurity relevant requirements set out in Article 6a paragraphs 3, 4 and 5 in so far as the cybersecurity certificate or statement of conformity or parts thereof cover those requirements. | 1. European Digital Identity Wallets that have been certified or for which a statement of conformity has been issued under a cybersecurity scheme pursuant to Regulation (EU) 2019/881 and the references of which have been published in the Official Journal of the European Union shall be presumed to be compliant with the cybersecurity relevant requirements set out in Article 6a ***of this Regulation*** in so far as the cybersecurity certificate or statement of conformity or parts thereof cover those requirements. ***When relevant European cybersecurity certification schemes are available, the European Digital Identity Wallet, or parts thereof, shall be certified in accordance with such schemes.*** | 1. **The conformity of** European Digital Identity Wallets ~~that have been certified or for which a statement of conformity has been issued under a cybersecurity scheme pursuant to Regulation~~ **with the requirements laid down in article 6a(3), (4), (5), with the requirement for logical separation laid down in paragraph Article 6a(7), and where applicable with the requirements laid down in Article 6a(~~EU~~11a), shall be certified by conformity assessment bodies accredited in accordance with Article 60 of the Cybersecurity Act and with the schemes, specifications, standards and procedures referenced in accordance with paragraph 4 points (a), (aa) and (aaa), and designated by Member States. The certification shall not exceed five years, conditional upon a regular two-year vulnerabilities assessment. Where vulnerabilities are identified and not remedied within three months, the certification shall be cancelled** ~~2019/881 and the references of which have been~~ | |



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| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2) | | | | |
| 149 | 2. Compliance with the requirements set out in paragraphs 3, 4 and 5 of Article 6a related to the personal data processing operations carried out by the issuer of the European Digital Identity Wallets shall be certified pursuant to Regulation (EU) 2016/679. | 2. Compliance with the requirements set out in ***Article 6a(3), (4) and (5)*** related to the personal data processing operations carried out by the issuer of the European Digital Identity Wallets shall be certified pursuant to Regulation (EU) 2016/679. | 2. **As regards** compliance with the ~~requirements set out in paragraphs 3, 4 and 5 of Article 6a related to the personal data processing operations carried out by the issuer of the European Digital Identity Wallets shall be certified pursuant to~~**data protection requirements under Article 6a(7), the certification under paragraph 1 may be complemented by a certification pursuant to Article 42 of** Regulation (EU) 2016/679. | |
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| 149 a | | ***2a. Where relevant European functionality and interoperability certification schemes are available, the European Digital Identity Wallet, or parts thereof, shall be certified in accordance with such schemes. Those certification schemes shall provide a presumption of conformity to the functionality and interoperability requirements set out in Article 6a. In the absence of certification schemes for functionality and interoperability, the standards referred to in Article 6a(11) shall apply.*** | | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3) | | | | |



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| 150 | 3. The conformity of European Digital Identity Wallets with the requirements laid down in article 6a paragraphs 3, 4 and 5 shall be certified by accredited public or private bodies designated by Member States. | 3. The conformity of European Digital Identity Wallets with the requirements laid down in Article 6a ***of this Regulation*** shall be certified by ***conformity assessment bodies in accordance with Article 60 of Regulation (EU) 2019/881 for cybersecurity requirements and by certification*** bodies ***in accordance with Article 43 of Regulation (EU) 2016/679 for personal data processing operations***. | 3. The conformity of **the** European Digital Identity Wallets**, or parts thereof,** with the **cybersecurity relevant** requirements ~~laid down~~**set out** in Article ~~6a paragraphs 3, 4 and 5~~**6a(3), (4), (5), (7) and where applicable (11a),** shall be certified by ~~accredited public or private~~**the conformity assessment** bodies ~~designated by Member States~~**referred to in paragraph 1, under relevant cybersecurity certification schemes pursuant to Regulation (EU) 2019/881 as they are referenced in accordance with paragraphs 4(a) and 4(aa)**. | |
| | | | | |
| 150 a | | ***3a. For the purposes of this Article, European Digital Identity Wallets shall not be subject to the requirements referred to in Articles 7 and 9.*** | **3a. Certified European Digital Identity Wallets shall not be subject to the requirements referred to in Articles 7 and 9.** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), first subparagraph | | | | |



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| 151 | 4. Within 6 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish a list of standards for the certification of the European Digital Identity Wallets referred to in paragraph 3. | 4. ***By ... [***6 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish a list of standards***, technical specifications, procedures and available Union and national cybersecurity certification schemes pursuant to Regulation (EU) 2019/881 necessary*** for the certification of the European Digital Identity Wallets referred to in ***paragraphs 2a and 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2) of this Regulation***. | 4. Within 6 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish ~~a list of standards for the certification of the European Digital Identity Wallets referred to in paragraph 3.~~**:** | |
| | | | | |
| 151 a | | | **(a) a list of cybersecurity certification schemes pursuant to Regulation (EU) 2019/881, required for the certification of the European Digital Identity Wallets as referred to in paragraph 3;** | |
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| 151 b | | | **(b) specifications, procedures and reference standards for their use under relevant cybersecurity certification schemes listed in accordance to point (a);** | |
| | | | | |
| 151 c | | | **(c) a list of specifications, procedures and reference standards establishing common certification requirements not covered by relevant cybersecurity certification schemes pursuant to Regulation (EU) 2019/881 for the purpose of certification referred to in paragraph 1 aiming to demonstrate that a European Digital Identity Wallet meets the requirements as referred to in paragraph 1;** | |
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| 151 d | | | **(d) technical, procedural, organisational and operational specifications for the designation of conformity assessment bodies referred to in paragraph 1, and, for what regards the certification requirements established pursuant to point (c), for the monitoring and review of the certification schemes and related evaluation methods these bodies use and the certificates and certification reports they issue;** | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (5) | | | | |
| 152 | 5. Member States shall communicate to the Commission the names and addresses of the public or private bodies referred to in paragraph 3. The Commission shall make that information available to Member States. | 5. Member States shall communicate to the Commission the names and addresses of the ***conformity assessment bodies and certification*** bodies referred to in paragraph 3. The Commission shall make that information available to ***all*** Member States. | 5. Member States shall communicate to the Commission the names and addresses of the public or private bodies referred to in paragraph ~~3~~**1**. The Commission shall make that information available to Member States. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (6) | | | | |



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| 153 | 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 47 concerning the establishment of specific criteria to be met by the designated bodies referred to in paragraph 3. | 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 47**,** ***supplementing this Regulation by establishing the*** specific criteria referred to in paragraph 3 ***of this Article***. | 6. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 47 concerning the establishment of specific criteria to be met by the designated bodies~~**Implementing acts referred to in paragraph 4 shall be adopted in accordance with the examination procedure** referred to in ~~paragraph 3~~**Article 48(2)**. | |
| Article 1, first paragraph, point (7), amending provision, twenty-eighth paragraph | | | | |
| 154 | Article 6d | Article 6d | Article 6d | |
| Article 1, first paragraph, point (7), amending provision, twenty-ninth paragraph | | | | |
| 155 | Publication of a list of certified European Digital Identity Wallets | Publication of a list of certified European Digital Identity Wallets | Publication of a list of certified European Digital Identity Wallets | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (1) | | | | |



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| 156 | 1. Member States shall inform the Commission without undue delay of the European Digital Identity Wallets that have been issued pursuant to Article 6a and certified by the bodies referred to in Article 6c paragraph 3 They shall also inform the Commission, without undue delay where the certification is cancelled. | 1. Member States shall inform the Commission without undue delay of the European Digital Identity Wallets that have been issued pursuant to Article 6a and certified by the bodies referred to in Article ***6c(3).*** They shall also inform the Commission, without undue delay***, in the event that*** certification is cancelled ***and the reasons for such cancellation***. | 1. Member States shall inform the Commission without undue delay of the European Digital Identity Wallets that have been ~~issued~~**provided** pursuant to Article 6a and certified by the bodies referred to in Article 6c paragraph ~~3~~**1.** They shall also inform the Commission, without undue delay where the certification is cancelled. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (2) | | | | |
| 157 | 2. On the basis of the information received, the Commission shall establish, publish and maintain a list of certified European Digital Identity Wallets. | 2. On the basis of the information received, the Commission shall establish, publish and maintain ***an up-to-date, machine readable*** list of certified European Digital Identity Wallets. | 2. On the basis of the information received, the Commission shall establish, publish and ~~maintain a~~**update a machine-readable** list of certified European Digital Identity Wallets. | |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3) | | | | |



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| 158 | 3. Within 6 months of the entering into force of this Regulation, the Commission shall define formats and procedures applicable for the purposes of paragraph 1. by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). ‘ | 3. ***By ... [***6 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall define formats and procedures applicable for the purposes of paragraph 1 ***of this Article*** by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6***a(11)***. ***That implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).’;*** ‘ | 3. Within 6 months of the entering into force of this Regulation, the Commission shall define formats and procedures applicable for the purposes of paragraph 1. **and 2** by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6~~a(10)~~**a(11). This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2)**. | |
| | | | | |
| 158 a | | | **Article *6da*** | |
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| 158 b | | | **Security breach of the European Digital Identity Wallets** | |
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| 158 c | | | **1. Where European Digital Identity Wallets provided pursuant to Article 6a or the validation mechanisms referred to in Article 6a(5) points (a), (d) or (e) are breached or partly compromised in a manner that affects their reliability or the reliability of other European Digital Identity Wallets, the issuer of the concerned wallets shall, without undue delay, suspend the issuance and the use of the European Digital Identity Wallet. The Member State where concerned Wallets were provided shall inform the Member States and the Commission without undue delay. The issuer of the concerned Wallets or Member state shall inform relying parties and the users accordingly.** | |
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| 158 d | | | **2. Where the breach or compromise referred to in paragraph 1 is remedied, the issuer of the Wallet shall re-establish the issuance and the use of the European Digital Identity Wallet. The Member State where concerned Wallets were provided shall inform Member States and the Commission without undue delay. The issuer of the concerned Wallets or Member state shall inform relying parties and the users without undue delay.** | |
| | | | | |
| 158 e | | | **3. If the breach or compromise referred to in paragraph 1 is not remedied within three months of the suspension, the Member State concerned shall withdraw the European Digital Identity Wallet concerned and inform the other Member States and the Commission accordingly. Where it is justified by the severity of the breach, the European Digital Identity Wallet concerned shall be withdrawn without undue delay.** | |



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| 158 f | | | **4. The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list referred to in Article 6d without undue delay.** | |
| | | | | |
| 158 g | | | **5. Within 6 months of the entering into force of this Regulation, the Commission shall further specify the measures referred to in paragraphs 1, 2 and 3 by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(11). This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
| | | | | |
| 158 h | | | **Article *6db*** | |
| | | | | |
| 158i | | | **Cross-border reliance on European Digital Identity Wallets** | |



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| | | | | |
| 158j | | | **1. Where Member States require an electronic identification using an electronic identification means and authentication to access an online service provided by a public sector body, they shall also accept European Digital Identity Wallets provided in compliance with this Regulation for authentication of the user.** | |
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| 158 k | | | **2. Where private relying parties providing services, with the exception of microenterprises and small enterprises as defined in Commission Recommendation 2003/361/EC, are required by national or Union law to use strong user authentication for online identification, or where strong user authentication is required by contractual obligation, including in the areas of transport, energy, banking, financial services, social security, health, drinking water, postal services, digital infrastructure, education or telecommunications, private relying parties shall, no later than 12 months after the date of provision of European Digital Identity Wallets pursuant to Article 6a(1) and strictly upon voluntary request of the user, also accept the use of European Digital Identity Wallets provided in accordance with this Regulation in respect of the minimum data necessary for the specific online service for which authentication of the user is requested.** | |



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| 158l | | | **3. Where very large online platforms as defined in Article 25(1) of Regulation [reference to DSA Regulation] require users to authenticate to access online services, they shall also accept the use of European Digital Identity Wallets provided in accordance with this Regulation for authentication of the user strictly upon voluntary request of the user and in respect of the minimum data necessary for the specific online service for which authentication is requested.** | |
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| 158 m | | | **4. In cooperation with Member states the Commission shall encourage and facilitate the development of codes of conduct, in order to contribute to wide availability and usability of European Digital Identity Wallets within the scope of this Regulation. These codes of conduct shall facilitate acceptance of electronic identification means including European Digital Identity Wallets within the scope of this Regulation in particular by service providers relying on third party electronic identification services for user authentication. The Commission will facilitate the development of such codes of conduct in close cooperation with all relevant stakeholders and encourage service providers to complete the development of codes of conduct within 12 months of the adoption of this Regulation and effectively implement them within 18 months of the adoption of the Regulation.** | |
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| 158 n | | | **5. The Commission shall make an assessment within 24 months after deployment of the European Digital Identity Wallets whether on the basis of evidence showing demand, availability and usability of the European Digital Identity Wallet, additional private online service providers shall be mandated to accept the use of the European Digital identity Wallet strictly upon voluntary request of the user. Criteria of assessment shall include extent of user base, cross-border presence of service providers, technological development, evolution in usage patterns, and consumer demand.** ‘ | |
| Article 1, first paragraph, point (8) | | | | |
| 159 | (8) the following heading is inserted before Article 7: | (8) the following heading is inserted before Article 7: | (8) the following heading is inserted before Article 7: | |
| Article 1, first paragraph, point (8), amending provision, first paragraph | | | | |
| G 160 | ‘ SECTION II | ‘ SECTION II | ‘ SECTION II | ‘ SECTION II Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (8), amending provision, second paragraph | | | | |



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| 161 | ELECTRONIC IDENTIFICATION SCHEMES; ’, | ELECTRONIC IDENTIFICATION SCHEMES; ’, | ELECTRONIC IDENTIFICATION SCHEMES; ’, | ELECTRONIC IDENTIFICATION SCHEMES; ’,<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (9) | | | | |
| 162 | (9) the introductory sentence of Article 7 is replaced by the following: | (9) the introductory sentence of Article 7 is replaced by the following: | (9) the introductory sentence of Article 7 is replaced by the following: | (9) the introductory sentence of Article 7 is replaced by the following:<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (9), amending provision, first paragraph | | | | |
| 163 | ‘<br>Pursuant to Article 9(1) Member States shall notify, within 12 months after the entry into force of this Regulation at least one electronic identification scheme including at least one identification means:; ’, | ‘<br>Pursuant to Article 9(1) Member States shall notify, ***by … /***12 months after the entry into force of this Regulation***/*** at least one electronic identification scheme including at least one ***electronic*** identification means ***with assurance level 'high' meeting all the following conditions***; ’, | ‘<br>**‘**Pursuant to Article 9(1) Member States **which have not yet done so** shall notify, within ~~12~~**24** months after the entry into force of ~~this Regulation~~**the implementing acts referred to in Article 6a(11) and Article 6c(4)** at least one electronic identification scheme including at least one identification means **of level of assurance ‘high’. An electronic identification scheme shall be eligible for notification pursuant to Article 9(1) provided that all of the following conditions are met**:’; ’, | |
| Article 1, first paragraph, point (10) | | | | |



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| 164 | (10) in Article 9 paragraphs 2 and 3 are replaced by the following: | (10) in Article 9**,** paragraphs 2 and 3 are replaced by the following: | (10) in Article 9 paragraphs 2 and 3 are replaced by the following: | (10) in Article 9 paragraphs 2 and 3 are replaced by the following:<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (10), amending provision, numbered paragraph (2) | | | | |
| 165 | ‘<br>2. The Commission shall publish in the Official Journal of the European Union a list of the electronic identification schemes which were notified pursuant to paragraph 1 of this Article and the basic information thereon. | ‘<br>2. The Commission shall***, without undue delay,*** publish in the Official Journal of the European Union a list of the electronic identification schemes which were notified pursuant to paragraph 1 of this Article and the basic information thereon. | ‘<br>2. The Commission shall publish in the Official Journal of the European Union a list of the electronic identification schemes which were notified pursuant to paragraph 1 of this Article and the basic information thereon. | ‘<br>2. The Commission shall***, without undue delay,*** publish in the Official Journal of the European Union a list of the electronic identification schemes which were notified pursuant to paragraph 1 of this Article and the basic information thereon.<br>Text Origin: EP Mandate |
| Article 1, first paragraph, point (10), amending provision, numbered paragraph (3) | | | | |
| 166 | 3. The Commission shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within one month from the date of receipt of that notification.;<br>, | 3. The Commission shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within one month from the date of receipt of that notification**′**;<br>, | 3. The Commission shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within one month from the date of receipt of that notification.**’**;<br>, | 3. The Commission shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within one month from the date of receipt of that notification.;<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (10a) | | | | |



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| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| 166 a | | ***(10a) in Article 10, the title is replaced by the following:*** | | ***(10a) In Article 10, the title is replaced by the following:***<br>Text Origin: EP Mandate |
| Article 1, first paragraph, point (10), amending provision, numbered paragraph (3a) | | | | |
| 166 b | | " Security breach ***of electronic identification schemes for cross-border authentication";*** " | | ***Security breach of electronic identification schemes*** , |
| Article 1, first paragraph, point (11) | | | | |
| 167 | (11) the following Article 10a is inserted: | (11) the following Article ▌ is inserted: | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, first paragraph* | | | | |
| *168* | ‘ Article 10a | ‘ Article 10a | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, second paragraph* | | | | |
| *169* | Security breach of the European Digital Identity Wallets | Security breach of the European Digital Identity Wallets | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, numbered paragraph (1)* | | | | |



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| *170* | *1.* Where European Digital Wallets issued pursuant to Article 6a and the validation mechanisms referred to in Article 6a(5) points (a), (b) and (c) are breached or partly compromised in a manner that affects their reliability or the reliability of the other European Digital Identity Wallets, the issuing Member State shall, without delay, suspend the issuance and revoke the validity of the European Digital Identity Wallet and inform the other Member States and the Commission accordingly. | 1. Where European Digital ***Identity*** Wallets issued pursuant to Article 6a and the validation mechanisms referred to in Article 6a(5) points (a), (b) and (c) are breached or partly compromised in a manner that affects their reliability or the ***confidentiality, integrity or availability of user data, or the*** reliability of the other European Digital Identity Wallets, the issuing Member State shall, without delay, suspend the issuance and revoke the validity of the European Digital Identity Wallet and inform ***the affected users, the single point of contact designated pursuant to Article 46a, the relying parties*** the other Member States and the Commission accordingly. | *deleted* | |
| | | | | |



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| *170 a* | | ***1a. After notification of the security breach of the European Digital Identity Wallet, the single point of contact designated pursuant to Article 46a shall liaise with the relevant national competent authorities and, where necessary, with the European Digital Identity Framework Board established pursuant to Article 46c, the European Data Protection Board, the Commission and ENISA.*** | | |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (2) | | | | |
| 171 | 2. Where the breach or compromise referred to in paragraph 1 is remedied, the issuing Member State shall re-establish the issuance and the use of the European Digital Identity Wallet and inform other Member States and the Commission without undue delay. | 2. Where the breach or compromise referred to in paragraph 1 is remedied, the issuing Member State shall re-establish the issuance and the use of the European Digital Identity Wallet and inform ***the national competent authorities of the*** other Member States***, the affected users and relying parties, the single point of contact designated pursuant to Article 46a*** and the Commission without undue delay. | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, numbered paragraph (3)* | | | | |



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| *172* | *3.* If the breach or compromise referred to in paragraph 1 is not remedied within three months of the suspension or revocation, the Member State concerned shall withdraw the European Digital Wallet concerned and inform the other Member States and the Commission on the withdrawal accordingly. Where it is justified by the severity of the breach, the European Digital Identity Wallet concerned shall be withdrawn without delay. | 3. If ***no attempt or insufficient progress is made to remedy*** the breach or compromise referred to in paragraph 1 ▌ within three months of the suspension or revocation, the Member State concerned shall withdraw the European Digital ***Identity*** Wallet concerned and inform the ***affected users, the single point of contact designated pursuant to Article 46a, the relying parties the*** other Member States and the Commission on the withdrawal accordingly. Where it is justified by the severity of the breach, the European Digital Identity Wallet concerned shall be withdrawn without delay ***and the relevant decision should be reasoned and communicated to the Commission***. | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, numbered paragraph (4)* | | | | |
| *173* | *4.* The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list referred to in Article 6d without undue delay. | 4. The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list referred to in Article 6d without undue delay. | *deleted* | |
| *Article 1, first paragraph, point (11), amending provision, numbered paragraph (5)* | | | | |



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| *174* | *5.* Within 6 months of the entering into force of this Regulation, the Commission shall further specify the measures referred to in paragraphs 1 and 3 by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). ‘ | 5. ***By … [***6 months ***after the date of entry*** into force of this Regulation***]***, the Commission shall ***adopt a delegated act in accordance with Article 47, supplementing this Regulation by further specifying the measures referred to in paragraphs 1 and 3 of this*** Article***.' ;*** ‘ | *deleted* | |
| *Article 1, first paragraph, point (12)* | | | | |
| *175* | *(12)* the following Article 11a is inserted: | (12) the following Article ▌ is inserted: | (12) the following Article 11a is inserted: | |
| Article 1, first paragraph, point (12), amending provision, first paragraph | | | | |
| 176 | ‘ Article 11a | ‘ Article 11a | ‘ Article 11a | |
| Article 1, first paragraph, point (12), amending provision, second paragraph | | | | |
| 177 | Unique Identification | ***Cross-border user*** identification | ~~Unique Identification~~**Record matching** | |
| Article 1, first paragraph, point (12), amending provision, numbered paragraph (1) | | | | |



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| 178 | 1. When notified electronic identification means and the European Digital Identity Wallets are used for authentication, Member States shall ensure unique identification. | 1. When ***accessing cross-border public services that requires identification of the user by Union or national law, Member States shall ensure unequivocal identity matching for natural persons using*** notified electronic identification means ***or*** European Digital Identity Wallets***.*** ***Member States shall provide for technical and organisational measures to*** ensure ***the protection of personal data and prevent profiling of users***. | 1. When notified electronic identification means ~~and the~~**or** European Digital Identity Wallets are used for authentication, Member States **when acting as relying parties** shall ensure ~~unique identification~~**record matching**. | |
| Article 1, first paragraph, point (12), amending provision, numbered paragraph (2) | | | | |
| 179 | 2. Member States shall, for the purposes of this Regulation, include in the minimum set of person identification data referred to in Article 12.4.(d), a unique and persistent identifier in conformity with Union law, to identify the user upon their request in those cases where identification of the user is required by law. | 2. ***In order to identify natural persons upon their request for accessing services as described in paragraph 1, Member States shall provide a*** minimum set of person identification data referred to in Article 12.4.(d)***.*** ***Member States that have at least one unique identifier shall, at the request of*** the user***, issue unique and persistent identifiers for cross-border use.*** Those ***identifiers may be specific to particular sectors or relying parties, provided that they uniquely identify*** the user ***across the Union***. | 2. Member States shall, for the purposes of ~~this Regulation~~**providing European Digital Identity Wallets**, include in the minimum set of person identification data referred to in Article ~~12.4.(d),~~ ~~a~~**12(4) point (d), at least one** unique and persistent identifier in conformity with Union **and national** law, to identify the user upon their request in those cases where identification of the user is required by law. | |



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| Article 1, first paragraph, point (12), amending provision, numbered paragraph (2a) | | | | |
| 179 a | | ***2a. Member States shall provide a single unique and persistent identifier for legal persons using electronic identification means or European Digital Identity Wallets.*** | | |
| Article 1, first paragraph, point (12), amending provision, numbered paragraph (2a) | | | | |
| G 179 b | | | **2a. Member States shall provide for technical and organisational measures to ensure high level of protection of personal data used for record matching and to prevent the profiling of users.** | ‘ ***2b. Member States shall provide for technical and organisational measures to ensure high level of protection of personal data used for record matching and to prevent the profiling of users.*** ‘ Text Origin: Council Mandate G |
| | | | | |



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| 179 c | | | **2b. Member States may provide, in accordance with national law, that the user of European Digital Identity Wallet shall be able to request that a unique and persistent Identifier included in the minimum set of person identification data and associated with the wallet in accordance with Article 6a(4)(e) is replaced by another unique and persistent identifier issued by the Member State.** | |
| Article 1, first paragraph, point (12), amending provision, numbered paragraph (3) | | | | |



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| 180 | 3. Within 6 months of the entering into force of this Regulation, the Commission shall further specify the measures referred to in paragraph 1 and 2 by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). ‘ | 3. ***By … [*** 6 months of the ***date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall ***adopt an implementing act on the implementation of the European Digital Identity Wallets as*** referred to in ***Article 6a(11), laying down further technical specifications that are privacy enhancing and that will ensure trustworthy, secure and interoperable cross-border authentication and identification of users. That implementing acts shall be adopted in accordance with the examination procedure*** referred to in Article ***48(2).’;*** ‘ | 3. Within 6 months of the entering into force of this Regulation, the Commission shall further specify the measures referred to in paragraph 1 ~~and 2~~ by means of an implementing act**. This implementing act shall be adopted in accordance with the examination procedure** ~~on the implementation of the European Digital Identity Wallets as~~ referred to in Article ~~6a(10)~~**48(2)**. | |
| | | | | |



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| 180 a | | | **3a. Within 6 months of the entering into force of this Regulation, the Commission shall detail the measures referred to in paragraph 2 and 2aa by means of an implementing act. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).** ‘ | |
| Article 1, first paragraph, point (13) | | | | |
| 181 | (13) Article 12 is amended as follows: | (13) Article 12 is amended as follows: | (13) Article 12 is amended as follows: | |
| | | | | |
| 181 a | | ***(-a) the title is replaced by the following:*** | | |
| Article 1, first paragraph, point (13a) | | | | |
| 181 b | | " ***'Interoperability'*** " | | |
| Article 1, first paragraph, point (13)(a) | | | | |
| 182 | (a) in paragraph 3, points (c) and (d) are deleted; | (a) in paragraph 3, points (c) and (d) are ***replaced by the following:*** | (a) in paragraph 3, ~~points (c) and (d) are~~**point (d) is** deleted; | |
| Article 1, first paragraph, point (13)(aa) | | | | |



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| 182 a | | ***(c) it facilitates the implementation of data protection and security by design;*** | | |
| Article 1, first paragraph, point (13)(ab) | | | | |
| 182 b | | ***(d) it ensures that personal data is processed in accordance with Regulation (EU) 2016/679.';*** | | *deleted*<br>Text Origin: EP Mandate |
| *Article 1, first paragraph, point (13)(b)* | | | | |
| *183* | *(b)* in paragraph 4, point (d) is replaced by the following: | (b) in paragraph 4, point (d) is replaced by the following: | (b) in paragraph 4, point (d) is replaced by the following: | (b) in paragraph 4, point (d) is replaced by the following:<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (13)(b), amending provision, first paragraph | | | | |
| 184 | ‘<br>(d) a reference to a minimum set of person identification data necessary to uniquely and persistently represent a natural or legal person;;<br>’ | ‘<br>(d) a reference to a minimum set of person identification data necessary to ***unequivocally*** represent a natural or legal person ***available from electronic identification schemes. In general, insofar as personal data are concerned, the risks to the rights of individuals shall be assessed based on Article 25(1) of Regulation (EU) 2016/679'***;<br>’ | ‘<br>(d) a reference to a minimum set of person identification data necessary to uniquely and persistently represent a natural **person, legal person or a natural** ~~or legal~~ person **representing natural or legal persons**;’;<br>’ | |



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| 184 a | | ***(ba) paragraph 5 is deleted;*** | **(ba) in paragraph 5, point (c) is inserted:** | |
| | | | | |
| 184 b | | | **(c) similar approach towards online services accepting the use of European Digital Identity Wallets provided in accordance with this Regulation;';** | |
| Article 1, first paragraph, point (13)(c) | | | | |
| 185 | (c) in paragraph 6, point (a) of is replaced by the following: | (c) ▌ paragraph 6 ***is deleted;*** | (c) in paragraph 6, point (a) of is replaced by the following: | |
| Article 1, first paragraph, point (13)(c), amending provision, first paragraph | | | | |
| 186 | ' (a) the exchange of information, experience and good practice as regards electronic identification schemes and in particular technical requirements related to interoperability, unique identification and assurance levels;; ' | ' (a) ▌ ' | ' (a) the exchange of information, experience and good practice as regards electronic identification schemes and in particular technical requirements related to interoperability, ~~unique identification~~**record matching** and assurance levels;'; ' | |
| | | | | |
| 186 a | | | **(ca) in paragraph 6, point (e) is inserted:** | |
| | | | | |



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| 186 b | | | **(e) the exchange of information, experience and good practises and the issuing of guidelines as regards how online services may be designed, developed and implemented for the purpose of relying on the European Digital Wallets'** | |
| | | | | |
| 186 c | | ***(ca) paragraph 7 is deleted;*** | | |
| | | | | |
| 186 d | | ***(cb) paragraph 9 is replaced by the following:*** | | |
| Article 1, first paragraph, point (13)(c), amending provision, first paragraph a | | | | |
| 186 e | | "<br>***9.*** The implementing acts referred to ***paragraph*** 8 of this Article shall be adopted in accordance with the examination procedure referred to in Article 48(2).***;***<br>" | | |
| Article 1, first paragraph, point (14) | | | | |
| 187 | (14) the following Article 12a is inserted: | (14) the following Article ▌ is inserted: | (14) the following Article 12a ~~is~~**and 12b are** inserted: | |
| Article 1, first paragraph, point (14), amending provision, first paragraph | | | | |



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| G 188 | ‘<br>Article 12a | ‘<br>Article 12a | ‘<br>Article 12a | ‘<br>Article 12a<br>Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (14), amending provision, second paragraph | | | | |
| G 189 | Certification of electronic identification schemes | Certification of electronic identification schemes | Certification of electronic identification schemes | Certification of electronic identification schemes ’<br>Text Origin: Commission Proposal G |
| Article 1, first paragraph, point (14), amending provision, numbered paragraph (1) | | | | |



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| 190 | 1. Conformity of notified electronic identification schemes with the requirements laid down in Article 6a, Article 8 and Article 10 may be certified by public or private bodies designated by Member States. | 1. Conformity of notified electronic identification schemes with the requirements laid down in ***Articles*** 8 and ▌ 10 may be certified by ***conformity*** bodies designated by Member States. | 1. Conformity of ~~notified~~ electronic identification schemes **to be notified** with the requirements laid down in **this Regulation shall be certified to demonstrate compliance of such schemes or parts thereof with the requirements set out in** Article ~~6a, Article 8 and~~**8(2) regarding the assurance levels of electronic identification schemes under a relevant cybersecurity certification scheme pursuant to Regulation (EU) 2019/881 or parts thereof, in so far as the cybersecurity certificate or parts thereof cover the requirements set out in** Article ~~10 may be certified by public or private bodies designated by Member States~~**8(2) regarding the assurance levels of electronic identification schemes. The certification shall not exceed five years, conditional upon a regular two-year vulnerabilities assessment. Where vulnerabilities are identified and not remedied within three months, the certification shall be cancelled** | |



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| 190 a | | | **The certification shall be carried out by accredited public or private conformity assessment bodies designated by Member States and in accordance with Regulation (EC) No 765/2008.** | |
| Article 1, first paragraph, point (14), amending provision, numbered paragraph (2) | | | | |
| 191 | 2. The peer-review of electronic identification schemes referred to in Article 12(6), point (c) shall not apply to electronic identification schemes or part of such schemes certified in accordance with paragraph 1. Member States may use a certificate or a Union statement of conformity issued in accordance with a relevant European cybersecurity certification scheme established pursuant to Regulation (EU) 2019/881 to demonstrate compliance of such schemes with the requirements set out in Article 8(2) regarding the assurance levels of electronic identification schemes. | 2. The peer-review of electronic identification schemes referred to in Article ***46b(5)***, point (c) ***of this Regulation*** shall not apply to electronic identification schemes or part of such schemes certified in accordance with paragraph 1. Member States may use a certificate or a Union statement of conformity issued in accordance with a relevant European cybersecurity certification scheme established pursuant to Regulation (EU) 2019/881 to demonstrate ***full or partial*** compliance of such schemes ***or parts of such schemes*** with the requirements set out in Article 8(2) ***of this Regulation*** regarding the assurance levels of electronic identification schemes. | 2. The peer-review of electronic identification schemes referred to in Article 12(6), point (c) shall not apply to electronic identification schemes or **to** part of such schemes certified in accordance with paragraph 1. ~~Member States may use a certificate or a Union statement of conformity issued in accordance with a relevant European cybersecurity certification scheme established pursuant to Regulation (EU) 2019/881 to demonstrate compliance of such schemes with the requirements set out in Article 8(2) regarding the assurance levels of electronic identification schemes.~~ | |



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| 191 a | | ***2a. The certification scheme used to demonstrate conformity pursuant to paragraph 1 shall include a two-year vulnerability assessment of the certified product and a continuous threat monitoring, unless such a certification scheme has been established pursuant to Regulation (EU) 2019/881.*** | **2a. Notwithstanding paragraph 2 of this Article, Member States may request additional information about electronic identification schemes or part thereof certified according to paragraph 2 of this Article from a notifying Member State.** | |
| Article 1, first paragraph, point (14), amending provision, numbered paragraph (3) | | | | |
| 192 | 3. Member States shall notify to the Commission with the names and addresses of the public or private body referred to in paragraph 1. The Commission shall make that information available to Member States.; ’ | 3. Member States shall notify to the Commission with the names and addresses of the ***conformity assessment bodies*** referred to in paragraph 1. The Commission shall make that information available to ***all*** Member States.; , | 3. Member States shall notify to the Commission ~~with~~ the names and addresses of the public or private body referred to in paragraph 1. The Commission shall make that information available to Member States.**’**; | |
| | | | | |
| 192 a | | | **‘Article 12b** | |
| | | | | |
| 192 b | | | **Access to hardware and software features** | |
| Article 1, first paragraph, point (14), amending provision, numbered paragraph (3a) | | | | |



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| 192 c | | | **Issuers of European Digital Identity Wallets and issuers of notified electronic identification means acting in a commercial or professional capacity and using core platform services as defined in Article 2(2) of Regulation (EU) 2022/1925 for the purpose of, or in the course of, providing European Digital Identity Wallet services and electronic identification means to end-users are business users in accordance with Art. 2(21) of Regulation (EU) 2022/1925.** , | |
| Article 1, first paragraph, point (15) | | | | |
| 193 | (15) the following heading is inserted after Article 12a: | (15) the following heading is inserted after Article 12a: | *deleted* | |
| *Article 1, first paragraph, point (15), amending provision, first paragraph* | | | | |
| *194* | ‘ SECTION III | ‘ SECTION III | *deleted* | |
| *Article 1, first paragraph, point (15), amending provision, second paragraph* | | | | |
| *195* | CROSS-BORDER RELIANCE ON ELECTRONIC IDENTIFICATION MEANS; , | CROSS-BORDER RELIANCE ON ELECTRONIC IDENTIFICATION MEANS; , | *deleted* | |
| *Article 1, first paragraph, point (16)* | | | | |



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| *196* | *(16)* the following Articles 12b and 12c are inserted: | (16) the following Articles ▌ are inserted: | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, first paragraph* | | | | |
| *197* | ‘<br>Article 12b | ‘<br>Article 12b | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, second paragraph* | | | | |
| *198* | Cross-border reliance on European Digital Identity Wallets | Cross-border reliance on European Digital Identity Wallets | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)* | | | | |
| *199* | *1.* Where Member States require an electronic identification using an electronic identification means and authentication under national law or by administrative practice to access an online service provided by a public sector body, they shall also accept European Digital Identity Wallets issued in compliance with this Regulation. | 1. Where Member States require an electronic identification using an electronic identification means and authentication under national law or by administrative practice to access an online service provided by a public sector body, they shall also accept European Digital Identity Wallets issued in ***accordance*** with this Regulation ***for the purpose of electronic identification and authentication and shall clearly communicate such acceptance to potential users of the service***. | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (2)* | | | | |



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| *200* | *2.* Where private relying parties providing services are required by national or Union law, to use strong user authentication for online identification, or where strong user authentication is required by contractual obligation, including in the areas of transport, energy, banking and financial services, social security, health, drinking water, postal services, digital infrastructure, education or telecommunications, private relying parties shall also accept the use of European Digital Identity Wallets issued in accordance with Article 6a. | 2. Where private relying parties providing services are required by ***Union or national*** law, to use strong user authentication for online identification, ▌ , including in the areas of transport, energy, banking and financial services, social security, health, drinking water, postal services, digital infrastructure, ***telecommunications or*** education ***in particular with regard to the recognition of educational and professional qualifications***, private relying parties shall also ***offer and*** accept the use of European Digital Identity Wallets ***and notified electronic identification means with assurance level 'high'*** issued in ***the purpose of with this Regulation for identification and authentication***. | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (3)* | | | | |



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| *201* | *3.* Where very large online platforms as defined in Regulation [reference DSA Regulation] Article 25.1. require users to authenticate to access online services, they shall also accept the use of European Digital Identity Wallets issued in accordance with Article 6a strictly upon voluntary request of the user and in respect of the minimum attributes necessary for the specific online service for which authentication is requested, such as proof of age. | 3. Where very large online platforms as defined in ***Article 25.1.*** Regulation ***(EU) 2022/2065*** require users to authenticate to access online services, they shall also accept***, though not exclusively, and facilitate*** the use of European Digital Identity Wallets issued in accordance with Article 6a strictly upon voluntary request of the user and in respect of the ***right to pseudonyms provided for in this Regulation. In this case, user generated pseudonyms shall be used in connection to a European Digital Identity Wallet. Very large*** online ***platforms shall clearly indicate this possibility to users of the*** service***. The combination of person identification data and any other personal data and identifiers linked to the European Digital Identity Wallets with personal or non-personal data from any other services*** which ***are not necessary for the provision of the*** authentication ***or use of core services, is prohibited unless expressly requested by the user***. | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (4)* | | | | |



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| *202* | *4.* The Commission shall encourage and facilitate the development of self-regulatory codes of conduct at Union level ('codes of conduct'), in order to contribute to wide availability and usability of European Digital Identity Wallets within the scope of this Regulation. These codes of conduct shall ensure acceptance of electronic identification means including European Digital Identity Wallets within the scope of this Regulation in particular by service providers relying on third party electronic identification services for user authentication. The Commission will facilitate the development of such codes of conduct in close cooperation with all relevant stakeholders and encourage service providers to complete the development of codes of conduct within 12 months of the adoption of this Regulation and effectively implement them within 18 months of the adoption of the Regulation. | 4. The Commission shall***, in cooperation with the Member States, industry and the relevant stakeholders, including civil society,*** encourage and facilitate the development of self-regulatory codes of conduct at Union level ('codes of conduct'), in order to contribute to wide availability and usability of European Digital Identity Wallets within the scope of this Regulation. These codes of conduct shall ensure acceptance of electronic identification means including European Digital Identity Wallets within the scope of this Regulation in particular by service providers relying on third party electronic identification services for user authentication. The Commission will facilitate the development of such codes of conduct in close cooperation with all relevant stakeholders and encourage service providers to complete the development of codes of conduct within 12 months of the adoption of this Regulation and effectively implement them within 18 months of the adoption of the Regulation. | *deleted* | |



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| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (5)* | | | | |
| *203* | *5.* The Commission shall make an assessment within 18 months after deployment of the European Digital Identity Wallets whether on the basis of evidence showing availability and usability of the European Digital Identity Wallet, additional private online service providers shall be mandated to accept the use of the European Digital identity Wallet strictly upon voluntary request of the user. Criteria of assessment may include extent of user base, cross-border presence of service providers, technological development, evolution in usage patterns. The Commission shall be empowered to adopt delegated acts based on this assessment, regarding a revision of the requirements for recognition of the European Digital Identity wallet under points 1 to 4 of this article. | 5. ▌ | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (6)* | | | | |



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| *204* | *6.* For the purposes of this Article, European Digital Identity Wallets shall not be subject to the requirements referred to in articles 7 and 9. | 6. ▌ | *deleted* | |
| *Article 1, first paragraph, point (16), amending provision, ninth paragraph* | | | | |
| G *205* | Article 12c | Article 12c | *deleted* | *deleted* G |
| *Article 1, first paragraph, point (16), amending provision, tenth paragraph* | | | | |
| G *206* | Mutual recognition of other electronic identification means | Mutual recognition of other electronic identification means | *deleted* | *deleted* G |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)* | | | | |
| G *207* | *1.* Where electronic identification using an electronic identification means and authentication is required under national law or by administrative practice to access an online service provided by a public sector body in a Member State, the electronic identification means, issued in another Member State shall be recognised in the first Member State for the purposes of cross-border authentication for that online service, provided that the following conditions are met: | 1. Where electronic identification using an electronic identification means and authentication is required under national law or by administrative practice to access an online service provided by a public sector body in a Member State, the electronic identification means, issued in another Member State shall be recognised in the first Member State for the purposes of cross-border authentication for that online service, ***and ensuring mutual recognition*** provided that the following conditions are met: | *deleted* | *deleted* G |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1), point (a)* | | | | |



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| | 208 | *(a)* the electronic identification means is issued under an electronic identification scheme that is included in the list referred to in Article 9; | (a) the electronic identification means is issued under an electronic identification scheme that is included in the list referred to in Article 9; | *deleted* | *deleted* |
| | *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1), point (b)* | | | |
| | 209 | *(b)* the assurance level of the electronic identification means corresponds to an assurance level equal to or higher than the assurance level required by the relevant public sector body to access that online service in the Member State concerned, and in any case not lower than an assurance level 'substantial'; | (b) the assurance level of the electronic identification means corresponds to an assurance level equal to or higher than the assurance level required by the relevant public sector body to access that online service in the Member State concerned, and in any case not lower than an assurance level 'substantial'; | *deleted* | *deleted* |
| | *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1), point (c)* | | | |
| | 210 | *(c)* the relevant public sector body in the Member State concerned uses the assurance level 'substantial' or 'high' in relation to accessing that online service. | (c) the relevant public sector body in the Member State concerned uses the assurance level 'substantial' or 'high' in relation to accessing that online service. | *deleted* | *deleted* |
| | *Article 1, first paragraph, point (16), amending provision, numbered paragraph (1), first paragraph* | | | |



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| 211 | Such recognition shall take place no later than 6 months after the Commission publishes the list referred to in point (a) of the first subparagraph. | Such recognition shall take place no later than 6 months after the Commission publishes the list referred to in point (a) of the first subparagraph. | *deleted* | *deleted* |
| *Article 1, first paragraph, point (16), amending provision, numbered paragraph (2)* | | | | |
| 212 | *2.* An electronic identification means which is issued within the scope of an electronic identification scheme included in the list referred to in Article 9 and which corresponds to the assurance level 'low' may be recognised by public sector bodies for the purposes of cross-border authentication for the online service provided by those bodies.'; | 2. An electronic identification means which is issued within the scope of an electronic identification scheme included in the list referred to in Article 9 and which corresponds to the assurance level 'low' may be recognised by public sector bodies for the purposes of cross-border authentication for the online service provided by those bodies. ‘ | *deleted* | *deleted* |
| *Article 1, first paragraph, point (17)* | | | | |
| 213 | *(17)* In Article 13, paragraph 1 is replaced by the following: | (17) In Article 13, paragraph 1 is replaced by the following: | (17) In Article 13, paragraph 1 is replaced by the following: | |
| Article 1, first paragraph, point (17), amending provision, numbered paragraph (1) | | | | |



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| 214 | ‘<br>1. Notwithstanding paragraph 2 of this Article, trust service providers 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 and with the cybersecurity risk management obligations under Article 18 of the Directive XXXX/ XXXX [NIS2].;<br>’ | ‘<br>1. ▌ Notwithstanding paragraph 2 of this Article, trust service providers 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 and with the cybersecurity risk management obligations under Article 18 of the Directive XXXX/ XXXX [NIS2].;<br>’ | ‘<br>1. — Notwithstanding paragraph 2 of this Article, trust service providers 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 ~~and with the cybersecurity risk management obligations under Article 18 of the Directive XXXX/ XXXX [NIS2].;~~**.** | |
| | | | | |
| 214 a | | | **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.** | |
| | | | | |



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| 214 b | | | **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.** , | |
| Article 1, first paragraph, point (18) | | | | |
| 215 | (18) Article 14 is replaced by the following: | (18) Article 14 is replaced by the following: | (18) Article 14 is replaced by the following: | |
| Article 1, first paragraph, point (18), amending provision, first paragraph | | | | |
| 216 | ‘ Article 14 | ‘ Article 14 | ‘ Article 14 | |
| Article 1, first paragraph, point (18), amending provision, second paragraph | | | | |
| 217 | International aspects | International aspects | International aspects | |
| Article 1, first paragraph, point (18), amending provision, numbered paragraph (1) | | | | |



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| 218 | 1. The Commission may adopt implementing acts, in accordance with Article 48(2), setting out the conditions under which the requirements of a third country applicable to the trust service providers established in its territory and to the trust services they provide can be considered equivalent to the requirements applicable to qualified trust service providers established in the Union and to the qualified trust services they provide. | 1. The Commission may adopt ***delegated*** acts, in accordance with Article ***47***, ***supplementing this Regulation by*** setting out the conditions under which the requirements of a third country applicable to the trust service providers established in its territory and to the trust services they provide can be considered equivalent to the requirements applicable to qualified trust service providers established in the Union and to the qualified trust services they provide. | 1. ~~The Commission may adopt implementing acts, in accordance with Article 48(2), setting out the conditions under which the requirements of a third country applicable to the~~**Trust services provided by trust service providers established in a third country or by an international organisation shall be recognised as legally equivalent to qualified trust services provided by qualified** trust service providers established in ~~its territory and to~~**the Union where** the trust services ~~they provide can be considered equivalent to the requirements applicable to qualified trust service providers established in~~**originating from the third country or international organisation are recognised under an implementing decision or an agreement concluded between** the Union and ~~to the qualified trust services they provide~~**the third country or international organisation in accordance with Article 218 of the Treaty**. | |
| Article 1, first paragraph, point (18), amending provision, numbered paragraph (2) | | | | |



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| 219 | 2. Where the Commission has adopted an implementing act pursuant to paragraph 1 or concluded an international agreement on the mutual recognition of trust services in accordance with Article 218 of the Treaty, trust services provided by providers established in the third country concerned shall be considered equivalent to qualified trust services provided by qualified trust service providers established in the Union.; , | 2. Where the Commission has adopted ***a delegated*** act pursuant to paragraph 1 or concluded an international agreement on the mutual recognition of trust services in accordance with Article 218 of the Treaty, trust services provided by providers established in the third country concerned shall be considered equivalent to qualified trust services provided by qualified trust service providers established in the Union ; , | 2. ~~Where the Commission has adopted an implementing act pursuant to~~**The implementing decisions and agreements referred to in** paragraph 1 ~~or concluded an international agreement on the mutual recognition of~~**shall ensure that the requirements applicable to qualified** trust ~~services in accordance with Article 218 of the Treaty,~~**service providers established in the Union and the qualified** trust services ~~provided by providers established~~**they provide are met by the trust service providers** in the third country ~~concerned shall be considered equivalent to qualified~~**or international organisations and by the** trust services ~~provided by qualified trust service providers established in the Union~~**they provide. Third countries and international organisations shall in particular establish, maintain and publish a trusted list of recognised trust service providers**.~~;~~ | |



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| 219 a | | | **The agreements referred to in paragraph 1 shall ensure that the qualified trust services provided by qualified trust service providers established in the Union are recognised as legally equivalent to trust services provided by trust service providers in the third country or international organisation with which the agreement is concluded.** | |
| | | | | |
| 219 b | | | **2a. The implementing decisions referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 48(2).** ' | |
| Article 1, first paragraph, point (19) | | | | |
| 220 | (19) Article 15 is replaced by the following: | (19) Article 15 is replaced by the following: | (19) Article 15 is replaced by the following: | |
| Article 1, first paragraph, point (19), amending provision, first paragraph | | | | |
| 221 | ' Article 15 | ' Article 15 | ' Article 15 | |
| Article 1, first paragraph, point (19), amending provision, second paragraph | | | | |



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| 222 | Accessibility for persons with disabilities | Accessibility ***to*** persons with disabilities ***and special needs*** | Accessibility for persons with disabilities | |
| Article 1, first paragraph, point (19), amending provision, third paragraph | | | | |
| 223 | The provision of Trust services and end-user products used in the provision of those services shall be made accessible for persons with disabilities in accordance with the accessibility requirements of Annex I of Directive 2019/882 on the accessibility requirements for products and services.;<br>' | The provision of trust services and end-user products used in the provision of those services shall be made ***available in plain and intelligible language and*** accessible for persons with disabilities ***or to persons who experience functional limitations, such as older people, and persons with limited access to digital technologies,*** in accordance with the accessibility requirements of Annex I of Directive ***(EU)*** 2019/882 on the accessibility requirements for products and services ***and the United Nations Convention on the Rights of Persons with Disabilities***[1];<br>'<br>_____<br>***1. Approved by Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).*** | The provision of Trust services and end-user products used in the provision of those services shall be made accessible for persons with disabilities in accordance with the accessibility requirements of ~~Annex I of~~ Directive 2019/882 on the accessibility requirements for products and services.**'**;<br>' | |
| | | | | |



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| 223 a | | ***(19a) Article 16 is replaced by the following:*** | | |
| | | | | |
| 223 b | | "<br>Article 16 | | |
| | | | | |
| 223 c | | Penalties | | |
| | | | | |
| 223 d | | ***1. Without prejudice to Article 31 of the Directive (EU) XXXX/XXXX [NIS2],*** Member States shall lay down the rules on penalties applicable to infringements of this Regulation. The penalties provided for shall be effective, proportionate and dissuasive***, in particular where the infringing party is an SME***. | | |
| | | | | |



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| 223 e | | ***2. Member States shall ensure that infringements by qualified trust service providers of the obligations laid down in this Regulation be subject to administrative fines of a maximum of at least EUR 10000000 or 2 % of the total worldwide annual turnover of the undertaking to which the qualified trust service provider belonged in the preceding financial year, whichever is higher.*** | | |
| | | | | |
| 223 f | | ***3. Member States shall ensure that infringement by non-qualified trust service providers of the obligations laid down in this Regulation be subject to administrative fines of a maximum of at least EUR 7000000 or 1,4 % of the total worldwide annual turnover of the undertaking to which the non-qualified trust service provider belongs in the preceding financial year, whichever is higher.";*** " | | |
| Article 1, first paragraph, point (20) | | | | |



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| 224 | (20) Article 17 is amended as follows: | (20) ***Articles 17, 18 and 19 are deleted.*** | (20) Article 17 is amended as follows: | |
| Article 1, first paragraph, point (20)(a) | | | | |
| 225 | (a) paragraph 4 is amended as follows: | (a) ▌ | (a) paragraph 4 is amended as follows: | |
| Article 1, first paragraph, point (20)(a)(1) | | | | |
| 226 | (1) point (c) of paragraph 4 is replaced by the following: | (1) ▌ | (1) point (c) of paragraph 4 is replaced by the following: | |
| Article 1, first paragraph, point (20)(a)(1), amending provision, first paragraph | | | | |



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| 227 | ‘<br>(c) to inform the relevant national competent authorities of the Member States concerned, designated pursuant to Directive (EU) XXXX/XXXX [NIS2], of any significant breaches of security or loss of integrity they become aware of in the performance of their tasks. where the significant breach of security or loss of integrity concerns other Member States, the supervisory body shall inform the single point of contact of the Member State concerned designated pursuant to Directive (EU) XXXX/XXXX (NIS2);;<br>’ | ‘<br>(c) ▌<br>’ | ‘<br>(c) to inform the relevant national competent authorities of the Member States concerned, designated pursuant to Directive (EU) XXXX/XXXX [NIS2], of any significant breaches of security or loss of integrity they become aware of in the performance of their tasks. Where the significant breach of security or loss of integrity concerns other Member States, the supervisory body shall inform the single point of contact of the Member State concerned designated pursuant to Directive (EU) XXXX/XXXX (NIS2) **and the supervisory bodies designated pursuant to Article 17 of this Regulation in the other Member States concerned. 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;’**;<br>’ | |
| Article 1, first paragraph, point (20)(a)(2) | | | | |
| 228 | (2) point (f) is replaced by the following: | (2) ▌ | (2) point (f) is replaced by the following: | |



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| Article 1, first paragraph, point (20)(a)(2), amending provision, first paragraph | | | | |
| 229 | ‘<br>(f) to cooperate with supervisory authorities established under Regulation (EU) 2016/679, in particular, by informing them without undue delay, about the results of audits of qualified trust service providers, where personal data protection rules have been breached and about security breaches which constitute personal data breaches;;<br>’ | ‘<br>(f) ▌<br>’ | ‘<br>(f) to cooperate with **competent** supervisory authorities established under Regulation (EU) 2016/679, in particular, by informing them without undue delay~~,~~ ~~about the results of audits of qualified trust service providers,~~ ~~where~~ **if** personal data protection rules **appear to** have been breached and about security breaches which **appear to** constitute personal data breaches;**’**;<br>’ | |
| Article 1, first paragraph, point (20)(b) | | | | |
| 230 | (b) paragraph 6 is replaced by the following: | (b) ▌ | (b) paragraph 6 is replaced by the following: | |
| Article 1, first paragraph, point (20)(b), amending provision, numbered paragraph (6) | | | | |
| 231 | ‘<br>6. By 31 March each year, each supervisory body shall submit to the Commission a report on its main activities during the previous calendar year.;<br>’ | ‘<br>6. ▌<br>’ | ‘<br>6. By 31 March each year, each supervisory body shall submit to the Commission a report on its main activities during the previous calendar year.**’**;<br>’ | |
| Article 1, first paragraph, point (20)(c) | | | | |
| 232 | (c) paragraph 8 is replaced by the following: | (c) ▌ | (c) paragraph 8 is replaced by the following: | |



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| Article 1, first paragraph, point (20)(c), amending provision, numbered paragraph (8) | | | | |
| 233 | ‘<br>8. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, further specify the tasks of the Supervisory Authorities referred to in paragraph 4 and 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).;<br>’ | ‘<br>8. ▌<br>’ | ‘<br>8. Within 12 months of the entering into force of this Regulation, the Commission shall~~, by means of implementing acts, further specify the tasks~~ **adopt guidelines on the exercise by the Supervisory bodies** of the ~~Supervisory Authorities~~**tasks** referred to in paragraph 4**, and, by means of implementing acts adopted in accordance with the examination procedure**~~ and 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~~**Article 48(2), define the formats and procedures for the report** referred to in ~~Article 48(2)~~**paragraph 6.’**;<br>’ | |
| Article 1, first paragraph, point (21) | | | | |
| 234 | (21) Article 18 is amended as follows: | (21) ▌ | (21) Article 18 is amended as follows: | |
| Article 1, first paragraph, point (21)(a) | | | | |



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| 235 | (a) the title of Article 18 is replaced by the following: | (a) ▌ | (a) the title of Article 18 is replaced by the following: | |
| Article 1, first paragraph, point (21)(a), amending provision, first paragraph | | | | |
| 236 | ‘Mutual assistance and cooperation;’, | ‘▌’, | ‘Mutual assistance and cooperation;’, | |
| Article 1, first paragraph, point (21)(b) | | | | |
| 237 | (b) paragraph 1 is replaced by the following: | (b) ▌ | (b) paragraph 1 is replaced by the following: | |
| Article 1, first paragraph, point (21)(b), amending provision, numbered paragraph (1) | | | | |
| 238 | ‘1. Supervisory bodies shall cooperate with a view to exchanging good practice and information regarding the provision of trust services.;’, | ‘1. ▌’, | ‘1. Supervisory bodies shall cooperate with a view to exchanging good practice and information regarding the provision of trust services.’;’, | |
| Article 1, first paragraph, point (21)(c) | | | | |
| 239 | (c) the following paragraphs 4 and 5 are added: | (c) ▌ | (c) the following paragraphs 4 and 5 are added: | |
| Article 1, first paragraph, point (21)(c), amending provision, numbered paragraph (4) | | | | |



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| 240 | ‘<br>4. Supervisory bodies and national competent authorities under Directive (EU) XXXX/XXXX of the European Parliament and of the Council [NIS2] shall cooperate and assist each other to ensure that trust service providers comply with the requirements laid down in this Regulation and in Directive (EU) XXXX/XXXX [NIS2]. The supervisory body shall request the national competent authority under Directive XXXX/XXXX [NIS2] to carry out supervisory actions to verify compliance of the trust service providers with the requirements under Directive XXXX/XXXX (NIS2), to require the trust service providers to remedy any failure to comply with those requirements, to provide timely the results of any supervisory activities linked to trust service providers and to inform the supervisory bodies about relevant incidents notified in accordance with Directive XXXX/XXXX [NIS2]. | ‘<br>4. ▌ | ‘<br>4. Supervisory bodies and national competent authorities under Directive (EU) XXXX/XXXX of the European Parliament and of the Council [NIS2] shall cooperate and assist each other to ensure that trust service providers comply with the requirements laid down in this Regulation and in Directive (EU) XXXX/XXXX [NIS2]. ~~The~~ Supervisory ~~body~~**bodies** shall request ~~the~~ national competent ~~authority~~**authorities** under Directive XXXX/XXXX [NIS2] to carry out supervisory actions to verify compliance of the trust service providers with the requirements under Directive XXXX/XXXX (NIS2), to require the trust service providers to remedy any failure to comply with those requirements, to provide timely the results of any supervisory activities linked to trust service providers and to inform the supervisory bodies about relevant incidents notified in accordance with Directive XXXX/XXXX [NIS2]. | |
| Article 1, first paragraph, point (21)(c), amending provision, numbered paragraph (5) | | | | |



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| 241 | 5. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish the necessary procedural arrangements to facilitate the cooperation between the Supervisory Authorities referred to in paragraph 1.; , | 5. ▌ , | 5. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish the necessary procedural arrangements to facilitate the cooperation between the Supervisory Authorities referred to in paragraph 1. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).'**; , | |
| | | | | |
| 241 a | | | **(21a) The following Article 19a is inserted:** | |
| | | | | |
| 241 b | | | **'Requirements for non-qualified trust service providers'** | |
| | | | | |
| 241 c | | | **1. A non-qualified trust service provider providing non-qualified trust services shall:** | |
| | | | | |



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| 241 d | | | **(a) have appropriate policies and take corresponding measures to manage legal, business, operational and other direct or indirect risks to the provision of the non-qualified trust service. Notwithstanding the provisions of Article 18 of Directive EU XXXX/XXX [NIS2], those measures shall include at least the following:** | |
| | | | | |
| 241 e | | | **(i) measures related to registration and on-boarding procedures to a service;** | |
| | | | | |
| 241 f | | | **(ii) measures related to procedural or administrative checks;** | |
| | | | | |
| 241 g | | | **(iii) measures related to the management and implementation of services.** | |
| | | | | |



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| 241 h | | | **(b) notify the supervisory body, the identifiable affected individuals, the public if it is of public interest and, where applicable, other relevant competent bodies, of any breaches or disruptions in the provision of the service or the implementation of the measures referred to in paragraph (a), points (i), (ii) and (iii) that have a significant impact on the trust service provided or on the personal data maintained therein, without undue delay and in any case no later than 24 hours after having become aware of it.** | |
| | | | | |
| 241i | | | **2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, specify the technical characteristics of the measures referred to in paragraph 1(a). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
| Article 1, first paragraph, point (22) | | | | |



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| 242 | (22) Article 20 is amended as follows: | (22) Article 20 is amended as follows: | (22) Article 20 is amended as follows: | |
| Article 1, first paragraph, point (22)(a) | | | | |
| 243 | (a) paragraph 1 is replaced by the following | (a) paragraph 1 is replaced by the following | (a) paragraph 1 is replaced by the following | |
| Article 1, first paragraph, point (22)(a), amending provision, numbered paragraph (1) | | | | |



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| 244 | ‘<br>1. Qualified trust service providers shall be audited at their own expense at least every 24 months by a conformity assessment body. the audit shall confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in this Regulation and in Article 18 of Directive (EU) XXXX/XXXX [NIS2]. qualified trust service providers shall submit the resulting conformity assessment report to the supervisory body within three working days of receipt.;<br>’ | ‘<br>1. Qualified trust service providers shall be audited at their own expense at least every 24 months by a conformity assessment body. The audit shall confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in this Regulation and in Article 18 of Directive (EU) XXXX/XXXX [NIS2]. ***Where components of trust services have been separately certified in accordance with this regulation, the conformity assessment body responsible for certifying the trust service shall not conduct additional audits of these components. Instead, conformity assessment bodies shall ensure that the interactions between the various components do not impede the trust service's compliance with the requirements laid down in this paragraph.*** Qualified trust service providers shall submit the resulting conformity assessment report to the supervisory body within three working days of receipt.**’**;<br>’ | ‘<br>1. Qualified trust service providers shall be audited at their own expense at least every 24 months by a conformity assessment body. The audit shall confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in this Regulation and in Article 18 of Directive (EU) XXXX/XXXX [NIS2]. Qualified trust service providers shall submit the resulting conformity assessment report to the supervisory body within three working days of receipt.**’**;<br>’ | |



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| 244 a | | | **(aa) the following paragraph is inserted:** | |
| | | | | |
| 244 b | | | **1a. Member States may provide that qualified trust service providers shall inform in advance the supervisory body about planned audits and allow for the participation of the supervisory body as an observer upon request.** | |
| Article 1, first paragraph, point (22)(b) | | | | |
| 245 | (b) in paragraph 2, the last sentence is replaced by the following | (b) in paragraph 2, the last sentence is replaced by the following | (b) in paragraph 2, the last sentence is replaced by the following | |
| Article 1, first paragraph, point (22)(b), amending provision, first paragraph | | | | |



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| 246 | ‘<br>Where personal data protection rules appear to have been breached, the supervisory body shall inform the supervisory authorities under Regulation (EU) 2016/679 of the results of its audits.;<br>’ | ‘<br>***Without prejudice to any further obligations on data controllers or processors arising from Regulation (EU) 2016/679,*** where ***there is any reason to believe that*** data protection rules ***could*** have been breached, the supervisory body shall inform the supervisory authorities under Regulation (EU) 2016/679***, the issuer and the controller*** of the ***European Digital Identity Wallet without undue delay and shall provide the*** results of its audits ***as soon as they are available.’***;<br>’ | ‘<br>Where personal data protection rules appear to have been breached, the supervisory body shall**, without undue delay,** inform the **competent** supervisory authorities under Regulation (EU) 2016/679 ~~of the results of its audits~~.**’**;<br>’ | |
| Article 1, first paragraph, point (22)(c) | | | | |
| 247 | (c) paragraphs 3 and 4 are replaced by the following: | (c) paragraphs 3 and 4 are replaced by the following: | (c) paragraphs 3 and 4 are replaced by the following: | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (3) | | | | |
| 248 | ‘<br>3. Where the qualified trust service provider fails to fulfil any of the requirements set out by this Regulation, the supervisory body shall require it to provide a remedy within a set time limit, if applicable. | ‘<br>3. Where the qualified trust service provider fails to fulfil any of the requirements set out by this Regulation, the supervisory body shall require it to provide a remedy within a set time limit, if applicable. | ‘<br>3. Where the qualified trust service provider fails to fulfil any of the requirements set out by this Regulation, the supervisory body shall require it to provide a remedy within a set time limit, if applicable. | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (3), first paragraph | | | | |



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| 249 | where that provider does not provide a remedy and, where applicable within the 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 service concerned which it provides and, request it, where applicable within a set time limit, to comply with the requirements of Directive XXXX/ XXXX[NIS2]. The supervisory body shall inform the body referred to in Article 22(3) for the purposes of updating the trusted lists referred to in Article 22(1). | where that provider does not provide a remedy and, where applicable within the time limit set by the supervisory body, the supervisory body, taking into account in particular, the extent, duration and consequences of that failure, ***shall*** withdraw the qualified status of that provider or of the service concerned which it provides and, request it, where applicable within a set time limit, to comply with the requirements of Directive XXXX/ XXXX[NIS2]. The supervisory body shall inform the body referred to in Article 22(3) for the purposes of updating the trusted lists referred to in Article 22(1). | Where that provider does not provide a remedy ~~and~~, where applicable within the 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 ~~service concerned which~~**affected service** it provides ~~and, request it, where applicable within a set time limit, to comply with the requirements of Directive XXXX/ XXXX[NIS2]. The supervisory body shall inform the body referred to in Article 22(3) for the purposes of updating the trusted lists referred to in Article 22(1)~~. | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (3), second paragraph | | | | |
| 250 | 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. | 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. | *deleted* | |
| | | | | |



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| *250 a* | | | **3a. Where the supervisory body is informed by the national competent authorities under Directive (EU) XXXX/XXXX [NIS2] that the qualified trust service provider fails to fulfil any of the requirements set out by Article 18 of Directive (EU) XXXX/XXXX [NIS2], 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.** | |
| | | | | |



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| 250 b | | | **3b. Where the supervisory body is informed by the supervisory authorities under Regulation (EU) 2016/679 that the qualified trust service provider fails to fulfil any of the requirements set out by Regulation (EU) 2016/679, 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.** | |
| | | | | |
| 250 c | | | **3c. 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. The supervisory body shall inform the body referred to in Article 22(3) for the purposes of updating the trusted lists referred to in Article 22(1) and the national competent authority referred to in Dir XXXX [NIS2].** | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (4) | | | | |



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| 251 | 4. Within 12 months of the entering into force of this regulation, the Commission shall, by means of implementing acts, establish reference number for the following standards: | 4. ***By ... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference number for the following standards: | 4. Within 12 months of the entering into force of this regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference ~~number~~**numbers of standards** for the following ~~standards~~: | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (4), point (a) | | | | |
| 252 | (a) the accreditation of the conformity assessment bodies and for the conformity assessment report referred to in paragraph 1; | (a) the accreditation of the conformity assessment bodies and for the conformity assessment report referred to in paragraph 1; | (a) the accreditation of the conformity assessment bodies and for the conformity assessment report referred to in paragraph 1; | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (4), point (b) | | | | |
| 253 | (b) the auditing requirements for the conformity assessment bodies to carry out their conformity assessment of the qualified trust service providers as referred to in paragraph 1, carried out by the conformity assessment bodies; | (b) the auditing requirements for the conformity assessment bodies to carry out their conformity assessment of the qualified trust service providers as referred to in paragraph 1, carried out by the conformity assessment bodies; | (b) the auditing requirements for the conformity assessment bodies to carry out their conformity assessment of the qualified trust service providers as referred to in paragraph 1~~,~~ ~~carried out by the conformity assessment bodies~~; | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (4), point (c) | | | | |



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| 254 | (c) the conformity assessment schemes for carrying out the conformity assessment of the qualified trust service providers by the conformity assessment bodies and for the provision of the conformity assessment report referred to in paragraph 1. | (c) the conformity assessment schemes for carrying out the conformity assessment of the qualified trust service providers by the conformity assessment bodies and for the provision of the conformity assessment report referred to in paragraph 1. | (c) the conformity assessment schemes for carrying out the conformity assessment of the qualified trust service providers by the conformity assessment bodies and for the provision of the ~~conformity assessment~~ report referred to in paragraph 1. | |
| Article 1, first paragraph, point (22)(c), amending provision, numbered paragraph (4), first paragraph | | | | |
| 255 | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; , | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**'**; , | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**'**; , | |
| Article 1, first paragraph, point (23), first subparagraph | | | | |
| 256 | (23) Article 21 is amended as follows: | (23) Article 21 is amended as follows: | (23) Article 21 is amended as follows: | |
| Article 1, first paragraph, point (23), second subparagraph | | | | |



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| 256 a | | | 1. Where trust service providers~~, without qualified status,~~ intend to start providing **a** qualified trust ~~services~~**service**, they shall submit to the supervisory body a notification of their intention together with a conformity assessment report issued by a conformity assessment body **confirming the fulfilment of the requirements laid down in this Regulation and in Article 18 of Directive (EU) XXXX/XXXX [NIS2]**.**';** | |
| Article 1, first paragraph, point (23), second subparagraph, point (a) | | | | |
| 257 | (a) paragraph 2 is replaced by the following: | (a) paragraph 2 is replaced by the following: | (a) paragraph 2 is replaced by the following: | |
| Article 1, first paragraph, point (23), second subparagraph, point (a), amending provision, numbered paragraph (2) | | | | |
| 258 | ' 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. | ' 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. | ' 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.- | |



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| Article 1, first paragraph, point (2), second subparagraph, point (a), amending provision, numbered paragraph (2), first paragraph | | | | |
| 259 | In order to verify the compliance of the trust service provider with the requirements laid down in Article 18 of Dir XXXX [NIS2], the supervisory body shall request the competent authorities referred to in Dir XXXX [NIS2] to carry out supervisory actions in that regard and to provide information about the outcome within three days from their completion. | In order to verify the compliance of the trust service provider with the requirements laid down in Article 18 of Dir XXXX [NIS2], the supervisory body shall request the competent authorities referred to in Dir XXXX [NIS2] to carry out supervisory actions in that regard and to provide information about the outcome within three days from their completion. | In order to verify the compliance of the trust service provider with the requirements laid down in Article 18 of Dir XXXX [NIS2], the supervisory body shall request the competent authorities referred to in Dir XXXX [NIS2] to carry out supervisory actions in that regard and to provide information about the outcome **without undue delay, and no later than two months from the receipt of this request by the competent authorities referred to in Dir XXXX [NIS2]. If the verification is not concluded** within ~~three days from their completion~~**two months of the notification, the competent authorities referred to in Dir XXXX [NIS2] shall inform the supervisory body specifying the reasons for the delay and the period within which the verification is to be concluded**. | |
| Article 1, first paragraph, point (23)(a), amending provision, numbered paragraph (2), second paragraph | | | | |



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| 260 | Where 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 lists referred to in Article 22(1), not later than three months after notification in accordance with paragraph 1 of this Article. | Where 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 lists referred to in Article 22(1), not later than three months after notification in accordance with paragraph 1 of this Article. | Where 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~~**laid down in this Regulation**, 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 lists referred to in Article 22(1), not later than three months after notification in accordance with paragraph 1 of this Article. | |
| Article 1, first paragraph, point (23)(a), amending provision, numbered paragraph (2), third paragraph | | | | |
| 261 | Where 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.; , | Where 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.**'**; , | Where 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.**'**; , | |
| Article 1, first paragraph, point (23)(b) | | | | |
| 262 | (b) paragraph 4 is replaced with the following: | (b) paragraph 4 is replaced ***by*** the following: | (b) paragraph 4 is replaced with the following: | |



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| Article 1, first paragraph, point (23)(b), amending provision, numbered paragraph (4) | | | | |
| 263 | ‘<br>4. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, define the formats and procedures of the notification and verification for the purposes of paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>4. ***By … [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, define the formats and procedures of the notification and verification for the purposes of paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).***’***;<br>’ | ‘<br>4. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, define the formats and procedures of the notification and verification for the purposes of paragraphs 1 and 2 ~~of this Article~~. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).***’***;<br>’ | |
| | | | | |
| 263 a | | ***(23a) Article 22 is amended as follows:*** | | |
| | | | | |
| 263 b | | ***(a) paragraph 1 is replaced by the following:*** | | |
| | | | | |



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| 263 c | | "<br>1. Each Member State shall establish, maintain***, regularly update*** and publish trusted lists, including information related to the qualified trust service providers for which it is responsible, together with information related to the qualified trust services provided by them.***';***<br>" | | |
| | | | | |
| 263 d | | ***(b) The following paragraph is inserted:*** | | |
| | | | | |
| 263 e | | "<br>***3a. The Commission in coordination with Member States and where relevant ENISA shall develop a harmonised reporting mechanism for qualified trust service providers as well as other interested third parties to appeal in a transparent and duly justified manner the decision of a Member State in respect to inclusion and removal of a qualified trust service provider from the trust list.' ;***<br>" | | |
| | | | | |



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| 263 f | | ***(c) the following paragraph is added:*** | | |
| | | | | |
| 263 g | | "<br>***5a. By ... [6 months after the date of entry into force of this amending Regulation] the Commission shall, by means of implemented acts lay down further details on the process referred to in paragraph 3a of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).';***<br>" | | |
| Article 1, first paragraph, point (24) | | | | |
| 264 | (24) in Article 23 the following paragraph 2a is added: | (24) in Article 23 the following paragraph 2a is added: | *deleted* | |
| *Article 1, first paragraph, point (24), amending provision, first paragraph* | | | | |



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| *265* | ‘<br>*2a.* Paragraph 1 and 2 shall also apply to trust service providers established in third countries and to the services they provide, provided that they have been recognised in the Union in accordance with Article 14.;<br>’ | ‘<br>2a. Paragraph 1 and 2 shall also apply to trust service providers established in third countries and to the services they provide, provided that they have been recognised in the Union in accordance with Article 14.;<br>’ | *deleted* | |
| *Article 1, first paragraph, point (25)* | | | | |
| *266* | *(25)* Article 24 is amended as follows: | (25) Article 24 is amended as follows: | (25) Article 24 is amended as follows: | |
| Article 1, first paragraph, point (25)(a) | | | | |
| 267 | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1) | | | | |
| 268 | ‘<br>1. When issuing a qualified certificate or a qualified electronic attestation of attributes for a trust service, a qualified trust service provider shall verify the identity and, if applicable, any specific attributes of the natural or legal person to whom the qualified certificate or the qualified electronic attestation of attribute is issued. | ‘<br>1. When issuing a qualified certificate or a qualified electronic attestation of attributes for a trust service, a qualified trust service provider shall verify the identity and, if applicable, any specific attributes of the natural or legal person to whom the qualified certificate or the qualified electronic attestation of attribute is issued. | ‘<br>1. —When issuing a qualified certificate or a qualified electronic attestation of attributes ~~for a trust service~~, a qualified trust service provider shall verify the identity and, if applicable, any specific attributes of the natural or legal person to whom the qualified certificate or the qualified electronic attestation of ~~attribute~~ ~~is~~**attributes will be** issued.- | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1), first paragraph | | | | |



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| 269 | 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, in any of the following ways: | 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, in any of the following ways: | 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, in any of the following ways: | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1), first paragraph, point (a) | | | | |
| 270 | (a) by means of a notified electronic identification means which meets the requirements set out in Article 8 with regard to the assurance levels 'substantial' or 'high'; | (a) by means of a notified electronic identification means which meets the requirements set out in Article 8 with regard to the assurance ***level*** 'high'; | (a) by means of **the European Digital Identity Wallet or** a notified electronic identification means which meets the requirements set out in Article 8 with regard to the assurance ~~levels 'substantial' or~~**level** 'high'; | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1), first paragraph, point (b) | | | | |
| 271 | (b) by means of qualified electronic attestations of attributes or a certificate of a qualified electronic signature or of a qualified electronic seal issued in compliance with point (a), (c) or (d); | (b) by means of a certificate of a qualified electronic signature or of a qualified electronic seal issued in ***accordance*** with point (a), (c) or (d); | (b) by means of qualified electronic attestations of attributes or a certificate of a qualified electronic signature or of a qualified electronic seal issued in compliance with point (a), (c) or (d); | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1), first paragraph, point (c) | | | | |



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| 272 | (c) by using other identification methods which ensure the identification of the natural person with a high level of confidence, the conformity of which shall be confirmed by a conformity assessment body; | (c) by using other identification methods which ensure the identification of the natural person with a high level of confidence, the conformity of which shall be confirmed by a conformity assessment body; | (c) by using other identification methods which ensure the identification of the ~~natural~~ person with a high level of confidence, the conformity of which shall be confirmed by a conformity assessment body; | |
| Article 1, first paragraph, point (25)(a), amending provision, numbered paragraph (1), first paragraph, point (d) | | | | |
| 273 | (d) through the physical presence of the natural person or of an authorised representative of the legal person by appropriate procedures and in accordance with national laws if other means are not available.’; ‘ | (d) through the physical presence of the natural person or of an authorised representative of the legal person by appropriate procedures and in accordance with national laws if other means are not available.’; ‘ | (d) through the physical presence of the natural person or of an authorised representative of the legal person by appropriate procedures and in accordance with national laws ~~if other means are not available~~.’; ‘ | |
| Article 1, first paragraph, point (25)(b) | | | | |
| 274 | (b) the following paragraph 1a is inserted: | (b) the following paragraph ▌ is inserted: | (b) the following paragraph 1a is inserted: | |
| Article 1, first paragraph, point (25)(b), amending provision, first paragraph | | | | |



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| 275 | ‘<br>1a. Within 12 months after the entry into force of this Regulation, the Commission shall by means of implementing acts, set out minimum technical specifications, standards and procedures with respect to the verification of identity and attributes in accordance with paragraph 1, point c. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>1a. ***By... [*** 12 months after the ***date of*** entry into force of this Regulation***]***, the Commission shall ***adopt delegated acts in accordance with Article 47, supplementing this Regulation by setting*** set out minimum technical specifications, standards and procedures with respect to the verification of identity and attributes in accordance with paragraph 1, point c ***of this*** Article [redacted] .’;<br>’ | ‘<br>1a. Within 12 months after the entry into force of this Regulation, the Commission shall by means of implementing acts, set out minimum technical specifications, standards and procedures with respect to the verification of identity and attributes in accordance with paragraph 1, point c. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).’;<br>’ | |
| Article 1, first paragraph, point (25)(c) | | | | |
| 276 | (c) paragraph 2 is amended as follows: | (c) paragraph 2 is amended as follows: | (c) paragraph 2 is amended as follows: | |
| | | | | |
| 276 a | | | **(-1) point (a) is amended as follows:** | |
| | | | | |



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| 276 b | | | (a) inform the supervisory body ~~of~~**at least one month before implementing** any change in the provision of its qualified trust services ~~and~~**or at least three months in case of** an intention to cease those activities~~;~~**. The supervisory body may request additional information or the result of a conformity assessment before granting the permission to implement the intended changes to the qualified trust services. 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.** | |
| Article 1, first paragraph, point (25)(c)(1) | | | | |
| 277 | (1) point (d) is replaced by the following: | (1) point (d) is replaced by the following: | (1) ~~point (d) is~~**points (d) and (e) are** replaced by the following: | |
| Article 1, first paragraph, point (25)(c)(1), amending provision, first paragraph | | | | |



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| 278 | ‘<br>(d) before entering into a contractual relationship, inform, in a clear, comprehensive and easily accessible manner, in a publicly accessible space and individually 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;;<br>, | ‘<br>(d) before entering into a contractual relationship, inform, in a clear, comprehensive and easily accessible manner, in a publicly accessible space and individually 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; ▌<br>, | ‘<br>(d) before entering into a contractual relationship, inform, in a clear, comprehensive and easily accessible manner, in a publicly accessible space and individually 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;**’**;<br> | |
| | | | | |
| 278 a | | | (e) use trustworthy systems and products that are protected against modification and ensure the technical security and reliability of the processes supported by them**, including using suitable cryptographic algorithms, key lengths and hash functions in the systems, products and in the processes supported by them;’**;<br>, | |
| Article 1, first paragraph, point (25)(c)(2) | | | | |
| 279 | (2) the new points (fa) and (fb) are inserted: | (2) the new points (fa) and (fb) are inserted: | (2) the new points (fa) and (fb) are inserted: | |
| Article 1, first paragraph, point (25)(c)(2), amending provision, first paragraph | | | | |



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| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| 280 | ‘<br>(fa) have appropriate policies and take corresponding measures to manage legal, business, operational and other direct or indirect risks to the provision of the qualified trust service. Notwithstanding the provisions of Article 18 of Directive EU XXXX/XXX [NIS2], those measures shall include at least the following: | ‘<br>(fa) have appropriate policies and take corresponding measures to manage legal, business, operational and other direct or indirect risks to the provision of the qualified trust service. Notwithstanding the provisions of Article 18 of Directive EU XXXX/XXX [NIS2], those measures shall include at least the following: | ‘<br>(fa) –have appropriate policies and take corresponding measures to manage legal, business, operational and other direct or indirect risks to the provision of the qualified trust service. Notwithstanding the provisions of Article 18 of Directive EU XXXX/XXX [NIS2], those measures shall include at least the following: | |
| Article 1, first paragraph, point (25)(c)(2), amending provision, first paragraph(i) | | | | |
| 281 | (i) measures related to registration and on-boarding procedures to a service; | (i) measures related to registration and on-boarding procedures to a service; | (i) measures related to registration and on-boarding procedures to a service; | |
| Article 1, first paragraph, point (25)(c)(2), amending provision, first paragraph(ii) | | | | |
| 282 | (ii) measures related to procedural or administrative checks; | (ii) measures related to procedural or administrative checks; | (ii) measures related to procedural or administrative checks; | |
| Article 1, first paragraph, point (25)(c)(2), amending provision, first paragraph(iii) | | | | |
| 283 | (iii) measures related to the management and implementation of services. | (iii) measures related to the management and implementation of services. | (iii) measures related to the management and implementation of services.’**;** | |
| Article 1, first paragraph, point (25)(c)(2), amending provision, second paragraph | | | | |



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| 284 | (fb) notify the supervisory body and, where applicable, other relevant bodies of any linked breaches or disruptions in the implementation of the measures referred to in paragraph (fa), points (i), (ii) and, (iii) that has a significant impact on the trust service provided or on the personal data maintained therein.; , | (fb) notify the supervisory body and, where applicable, other relevant bodies of any linked breaches or disruptions in the implementation of the measures referred to in paragraph (fa), points (i), (ii) and, (iii) that has a significant impact on the trust service provided or on the personal data maintained therein.; , | (fb) notify the supervisory body**, the identifiable affected individuals, other relevant competent bodies** ~~and,~~ where applicable **and, at the request of the supervisory body, the public if it is of public interest, of any**~~, other relevant bodies of any linked~~ breaches or disruptions in the **provision of the service or the** implementation of the measures referred to in paragraph (fa), points (i), (ii) and, (iii) that ~~has~~**have** a significant impact on the trust service provided or on the personal data maintained therein**, without undue delay and in any case no later than 24 hours after the incident**.**'**; , | |
| Article 1, first paragraph, point (25)(c)(3) | | | | |
| 285 | (3) point (g) and (h) are replaced by the following: | (3) point (g) and (h) are replaced by the following: | (3) point (g) and (h) are replaced by the following: | |
| Article 1, first paragraph, point (25)(c)(3), amending provision, first paragraph | | | | |
| 286 | ‘ (g) take appropriate measures against forgery, theft or misappropriation of data or, without right, deleting, altering or rendering data inaccessible; | ‘ (g) take appropriate measures against forgery, theft or misappropriation of data or, without right, deleting, altering or rendering data inaccessible; | ‘ (g) —take appropriate measures against forgery, theft or misappropriation of data or, without right, deleting, altering or rendering data inaccessible;**';** | |
| Article 1, first paragraph, point (25)(c)(3), amending provision, second paragraph | | | | |



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| 287 | (h) record and keep accessible for as long as necessary 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, 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;; ‘ | (h) record and keep accessible for as long as necessary 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, 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’; ‘ | (h) record and keep accessible for as long as necessary 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, 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;’; ‘ | |
| Article 1, first paragraph, point (25)(c)(4) | | | | |
| 288 | (4) point (j) is deleted; | (4) point (j) is deleted; | (4) point (j) is deleted; | |
| Article 1, first paragraph, point (25)(d) | | | | |
| 289 | (d) the following paragraph 4a is inserted: | (d) the following paragraph 4a is inserted: | (d) the following paragraph 4a is inserted: | |
| Article 1, first paragraph, point (25)(d), amending provision, first paragraph | | | | |
| 290 | ‘ 4a. Paragraph 3 and 4 shall apply accordingly to the revocation of electronic attestations of attributes.; ’ | ‘ 4a. Paragraph 3 and 4 shall apply accordingly to the revocation of electronic attestations of attributes.; ’ | ‘ 4a. Paragraph 3 and 4 shall apply accordingly to the revocation of **qualified** electronic attestations of attributes.’; ’ | |
| Article 1, first paragraph, point (25)(e) | | | | |
| 291 | (e) paragraph 5 is replaced by the following: | (e) paragraph 5 is replaced by the following: | (e) paragraph 5 is replaced by the following: | |



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| Article 1, first paragraph, point (25)(e), amending provision, numbered paragraph (5) | | | | |
| 292 | ‘<br>5. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for the requirements referred to in paragraph 2. compliance with the requirements laid down in this Article shall be presumed, where trustworthy systems and products meet those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>5. ***By... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for the requirements referred to in paragraph 2 ***of this Article*** compliance with the requirements laid down in this Article shall be presumed, where trustworthy systems and products meet those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>5. —Within 12 months of the entering into force of this Regulation,– the Commission shall, by means of implementing acts, establish **technical specifications, procedures and** reference numbers of standards for the requirements referred to in paragraph 2. Compliance with the requirements laid down in this Article shall be presumed, where ~~trustworthy systems and products meet those~~**those technical specifications, procedures and** standards **are met**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**;<br>’ | |
| Article 1, first paragraph, point (25)(f) | | | | |
| 293 | (f) the following paragraph 6 is inserted: | (f) the following paragraph 6 is inserted: | (f) the following paragraph 6 is inserted: | |
| Article 1, first paragraph, point (25)(f), amending provision, numbered paragraph (6) | | | | |



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| 294 | ‘<br>6. The Commission shall be empowered to adopt delegated acts regarding the additional measures referred to in paragraph 2(fa).;<br>’ | ‘<br>6. The Commission shall be empowered to adopt delegated acts ***in accordance with Article 47, supplementing this Regulation with regard to*** the additional measures referred to in paragraph 2(fa) ***of this Article.’***;<br>’ | ‘<br>6. The Commission shall be empowered to adopt ~~delegated acts regarding the additional~~**implementing acts specifying the technical characteristics of the** measures referred to in paragraph 2(fa).**’**;<br>’ | |
| | | | | |
| 294 a | | | **(25a) Article 26 is amended as follows:** | |
| | | | | |
| 294 b | | | **2. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for advanced electronic signatures. Compliance with the requirements for advanced electronic signatures shall be presumed when an advanced electronic signature meets those specifications and standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
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| 294 c | | | **(25b) Article 27 is amended as follows:** | |
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| 294 d | | | *deleted* | |
| *Article 1, first paragraph, point (26)* | | | | |
| *295* | *(26)* In Article 28, paragraph 6 is replaced by the following: | (26) In Article 28, paragraph 6 is replaced by the following: | (26) In Article 28, paragraph 6 is replaced by the following: | |
| Article 1, first paragraph, point (26), amending provision, numbered paragraph (6) | | | | |
| 296 | ‘ 6. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic signature. Compliance with the requirements laid down in Annex I shall be presumed where a qualified certificate for electronic signature meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 6. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic signature. Compliance with the requirements laid down in Annex I shall be presumed where a qualified certificate for electronic signature meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 6. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference numbers of standards for qualified certificates for electronic signature. Compliance with the requirements laid down in Annex I shall be presumed where a qualified certificate for electronic signature meets those **specifications and** standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; ’ | |
| Article 1, first paragraph, point (27) | | | | |



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| 297 | (27) In Article 29, the following new paragraph 1a is added: | (27) In Article 29, the following new paragraph 1a is added: | (27) In Article 29, the following new paragraph 1a is added: | |
| Article 1, first paragraph, point (27), amending provision, first paragraph | | | | |
| 298 | ‘<br>1a. Generating, managing and duplicating electronic signature creation data on behalf of the signatory may only be done by a qualified trust service provider providing a qualified trust service for the management of a remote electronic qualified signature creation device.;<br>’ | ‘<br>1a. Generating, managing and duplicating ***qualified*** electronic signature creation data on behalf of the signatory may only be done by a qualified trust service provider providing a qualified trust service for the management of a remote electronic qualified signature creation device.;<br>’ | ‘<br>1a. Generating, managing ~~and duplicating~~ electronic signature creation data on behalf of the signatory **or duplicating such signature creation data for back-up purposes** may only be done by a qualified trust service provider providing a qualified trust service for the management of a remote~~ electronic~~ qualified **electronic** signature creation device.**’**;<br>’ | |
| Article 1, first paragraph, point (28) | | | | |
| 299 | (28) the following Article 29a is inserted: | (28) the following Article ▌ is inserted: | (28) the following Article 29a is inserted: | |
| Article 1, first paragraph, point (28), amending provision, first paragraph | | | | |
| 300 | ‘<br>Article 29a | ‘<br>Article 29a | ‘<br>Article 29a | |
| Article 1, first paragraph, point (28), amending provision, second paragraph | | | | |
| 301 | Requirements for a qualified service for the management of remote electronic signature creation devices | Requirements for a qualified service for the management of remote electronic signature creation devices | Requirements for a qualified service for the management of remote **qualified** electronic signature creation devices | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1) | | | | |



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| 302 | 1. The management of remote qualified electronic signature creation devices as a qualified service may only be carried out by a qualified trust service provider that: | 1. The management of remote qualified electronic signature creation devices as a qualified service may only be carried out by a qualified trust service provider that: | 1. The management of remote qualified electronic signature creation devices as a qualified service may only be carried out by a qualified trust service provider that: | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), point (a) | | | | |
| 303 | (a) Generates or manages electronic signature creation data on behalf of the signatory; | (a) generates or manages electronic signature creation data on behalf of the signatory; | (a) Generates or manages electronic signature creation data on behalf of the signatory; | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), point (b) | | | | |
| 304 | (b) notwithstanding point (1)(d) of Annex II, duplicates the electronic signature creation data only for back-up purposes provided the following requirements are met: | (b) notwithstanding point (1)(d) of Annex II, duplicates the electronic signature creation data only for back-up purposes provided the following requirements are met: | (b) notwithstanding point (1)(d) of Annex II, ~~duplicates~~**may duplicate** the electronic signature creation data only for back-up purposes provided the following requirements are met: | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), point (b), first paragraph | | | | |
| 305 | the security of the duplicated datasets must be at the same level as for the original datasets; | ***(i)*** the security of the duplicated datasets must be at the same level as for the original datasets; | **(i)** the security of the duplicated datasets must be at the same level as for the original datasets; | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), point (b), second paragraph | | | | |
| 306 | the number of duplicated datasets shall not exceed the minimum needed to ensure continuity of the service. | ***(ii)*** the number of duplicated datasets shall not exceed the minimum needed to ensure continuity of the service. | **(ii)** the number of duplicated datasets shall not exceed the minimum needed to ensure continuity of the service. | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), point (c) | | | | |



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| 307 | (c) complies with any requirements identified in the certification report of the specific remote qualified signature creation device issued pursuant to Article 30. | (c) complies with any requirements identified in the certification report of the specific remote qualified signature creation device issued pursuant to Article 30. | (c) complies with any requirements identified in the certification report of the specific remote qualified signature creation device issued pursuant to Article 30. | |
| Article 1, first paragraph, point (28), amending provision, numbered paragraph (2) | | | | |
| 308 | 2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for the purposes of paragraph 1.; ’ | 2. ***By... [***12 months ***after the entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for the purposes of paragraph 1.; ’ | 2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for the purposes of paragraph 1.**’**; ’ | |
| Article 1, first paragraph, point (29) | | | | |
| 309 | (29) In Article 30, the following paragraph 3a is inserted: | (29) In Article 30, the following paragraph 3a is inserted: | (29) In Article 30, the following paragraph 3a is inserted: | |
| Article 1, first paragraph, point (29), amending provision, first paragraph | | | | |
| 310 | ‘ 3a. The certification referred to in paragraph 1 shall be valid for 5 years, conditional upon a regular 2 year vulnerabilities assessment. Where vulnerabilities are identified and not remedied, the certification shall be withdrawn.; ’ | ‘ 3a. The certification referred to in paragraph 1 shall be valid for 5 years, conditional upon a regular 2 year vulnerabilities assessment. Where vulnerabilities are identified and not remedied, the certification shall be withdrawn.; ’ | ‘ 3a. The **validity of a** certification referred to in paragraph 1 shall ~~be valid for~~**not exceed** 5 years, conditional upon a regular 2 year vulnerabilities assessment. Where vulnerabilities are identified and not remedied, the certification shall be ~~withdrawn~~**cancelled.’**; ’ | |
| Article 1, first paragraph, point (30) | | | | |



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| 311 | (30) In Article 31, paragraph 3 is replaced by the following: | (30) In Article 31, paragraph 3 is replaced by the following: | (30) In Article 31, paragraph 3 is replaced by the following: | |
| Article 1, first paragraph, point (30), amending provision, numbered paragraph (3) | | | | |
| 312 | ‘ 3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, define formats and procedures applicable for the purpose of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 3. ***By... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, define formats and procedures applicable for the purpose of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, define formats and procedures applicable for the purpose of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; ’ | |
| Article 1, first paragraph, point (31) | | | | |
| 313 | (31) Article 32 is amended as follows: | (31) Article 32 is amended as follows: | (31) Article 32 is amended as follows: | |
| Article 1, first paragraph, point (31)(a) | | | | |
| 314 | (a) in paragraph 1, the following sub-paragraph is added: | (a) in paragraph 1, the following sub-paragraph is added: | (a) in paragraph 1, the following sub-paragraph is added: | |
| Article 1, first paragraph, point (31)(a), amending provision, first paragraph | | | | |



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| 315 | ‘<br>Compliance with the requirements laid down in the first sub-paragraph shall be presumed where the validation of qualified electronic signatures meet the standards referred to in paragraph 3.;<br>’ | ‘<br>Compliance with the requirements laid down in the first sub-paragraph shall be presumed where the validation of qualified electronic signatures meet the standards referred to in paragraph 3.;<br>’ | ‘<br>Compliance with the requirements laid down in the first sub-paragraph shall be presumed where the validation of qualified electronic signatures meet the **specifications and** standards referred to in paragraph 3.**’**;<br>’ | |
| Article 1, first paragraph, point (31)(b) | | | | |
| 316 | (b) paragraph 3 is replaced by the following: | (b) paragraph 3 is replaced by the following: | (b) paragraph 3 is replaced by the following: | |
| Article 1, first paragraph, point (31)(b), amending provision, numbered paragraph (3) | | | | |
| 317 | ‘<br>3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for the validation of qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>3. ***By.... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for the validation of qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, ~~establish~~**provide specifications and** reference numbers of standards for the validation of qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; | |
| | | | | |
| 317 a | | | **(31a)<br>The following Article 32a is inserted:** | |
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| 317 b | | | **Requirements for the validation of advanced electronic signatures based on qualified certificates** | |
| | | | | |
| 317 c | | | **1. The process for the validation of an advanced electronic signature based on qualified certificate shall confirm the validity of an advanced electronic signature based on qualified certificate provided that:** | |
| | | | | |
| 317 d | | | **(a) the certificate that supports the signature was, at the time of signing, a qualified certificate for electronic signature complying with Annex I;** | |
| | | | | |
| 317 e | | | **(b) the qualified certificate was issued by a qualified trust service provider and was valid at the time of signing;** | |
| | | | | |
| 317 f | | | **(c) the signature validation data corresponds to the data provided to the relying party;** | |
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| 317 g | | | **(d) the unique set of data representing the signatory in the certificate is correctly provided to the relying party;** | |
| | | | | |
| 317 h | | | **(e) the use of any pseudonym is clearly indicated to the relying party if a pseudonym was used at the time of signing;** | |
| | | | | |
| 317i | | | **(f) the integrity of the signed data has not been compromised;** | |
| | | | | |
| 317j | | | **(g) the requirements provided for in Article 26 were met at the time of signing. Compliance with the requirements laid down in the first sub-paragraph shall be presumed where the validation of advanced electronic signatures based on qualified certificates meet the specifications and standards referred to in paragraph 3.** | |
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| 317 k | | | **2. The system used for validating the advanced electronic signature based on qualified certificate 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.** | |
| | | | | |
| 317l | | | **3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, provide specifications and reference numbers of standards for the validation of advanced electronic signatures based on qualified certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).'** | |
| | | | | |
| 317 m | | | **(31b) Article 33 is amended as follows:** | |
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| 317n | | | **1. A qualified validation service for qualified electronic signatures may only be provided by a qualified trust service provider who:';** | |
| | | | | |
| 317o | | | **2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for qualified validation service referred to in paragraph 1. Compliance with the requirements laid down in paragraph 1 shall be presumed where the validation service for a qualified electronic signature meets those specifications and standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).'.** , | |
| Article 1, first paragraph, point (32) | | | | |
| 318 | (32) Article 34 is replaced by the following: | (32) Article 34 is replaced by the following: | (32) Article 34 is replaced by the following: | |
| Article 1, first paragraph, point (32), amending provision, first paragraph | | | | |



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| 319 | ‘<br>Article 34 | ‘<br>Article 34 | ‘<br>Article 34 | |
| Article 1, first paragraph, point (32), amending provision, second paragraph | | | | |
| 320 | Qualified preservation service for qualified electronic signatures | Qualified preservation service for qualified electronic signatures | Qualified preservation service for qualified electronic signatures | |
| Article 1, first paragraph, point (32), amending provision, numbered paragraph (1) | | | | |
| 321 | 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. | 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. | 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. | |
| Article 1, first paragraph, point (32), amending provision, numbered paragraph (2) | | | | |
| 322 | 2. Compliance with the requirements laid down in the paragraph 1 shall be presumed where the arrangements for the qualified preservation service for qualified electronic signatures meet the standards referred to in paragraph 3. | 2. Compliance with the requirements laid down in the paragraph 1 shall be presumed where the arrangements for the qualified preservation service for qualified electronic signatures meet the standards referred to in paragraph 3. | 2. Compliance with the requirements laid down in the paragraph 1 shall be presumed where the arrangements for the qualified preservation service for qualified electronic signatures meet the **specifications and** standards referred to in paragraph 3. | |
| Article 1, first paragraph, point (32), amending provision, numbered paragraph (3) | | | | |



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| 323 | 3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for the qualified preservation service for qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to In Article 48(2).; ’ | 3. ***By.... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for the qualified preservation service for qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to In Article 48(2).; ’ | 3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference numbers of standards for the qualified preservation service for qualified electronic signatures. Those implementing acts shall be adopted in accordance with the examination procedure referred to In Article 48(2).**’**; | |
| | | | | |
| 323 a | | | **(32a) In Article 36 a new paragraph 2 is added:** | |
| | | | | |
| 323 b | | | **2. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for advanced electronic seals.** | |
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| 323 c | | | **Compliance with the requirements for advanced electronic seals shall be presumed when an advanced electronic seal meets those specifications and standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).** ’ | |
| Article 1, first paragraph, point (33) | | | | |
| 324 | (33) Article 37 is amended as follows: | (33) Article 37 is amended as follows: | (33) Article 37 is amended as follows: | |
| Article 1, first paragraph, point (33)(a) | | | | |
| 325 | (a) the following paragraph 2a is inserted: | (a) the following paragraph 2a is inserted: | *deleted* | |
| *Article 1, first paragraph, point (33)(a), amending provision, first paragraph* | | | | |
| *326* | ‘ *2a.* Compliance with the requirements for advanced electronic seals referred to in Article 36 and in paragraph 5 of this Article shall be presumed where an advanced electronic seal meets the standards referred to in paragraph 4.; ’ | ‘ 2a. Compliance with the requirements for advanced electronic seals referred to in Article 36 and in paragraph 5 of this Article shall be presumed where an advanced electronic seal meets the standards referred to in paragraph 4.’; ’ | *deleted* | |
| *Article 1, first paragraph, point (33)(b)* | | | | |



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| *327* | *(b)* paragraph 4 is replaced by the following: | (b) paragraph 4 is replaced by the following: | (b) paragraph 4 is ~~replaced by the following:~~**deleted.** | |
| Article 1, first paragraph, point (33)(b), amending provision, numbered paragraph (4) | | | | |
| 328 | ‘ 4. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for advanced electronic seals. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 4. ***By … [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for advanced electronic seals. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; ’ | *deleted* | |
| *Article 1, first paragraph, point (34)* | | | | |
| *329* | *(34)* Article 38 is amended as follows: | (34) Article 38 is amended as follows: | (34) Article 38 is amended as follows: | |
| Article 1, first paragraph, point (34)(a) | | | | |
| 330 | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: | |
| Article 1, first paragraph, point (34)(a), amending provision, numbered paragraph (1) | | | | |



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| 331 | ‘<br>1. Qualified certificates for electronic seals shall meet the requirements laid down in Annex III. Compliance with the requirements laid down in Annex III shall be presumed where a qualified certificate for electronic seal meets the standards referred to in paragraph 6.;<br>’ | ‘<br>1. Qualified certificates for electronic seals shall meet the requirements laid down in Annex III. Compliance with the requirements laid down in Annex III shall be presumed where a qualified certificate for electronic seal meets the standards referred to in paragraph 6.**’**;<br>’ | ‘<br>1. Qualified certificates for electronic seals shall meet the requirements laid down in Annex III. Compliance with the requirements laid down in Annex III shall be presumed where a qualified certificate for electronic seal meets the **specifications and** standards referred to in paragraph 6.**’**;<br>’ | |
| Article 1, first paragraph, point (34)(b) | | | | |
| 332 | (b) paragraph 6 is replaced by the following: | (b) paragraph 6 is replaced by the following: | (b) paragraph 6 is replaced by the following: | |
| Article 1, first paragraph, point (34)(b), amending provision, numbered paragraph (6) | | | | |
| 333 | ‘<br>6. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic seals. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>6. ***By … [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic seals. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**;<br>’ | ‘<br>6. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference numbers of standards for qualified certificates for electronic seals. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**;<br>’ | |
| Article 1, first paragraph, point (35) | | | | |
| 334 | (35) the following Article 39a is inserted: | (35) the following Article ▌ is inserted: | (35) the following Article 39a is inserted: | |



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| Article 1, first paragraph, point (35), amending provision, first paragraph | | | | |
| 335 | ‘<br>Article 39a | ‘<br>Article 39a | ‘<br>Article 39a | |
| Article 1, first paragraph, point (35), amending provision, second paragraph | | | | |
| 336 | Requirements for a qualified service for the management of remote electronic seal creation devices | Requirements for a qualified service for the management of remote electronic seal creation devices | Requirements for a qualified service for the management of remote **qualified** electronic seal creation devices | |
| Article 1, first paragraph, point (35), amending provision, third paragraph | | | | |
| 337 | Article 29a shall apply mutatis mutandis to a qualified service for the management of remote electronic seal creation devices.;<br>’ | Article 29a shall apply mutatis mutandis to a qualified service for the management of remote electronic seal creation devices.**’**;<br>’ | Article 29a shall apply mutatis mutandis to a qualified service for the management of remote **qualified** electronic seal creation devices.**’**; | |
| | | | | |
| 337 a | | | **(35a)<br>the following Article 40a is inserted:** | |
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| 337 b | | | **Article *40a*** | |
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| 337 c | | | **Requirements for the validation of advanced electronic seals based on qualified certificates** | |
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| 337 d | | | **(1) Article 32a shall apply mutatis mutandis to the validation of advanced electronic seals based on qualified certificates.’;** , | |
| Article 1, first paragraph, point (36) | | | | |
| 338 | (36) Article 42 is amended as follows: | (36) Article 42 is amended as follows: | (36) Article 42 is amended as follows: | |
| Article 1, first paragraph, point (36)(a) | | | | |
| 339 | (a) the following new paragraph 1a is inserted: | (a) the following new paragraph 1a is inserted: | (a) the following new paragraph 1a is inserted: | |
| Article 1, first paragraph, point (36)(a), amending provision, first paragraph | | | | |
| 340 | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the binding of date and time to data and the accurate time source meet the standards referred to in paragraph 2.; , | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the binding of date and time to data and the accurate time source meet the standards referred to in paragraph 2.’; , | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the binding of date and time to data and the accurate time source meet the **specifications and** standards referred to in paragraph 2.’; , | |
| Article 1, first paragraph, point (36)(b) | | | | |
| 341 | (b) paragraph 2 is replaced by the following | (b) paragraph 2 is replaced by the following | (b) paragraph 2 is replaced by the following | |
| Article 1, first paragraph, point (36)(b), amending provision, numbered paragraph (2) | | | | |



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| 342 | ‘<br>2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for the binding of date and time to data and for accurate time sources. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).;<br>’ | ‘<br>2. ***By ... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for the binding of date and time to data and for accurate time sources. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**;<br>’ | ‘<br>2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference numbers of standards for the binding of date and time to data and for accurate time sources. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**;<br>’ | |
| | | | | |
| 342 a | | | **(36a) In Article 43 a new paragraph 2a is added:** | |
| | | | | |
| 342 b | | | **2a. A qualified electronic registered delivery service in one Member State shall be recognised as a qualified electronic registered delivery service in any other Member State.’;** | |
| Article 1, first paragraph, point (37), first subparagraph | | | | |
| 343 | (37) Article 44 is amended as follows: | (37) Article 44 is amended as follows: | (37) Article 44 is amended as follows: | |
| Article 1, first paragraph, point (37), first subparagraph, point (a) | | | | |



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| 344 | (a) the following paragraph 1a is inserted: | (a) the following paragraph 1a is inserted: | (a) the following paragraph 1a is inserted: | |
| Article 1, first paragraph, point (37), first subparagraph, point (a), amending provision, first paragraph | | | | |
| 345 | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the process for sending and receiving data meets the standards referred to in paragraph 2.; ’ | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the process for sending and receiving data meets the standards referred to in paragraph 2.**’**; ’ | ‘ 1a. Compliance with the requirements laid down in paragraph 1 shall be presumed where the process for sending and receiving data meets the **specifications and** standards referred to in paragraph 2.**’**; ’ | |
| Article 1, first paragraph, point (37), first subparagraph, point (b) | | | | |
| 346 | (b) paragraph 2 is replaced by the following: | (b) paragraph 2 is replaced by the following: | (b) paragraph 2 is replaced by the following: | |
| Article 1, first paragraph, point (37), first subparagraph, point (b), amending provision, numbered paragraph (2) | | | | |
| 347 | ‘ 2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for processes for sending and receiving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; ’ | ‘ 2. ***By … [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, establish reference numbers of standards for processes for sending and receiving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; ’ | ‘ 2. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, establish **technical specifications and** reference numbers of standards for processes for sending and receiving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**’**; ’ | |
| Article 1, first paragraph, point (37), second subparagraph | | | | |



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| 347 a | | | **(ba) the following paragraphs 2a and 2b are inserted:** | |
| Article 1, first paragraph, point (37), third subparagraph | | | | |
| 347 b | | | **2a. Providers of qualified electronic registered delivery services may agree on the interoperability between qualified electronic registered delivery services which they provide. Such interoperability framework shall comply with the requirements laid down in paragraph 1. The compliance shall be confirmed by a conformity assessment body.';** | |
| Article 1, first paragraph, point (37), fourth subparagraph | | | | |
| 347 c | | | **2b. The Commission may, by means of implementing act, establish technical specifications and reference numbers of standards in order to facilitate the transfer of data between two or more qualified trust service providers. The technical specifications and content of standards shall be cost-effective and proportionate. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).';"** | |
| Article 1, first paragraph, point (38) | | | | |



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| 348 | (38) Article 45 is replaced by the following: | (38) Article 45 is replaced by the following: | (38) Article 45 is replaced by the following: | |
| Article 1, first paragraph, point (38), amending provision, first paragraph | | | | |
| 349 | ‘<br>Article 45 | ‘<br>Article 45 | ‘<br>Article 45 | |
| Article 1, first paragraph, point (38), amending provision, second paragraph | | | | |
| 350 | Requirements for qualified certificates for website authentication | Requirements for qualified certificates for website authentication | Requirements for qualified certificates for website authentication | |
| Article 1, first paragraph, point (38), amending provision, numbered paragraph (1) | | | | |
| 351 | 1. Qualified certificates for website authentication shall meet the requirements laid down in Annex IV. Qualified certificates for website authentication shall be deemed compliant with the requirements laid down in Annex IV where they meet the standards referred to in paragraph 3. | 1. Qualified certificates for website authentication shall ***allow the authentication and identification of the natural or legal person to whom the certificate was issued with a high level of assurance. Qualified certificates for website authentication shall also*** meet the requirements laid down in Annex IV. Qualified certificates for website authentication shall be deemed compliant with ***this paragraph and*** the requirements laid down in Annex IV where they meet the standards referred to in paragraph 3. | 1. Qualified certificates for website authentication shall meet the requirements laid down in Annex IV. ~~Qualified certificates for website authentication shall be deemed compliant~~**Evaluation of compliance** with the requirements laid down in Annex IV ~~where they meet the~~ **shall be carried out in accordance with the specifications and** standards referred to in paragraph ~~3~~**2a**. | |
| Article 1, first paragraph, point (38), amending provision, numbered paragraph (2) | | | | |



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| 352 | 2. Qualified certificates for website authentication referred to in paragraph 1 shall be recognised by web-browsers. For those purposes web-browsers shall ensure that the identity data provided using any of the methods is displayed in a user friendly manner. Web-browsers shall ensure support and interoperability with qualified certificates for website authentication referred to in paragraph 1, with the exception of enterprises, considered to be microenterprises and small enterprises in accordance with Commission Recommendation 2003/361/EC in the first 5 years of operating as providers of web-browsing services. | 2. Qualified certificates for website authentication referred to in paragraph 1 shall be recognised by web-browsers***. Web browsers shall not be prevented from taking measures that are both necessary and proportionate to address substantiated risks of breaches of security, user's privacy and loss of integrity of certificates provided such measures are duly reasoned. In such a case, the web browser shall notify the Commission, ENISA and the qualified trust service provider that issued that certificate or set of certificates without delay of any measure taken. Such recognition means that*** web-browsers shall ensure that the ***relevant*** identity data ***and electronic attestation of attributes provided*** is displayed in a user friendly manner***, where possible, consistent manner, that reflects the state-of-the-art regarding accessibility, user awareness and cybersecurity according to best industry standards***. Web-browsers shall ensure support and interoperability with qualified certificates for website authentication referred to in paragraph 1, with the exception of enterprises, considered to be microenterprises and small enterprises | 2. Qualified certificates for website authentication referred to in paragraph 1 shall be recognised by web-browsers. For those purposes web-browsers shall ensure that the identity data provided using any of the methods is displayed in a user friendly manner. Web-browsers shall ensure support and interoperability with qualified certificates for website authentication referred to in paragraph 1, with the exception of enterprises, considered to be microenterprises and small enterprises in accordance with Commission Recommendation 2003/361/EC in the first 5 years of operating as providers of web-browsing services. | |



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| 352 a | | | **2a. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, provide the specifications and reference numbers of standards for qualified certificates for website authentication referred to in paragraph 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).';** , | |
| Article 1, first paragraph, point (38), amending provision, numbered paragraph (3) | | | | |
| 353 | 3. Within 12 months of the entering into force of this Regulation, the Commission shall, by means of implementing acts, provide the specifications and reference numbers of standards for qualified certificates for website authentication referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; , | 3. ***By ... [***12 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, the Commission shall, by means of implementing acts, provide the specifications and reference numbers of standards for qualified certificates for website authentication referred to in paragraph 1 ***and 2***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).***'***; , | *deleted* | |
| *Article 1, first paragraph, point (39)* | | | | |



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| *354* | *(39)* the following sections 9, 10 and 11 are inserted after Article 45: | (39) the following sections 9, 10 and 11 are inserted after Article 45: | (39) the following sections 9, 10 and 11 are inserted after Article 45: | |
| Article 1, first paragraph, point (39), amending provision, first paragraph | | | | |
| 355 | ‘<br>SECTION 9 | ‘<br>SECTION 9 | ‘<br>SECTION 9 | |
| Article 1, first paragraph, point (39), amending provision, second paragraph | | | | |
| 356 | ELECTRONIC ATTESTATION OF ATTRIBUTES | ELECTRONIC ATTESTATION OF ATTRIBUTES | ELECTRONIC ATTESTATION OF ATTRIBUTES | |
| Article 1, first paragraph, point (39), amending provision, third paragraph | | | | |
| 357 | Article 45a | Article 45a | Article 45a | |
| Article 1, first paragraph, point (39), amending provision, fourth paragraph | | | | |
| 358 | Legal effects of electronic attestation of attributes | Legal effects of electronic attestation of attributes | Legal effects of electronic attestation of attributes | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |
| 359 | 1. An electronic attestation of attributes shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form. | 1. An electronic attestation of attributes shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form ***or that it does not meet the requirements for qualified electronic attestations of attributes, or that it has been issued by a trust service provider established in a different Member State***. | 1. An electronic attestation of attributes shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form **or that it does not meet the requirements for qualified electronic attestations of attributes**. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |



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| 360 | 2. A qualified electronic attestation of attributes shall have the same legal effect as lawfully issued attestations in paper form. | 2. A qualified electronic attestation of attributes shall have the same legal effect as ***a*** lawfully issued ***attestation in paper form. Relying parties shall continue to accept such*** attestations in paper form ***as an alternative to electronic attestation of attributes***. | 2. A qualified electronic attestation of attributes **and attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source** shall have the same legal effect as lawfully issued attestations in paper form. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (3) | | | | |
| 361 | 3. A qualified electronic attestation of attributes issued in one Member State shall be recognised as a qualified electronic attestation of attributes in any other Member State. | 3. A qualified electronic attestation of attributes issued in one Member State shall be recognised as a qualified electronic attestation of attributes in any other Member State. | 3. A qualified electronic attestation of attributes issued in one Member State shall be recognised as a qualified electronic attestation of attributes in any other Member State. | |
| | | | | |
| 361 a | | | **3a. An attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source shall be recognised as an attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source in all Member States.** | |
| Article 1, first paragraph, point (39), amending provision, eighth paragraph | | | | |
| 362 | Article 45b | Article 45b | Article 45b | |
| Article 1, first paragraph, point (39), amending provision, ninth paragraph | | | | |



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| 363 | Electronic attestation of attributes in public services | Electronic attestation of attributes in public services | Electronic attestation of attributes in public services | |
| Article 1, first paragraph, point (39), amending provision, tenth paragraph | | | | |
| 364 | When an electronic identification using an electronic identification means and authentication is required under national law to access an online service provided by a public sector body, person identification data in the electronic attestation of attributes shall not substitute electronic identification using an electronic identification means and authentication for electronic identification unless specifically allowed by the Member State or the public sector body. In such a case, qualified electronic attestation of attributes from other Member States shall also be accepted. | When an electronic identification using an electronic identification means and authentication is required under national law to access an online service provided by a public sector body, person identification data in the electronic attestation of attributes shall not substitute electronic identification using an electronic identification means and authentication for electronic identification unless specifically allowed by the Member State or the public sector body. In such a case, qualified electronic attestation of attributes from other Member States shall also be accepted. | When an electronic identification using an electronic identification means and authentication is required under national law to access an online service provided by a public sector body, person identification data in the electronic attestation of attributes shall not substitute electronic identification using an electronic identification means and authentication for electronic identification unless specifically allowed by the Member State ~~or the public sector body~~. In such a case, qualified electronic attestation of attributes from other Member States shall also be accepted.- | |
| Article 1, first paragraph, point (39), amending provision, eleventh paragraph | | | | |
| 365 | Article 45c | Article 45c | Article 45c | |
| Article 1, first paragraph, point (39), amending provision, twelfth paragraph | | | | |
| 366 | Requirements for qualified attestation of attributes | Requirements for qualified attestation of attributes | Requirements for qualified **electronic** attestation of attributes | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |



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| 367 | 1. Qualified electronic attestation of attributes shall meet the requirements laid down in Annex V. A qualified electronic attestation of attributes shall be deemed to be compliant with the requirements laid down in Annex V, where it meets the standards referred to in paragraph 4. | 1. Qualified electronic attestation of attributes shall meet the requirements laid down in Annex V. A qualified electronic attestation of attributes shall be deemed to be compliant with the requirements laid down in Annex V, where it meets the standards referred to in paragraph 4. | 1. Qualified electronic attestation of attributes shall meet the requirements laid down in Annex V. ~~A qualified electronic attestation of attributes shall be deemed to be compliant with the requirements laid down in Annex V, where it meets the standards referred to in paragraph 4.~~ | |
| | | | | |
| 367 a | | | **1a. Evaluation of compliance with the requirements laid down in Annex V shall be carried out in accordance with the specifications and standards referred to in paragraph 4.** | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |
| 368 | 2. Qualified electronic attestations of attributes shall not be subject to any mandatory requirement in addition to the requirements laid down in Annex V. | 2. ***Without prejudice to its content,*** qualified electronic attestations of attributes shall not be subject to any mandatory ***technical*** requirement in addition to the requirements laid down in Annex V. | 2. Qualified electronic attestations of attributes shall not be subject to any mandatory requirement in addition to the requirements laid down in Annex V. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (3) | | | | |



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| 369 | 3. Where a qualified electronic attestation of attributes has been revoked after initial issuance, it shall lose its validity from the moment of its revocation, and its status shall not in any circumstances be reverted. | 3. Where a qualified electronic attestation of attributes has been revoked after initial issuance, it shall lose its validity from the moment of its revocation, and its status shall not in any circumstances be reverted. ***Only relying parties the user has shared this attribute with shall be able to link the revocation to those attributes.*** | 3. Where a qualified electronic attestation of attributes has been revoked after initial issuance, it shall lose its validity from the moment of its revocation, and its status shall not in any circumstances be reverted. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (4) | | | | |
| 370 | 4. Within 6 months of the entering into force of this Regulation, the Commission shall establish reference numbers of standards for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). | 4. ***By ... [***6 months ***after the date of entry*** into force of this ***amending*** Regulation, the Commission shall establish reference numbers of standards for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6***a(11)***. | 4. Within 6 months of the entering into force of this Regulation, the Commission shall establish **technical specifications and** reference numbers of standards for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a~~(10)~~**a(11)**. | |
| Article 1, first paragraph, point (39), amending provision, seventeenth paragraph | | | | |
| 371 | Article 45d | Article 45d | Article 45d | |
| Article 1, first paragraph, point (39), amending provision, eighteenth paragraph | | | | |
| 372 | Verification of attributes against authentic sources | Verification of attributes against authentic sources | Verification of attributes against authentic sources | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |



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| 373 | 1. Member States shall ensure that, at least for the attributes listed in Annex VI, wherever these attributes rely on authentic sources within the public sector, measures are taken to allow qualified providers of electronic attestations of attributes to verify by electronic means at the request of the user, the authenticity of the attribute directly against the relevant authentic source at national level or via designated intermediaries recognised at national level in accordance with national or Union law. | 1. Member States shall ensure that, at least for the attributes listed in Annex VI, wherever these attributes rely on authentic sources within the public sector, measures are taken to allow qualified providers of electronic attestations of attributes to verify ***free of charge*** by electronic means at the request of the user, the authenticity of the attribute directly against the relevant authentic source at national level or via designated intermediaries recognised at national level in accordance with ***Union or national*** law. | 1. Member States shall ensure **within 24 months after entry into force of the implementing acts referred to in Article 6a(11) and Article 6c(4)** that, at least for the attributes listed in Annex VI, wherever these attributes rely on authentic sources within the public sector, measures are taken to allow qualified providers of electronic attestations of attributes to verify **these attributes** by electronic means at the request of the user~~, the authenticity of the attribute directly against the relevant authentic source at national level or via designated intermediaries recognised at national level~~ **and** in accordance with national or Union law. | |
| | | | | |
| 373 a | | ***1a. Authentic sources may issue non-qualified electronic attestation of attributes at the request of the user.*** | | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |



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| 374 | 2. Within 6 months of the entering into force of this Regulation, taking into account relevant international standards, the Commission shall set out the minimum technical specifications, standards and procedures with reference to the catalogue of attributes and schemes for the attestation of attributes and verification procedures for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(10). | 2. ***By … [***6 months ***after the date of entry*** into force of this ***amending*** Regulation***]***, taking into account relevant international standards, the Commission shall***, by means of implementing acts,*** set out the minimum technical specifications, standards and procedures with reference to the catalogue of attributes and schemes for the attestation of attributes and verification procedures for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6***a(11). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*** | 2. Within 6 months of the entering into force of this Regulation, taking into account relevant international standards, the Commission shall set out the minimum technical specifications, standards and procedures with reference to the catalogue of attributes and schemes for the attestation of attributes and verification procedures for qualified electronic attestations of attributes by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a~~(10)~~**a(11)**.- | |
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| 374 a | | | **Article *45da*** | |
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| 374 b | | | **Requirements for electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source.** | |
| | | | | |
| 374 c | | | **1. An electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source shall meet the following requirements:** | |
| | | | | |
| 374 d | | | **(a) the requirements set out in Annex VII;** | |
| | | | | |
| 374 e | | | **(b) the qualified certificate supporting the qualified electronic signature or qualified electronic seal of the public sector body referred to in Article 3 (45a) identified as the issuer referred to in point (b) of Annex VII, shall contain a specific set of certified attributes in a form suitable for automated processing:** | |
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| 374 f | | | **(i) indicating that the issuing body is established in accordance with a national or Union law as the responsible for the authentic source on the basis of which the electronic attestation of attributes is issued or as the body designated to act on its behalf;** | |
| | | | | |
| 374 g | | | **(ii) providing a set of data unambiguously representing the authentic source referred to in letter (i); and** | |
| | | | | |
| 374 h | | | **(iii) identifying the national or Union law referred to in letter (i).** | |
| | | | | |
| 374i | | | **2. The Member State where the public sector bodies referred to in Article 3(45a) are established shall ensure that the public sector bodies that issue electronic attestations of attributes meet the equivalent level of reliability as qualified trust service providers in accordance with Article 24.** | |
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| 374j | | | **3. Member States shall notify the public sector bodies referred to in Article 3 (45a) to the Commission. This notification shall include a conformity assessment report issued by a conformity assessment body confirming that the requirements set out in paragraphs 1, 2 and 6 of this Article are met. The Commission shall make available to the public, through a secure channel, the list of the public sector bodies referred to in Article 3 (45a) in electronically signed or sealed form suitable for automated processing.** | |
| | | | | |
| 374 k | | | **4. Where an electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source has been revoked after initial issuance, it shall lose its validity from the moment of its revocation. After revocation, the revoked status of an electronic attestation shall not be reverted.** | |
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| 374l | | | **5. An electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source shall be deemed compliant with the requirements laid down in paragraph (1) of this Article, where it meets the standards referred to in paragraph (6).** | |
| | | | | |
| 374 m | | | **6. Within 6 months of the entering into force of this Regulation, the Commission shall establish technical specifications and reference numbers of standards for electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source, by means of an implementing act on the implementation of the European Digital Identity Wallets as referred to in Article 6a(11).** | |
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| 374 n | | | **7. Within 6 months of the entering into force of this Regulation, the Commission shall define formats, procedures, specifications and standards for the purposes of paragraph 3 by means of an implementing act on the implementation of European Digital Identity Wallets as referred to in Article 6a(11).** | |
| | | | | |
| 374 o | | | **8. Public sector bodies referred to in Article 3(45a) issuing electronic attestation of attributes shall provide an interface with the European Digital Identity Wallets provided in accordance with Article 6a.** | |
| Article 1, first paragraph, point (39), amending provision, twenty-first paragraph | | | | |
| 375 | Article 45e | Article 45e | Article 45e | |
| Article 1, first paragraph, point (39), amending provision, twenty-second paragraph | | | | |
| 376 | Issuing of electronic attestation of attributes to the European Digital Identity Wallets | Issuing of electronic attestation of attributes to the European Digital Identity Wallets | Issuing of electronic attestation of attributes to the European Digital Identity Wallets | |
| Article 1, first paragraph, point (39), amending provision, twenty-third paragraph | | | | |



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| 377 | Providers of qualified electronic attestations of attributes shall provide an interface with the European Digital Identity Wallets issued in accordance in Article 6a. | ***1.*** Providers of qualified electronic attestations of attributes shall provide an interface with the European Digital Identity Wallets issued in accordance in Article 6a. | Providers of qualified electronic attestations of attributes shall provide an interface with the European Digital Identity Wallets ~~issued~~**provided** in accordance in Article 6a.- | |
| | | | | |
| 377 a | | ***1a. Public registers shall provide qualified electronic attestation of attributes to the user of a European Digital Identity Wallet at the request of the user.*** | | |
| Article 1, first paragraph, point (39), amending provision, twenty-fourth paragraph | | | | |
| 378 | Article 45f | Article 45f | Article 45f | |
| | | | | |
| 378 a | | ***1b. Non-qualified attestation of attributes can be issued by any trust service provider, an authentic source or directly through a European Digital Identity Wallet.*** | | |
| Article 1, first paragraph, point (39), amending provision, twenty-fifth paragraph | | | | |
| 379 | Additional rules for the provision of electronic attestation of attributes services | Additional rules for the provision of electronic attestation of attributes services | Additional rules for the provision of electronic attestation of attributes services | |
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| 379 a | | ***1c. Providers of electronic attestations of attributes established in a Member State other than the Member State that issued user's European Digital Identity Wallet, shall provide that user with the possibility to request, obtain, store and manage the electronic attestation of attributes in an easy manner, with no additional technical, administrative or procedural requirements for the European Digital Identity Wallet issued and managed by the Member State of origin.*** | | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |
| 380 | 1. Providers of qualified and non-qualified electronic attestation of attributes services shall not combine personal data relating to the provision of those services with personal data from any other services offered by them. | 1. Providers of qualified and non-qualified electronic attestation of attributes services shall not combine personal data relating to the provision of those services with personal data from any other services offered by them. | 1. Providers of qualified and non-qualified electronic attestation of attributes services shall not combine personal data relating to the provision of those services with personal data from any other services offered by them **or their commercial partners**. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |



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| 381 | 2. Personal data relating to the provision of electronic attestation of attributes services shall be kept logically separate from other data held. | 2. Personal data relating to the provision of electronic attestation of attributes services shall be kept logically separate from other data held. | 2. Personal data relating to the provision of electronic attestation of attributes services shall be kept logically separate from other data held **by the provider of electronic attestation of attributes**. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (3) | | | | |
| 382 | 3. Personal data relating to the provision of qualified electronic attestation of attributes services shall be kept physically and logically separate from any other data held. | 3. Personal data relating to the provision of qualified electronic attestation of attributes services shall be kept physically and logically separate from any other data held. | *deleted* | |
| *Article 1, first paragraph, point (39), amending provision, numbered paragraph (4)* | | | | |
| *383* | *4.* Providers of qualified electronic attestation of attributes' services shall provide such services under a separate legal entity. | 4. Providers of qualified electronic attestation of attributes' services shall provide such services under a separate legal entity. | 4. Providers of qualified electronic attestation of attributes' services shall ~~provide such services under a separate legal entity~~**implement functional separation for providing such services**. | |
| Article 1, first paragraph, point (39), amending provision, thirtieth paragraph | | | | |
| 384 | SECTION 10 | SECTION 10 | SECTION 10 | |
| Article 1, first paragraph, point (39), amending provision, thirty-first paragraph | | | | |
| 385 | QUALIFIED ELECTRONIC ARCHIVING SERVICES | QUALIFIED ELECTRONIC ARCHIVING SERVICES | ~~QUALIFIED~~ ELECTRONIC ARCHIVING SERVICES | |
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| 385 a | | ***Article 45fa*** | | |
| | | | | |
| 385 b | | ***Legal effects of an electronic archiving service*** | | |
| | | | | |
| 385 c | | ***1. The legal effect and the admissibility of data and documents archived using an electronic archiving service as legal evidence shall not be refused on the sole grounds that this service is in an electronic form or does not fulfil the requirements of a qualified electronic archiving service.*** | | |
| | | | | |
| 385 d | | ***2. The data and documents archived using a qualified electronic archiving service shall benefit from a presumption regarding the integrity of the archived data and documents, their availability, their traceability, their accuracy and their origin as well as the identification of users.*** | | |
| Article 1, first paragraph, point (39), amending provision, thirty-second paragraph | | | | |
| 386 | Article 45g | Article 45g | Article 45g | |
| Article 1, first paragraph, point (39), amending provision, thirty-third paragraph | | | | |



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| 387 | Qualified electronic archiving services | Qualified electronic archiving services | ~~Qualified~~**Legal effect of an** electronic archiving ~~services~~**service** | |
| | | | | |
| 387 a | | | **1. Electronic data stored using an electronic archiving service shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that they are in electronic form or that they are not stored using a qualified electronic archiving service.** | |
| | | | | |
| 387 b | | | **2. Electronic data stored using a qualified electronic archiving service shall enjoy the presumption of their integrity and of their origin for the duration of the preservation period by the qualified trust service provider.** | |
| | | | | |
| 387 c | | | **3. A qualified electronic archiving service in one Member State shall be recognised as a qualified electronic archiving service in any other Member State.** | |
| Article 1, first paragraph, point (39), amending provision, thirty-fourth paragraph | | | | |



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| 388 | A qualified electronic archiving service for electronic documents may only be provided by a qualified trust service provider that uses procedures and technologies capable of extending the trustworthiness of the electronic document beyond the technological validity period. | A qualified electronic archiving service for electronic documents may only be provided by a qualified trust service provider ***which implements*** procedures and ***uses*** technologies ***that ensure that all the requirements for a qualified*** electronic ***archiving service are met***. | *deleted* | |
| *Article 1, first paragraph, point (39), amending provision, thirty-fifth paragraph* | | | | |
| *389* | Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for electronic archiving services. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). | Within ***24*** months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish reference numbers of standards for electronic archiving services. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). | *deleted* | |
| | | | | |
| *389 a* | | ***Article 45ga*** | | |
| | | | | |
| 389 b | | ***Requirements for qualified electronic archiving services*** | | |
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| 389 c | | ***1. Qualified electronic archiving services shall meet the following requirements:*** | | |
| | | | | |
| 389 d | | ***(a) they are created or maintained by a qualified trust service provider;*** | | |
| | | | | |
| 389 e | | ***(b) they ensure the integrity and the accuracy of their origin and legal features throughout the conservation period;*** | | |
| | | | | |
| 389 f | | ***(c) they ensure the accuracy of the date and time of the archiving process;*** | | |
| | | | | |
| 389 g | | ***2. Compliance with the requirements laid down in paragraph 1 shall be presumed where an electronic archiving service meets the standards referred to in paragraph 3.*** | | |
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| 389 h | | ***3. The Commission may, by means of implementing acts, establish reference numbers of standards for the processes of reception, storing, deletion and transmission of electronic data or documents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*** | | |
| | | | | |
| 389i | | | **Article *45ga*** | |
| | | | | |
| 389j | | | **Requirements for qualified electronic archiving services** | |
| | | | | |
| 389 k | | | **1. Qualified electronic archive services shall meet the following requirements:** | |
| | | | | |
| 389l | | | **(a) They are provided by qualified trust service providers** | |
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| 389 m | | | **(b) They use procedures and technologies capable of extending the durability and legibility of the electronic data beyond the technological validity period and at least throughout the legal or contractual preservation period, while maintaining their integrity and their origin;** | |
| | | | | |
| 389 n | | | **(c) They ensure that the electronic data is preserved in such a way that they are safeguarded against loss and alteration, except for changes concerning their medium or electronic format;** | |
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| 389 o | | | **(d) They shall allow authorised relying parties to receive a report in an automated manner that confirms that an electronic data retrieved from a qualified electronic archive enjoys the presumption of integrity of the data from the beginning of the preservation period to the moment of retrieval. This report shall be provided in a reliable and efficient way and it shall bear the qualified electronic signature or qualified electronic seal of the provider of the qualified electronic archiving service;** | |
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| 389 p | | | **2. Within 12 months after the entry into force of this Regulation, the Commission shall, by means of implementing acts, establish technical specifications and reference numbers of standards for qualified electronic archiving services. Compliance with the requirements for qualified electronic archive services shall be presumed when a qualified electronic archive service meets those specifications and standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).** | |
| Article 1, first paragraph, point (39), amending provision, thirty-sixth paragraph | | | | |
| 390 | SECTION 11 | ▌ | SECTION 11 | |
| Article 1, first paragraph, point (39), amending provision, thirty-seventh paragraph | | | | |
| 391 | ELECTRONIC LEDGERS | ▌ | ELECTRONIC LEDGERS | |
| Article 1, first paragraph, point (39), amending provision, thirty-eighth paragraph | | | | |
| 392 | Article 45h | ▌ | Article 45h | |
| Article 1, first paragraph, point (39), amending provision, thirty-ninth paragraph | | | | |
| 393 | Legal effects of electronic ledgers | ▌ | Legal effects of electronic ledgers | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |



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| 394 | 1. An electronic ledger 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 ledgers. | 1. ▌ | 1. An electronic ledger 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 ledgers. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |
| 395 | 2. A qualified electronic ledger shall enjoy the presumption of the uniqueness and authenticity of the data it contains, of the accuracy of their date and time, and of their sequential chronological ordering within the ledger. | 2. ▌ | 2. **Data records contained in** a qualified electronic ledger shall enjoy the presumption of ~~the uniqueness and authenticity of the data it contains, of the accuracy of~~ their ~~date and time, and of their~~**unique and accurate** sequential chronological ordering ~~within the ledger~~**and of their integrity**. | |
| | | | | |
| 395 a | | | **2a. A qualified electronic ledger in one Member State shall be recognised as a qualified electronic ledger in any other Member State.** | |
| Article 1, first paragraph, point (39), amending provision, forty-second paragraph | | | | |
| 396 | Article 45i | ▌ | Article 45i | |
| Article 1, first paragraph, point (39), amending provision, forty-third paragraph | | | | |



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| 397 | Requirements for qualified electronic ledgers | ▌ | Requirements for qualified electronic ledgers | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1) | | | | |
| 398 | 1. Qualified electronic ledgers shall meet the following requirements: | 1. ▌ | 1. Qualified electronic ledgers shall meet the following requirements: | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1), point (a) | | | | |
| 399 | (a) they are created by one or more qualified trust service provider or providers; | (a) ▌ | (a) they are created by one or more qualified trust service provider or providers; | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1), point (b) | | | | |
| 400 | (b) they ensure the uniqueness, authenticity and correct sequencing of data entries recorded in the ledger; | (b) ▌ | (b) they ~~ensure the uniqueness, authenticity and correct sequencing~~**establish the origin** of data ~~entries recorded~~**records** in the ledger; | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1), point (c) | | | | |
| 401 | (c) they ensure the correct sequential chronological ordering of data in the ledger and the accuracy of the date and time of the data entry; | (c) ▌ | (c) they ensure the ~~correct~~**unique** sequential chronological ordering of data **records** in the ledger ~~and the accuracy of the date and time of the data entry~~; | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (1), point (d) | | | | |



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| 402 | (d) they record data in such a way that any subsequent change to the data is immediately detectable. | (d) ▌ | (d) they record data in such a way that any subsequent change to the data is immediately detectable**, ensuring their integrity along time**. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (2) | | | | |
| 403 | 2. Compliance with the requirements laid down in paragraph 1 shall be presumed where an electronic ledger meets the standards referred to in paragraph 3. | 2. ▌ | 2. Compliance with the requirements laid down in paragraph 1 shall be presumed where an electronic ledger meets the **specifications and** standards referred to in paragraph 3. | |
| Article 1, first paragraph, point (39), amending provision, numbered paragraph (3) | | | | |
| 404 | 3. The Commission may, by means of implementing acts, establish reference numbers of standards for the processes of execution and registration of a set of data into, and the creation, of a qualified electronic ledger. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).; , | 3. ▌ , | 3. The Commission ~~may~~**shall**, by means of implementing acts, establish **technical specifications and** reference numbers of standards for the ~~processes of execution and registration of a set of data into, and the creation,~~**creation and operation** of a qualified electronic ledger. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**'**; , | |
| | | | | |
| 404 a | | ***(39a) the following Articles are inserted:*** | | |
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| 404 b | | "<br>***Article 46a*** | | |
| | | | | |
| 404 c | | ***National competent authorities and single point of contact*** | | |
| | | | | |
| 404 d | | ***1. Each Member State shall establish one or more new national competent authorities to carry out the tasks assigned to them under Article 46b or designate and existing body for that purpose.*** | | |
| | | | | |
| 404 e | | ***2. Each Member State shall designate one national single point of contact on European digital identity framework (single point of contact). Where a Member State designates only one competent authority, that competent authority shall also be the single point of contact for that Member State.*** | | |
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| 404 f | | ***3. Each single point of contact shall exercise a liaison function to ensure cross-border cooperation of its Member State's competent authorities with the relevant authorities in other Member States, and, where appropriate, the Commission and ENISA, as well as to ensure cross-sectorial cooperation with other national competent authorities within its Member State.*** | | |
| | | | | |
| 404 g | | ***4. Member States shall ensure that the competent authorities established or designated pursuant to paragraph 1 of this Article have the necessary powers and adequate resources to carry out, in an effective and efficient manner, the tasks assigned to them and thereby to fulfil the objectives of this Regulation. Member States shall ensure effective, efficient and secure cooperation of the designated representatives in the European Digital Identity Framework Board established pursuant to Article 46c.*** | | |
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| 404 h | | ***5. Each Member State shall, without undue delay, notify to the Commission of the establishment or designation of the competent authority pursuant to paragraph 1. They shall also make public and notify the Commission of the identity and tasks of single point of contact designated pursuant to paragraph and any subsequent changes thereto. The Commission shall publish a list of those single points of contacts.*** " | | |
| | | | | |
| 404i | | ***(39b)*** | | |
| | | | | |
| 404j | | " ***Article 46b*** | | |
| | | | | |
| 404 k | | ***Tasks of the national competent authorities*** | | |
| | | | | |
| 404l | | ***1. The national competent authorities shall carry the following tasks:*** | | |
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| 404 m | | ***(a) to monitor and enforce the application of this Regulation;*** | | |
| | | | | |
| 404 n | | ***(b) to supervise issuers of European Digital Identity Wallets established in its territory through ex ante and ex post supervisory activities, ensuring they meet the requirements laid down in this Regulation and to take corrective actions when they fail to do so;*** | | |
| | | | | |
| 404 o | | ***(c) to supervise allegedly unlawful or inappropriate behaviours of relying parties established in its territory, in particular when such behaviours have been reported through European Digital Identity Wallets and apply corrective actions if necessary;*** | | |
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| 404 p | | ***(d) to supervise qualified trust service providers established in the territory of the designating Member State 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;*** | | |
| | | | | |
| 404 q | | ***(e) 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;*** | | |
| | | | | |
| 404 r | | ***(f) to analyse the conformity assessment reports referred to in Articles 20(1) and 21(1);*** | | |
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| 404 s | | ***(g) to inform the relevant national competent authorities of the Member States concerned, designated pursuant to Directive (EU) XXXX/XXXX [NIS2], of any significant breaches of security or loss of integrity they become aware of in the performance of their tasks and, in the case of a significant breach of security or loss of integrity which concerns other Member States, to inform the single point of contact of the Member State concerned designated pursuant to Directive (EU) XXXX/XXXX (NIS2);*** | | |
| | | | | |
| 404t | | ***(h) to report to the Commission about their main activities in accordance with paragraph 2;*** | | |
| | | | | |
| 404 u | | ***(i) 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);*** | | |
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| 404 v | | ***(j) to cooperate with supervisory authorities established under Regulation (EU) 2016/679, in particular, by informing them without undue delay, about the results of audits of qualified trust service providers where there is evidence that personal data protection rules have been breached and about security breaches which are likely to constitute personal data breaches or about suspicions of such breaches that it has become aware of in the performance of its tasks, without prejudice to Regulation (EU) 2016/679;*** | | |
| | | | | |
| 404 w | | ***(k) 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;*** | | |
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| 404 x | | ***(l) 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 national competent authority ;*** | | |
| | | | | |
| 404 y | | ***(m) 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 Article 24(2), point (h);*** | | |
| | | | | |
| 404 z | | ***(n) to require that trust service providers and issuers of European Digital Identity Wallet's remedy any failure to fulfil the requirements laid down in this Regulation;*** | | |
| | | | | |
| 404 aa | | ***(o) to cooperate with other national competent authorities and provide them with assistance in accordance with Article 46c.*** | | |



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| 404 ab | | ***2. By 31 March each year, each national competent authority shall submit to the Commission a report on its main activities during the previous calendar year.*** | | |
| | | | | |
| 404 ac | | ***3. The Commission shall make the annual reports referred to in paragraph 2 available to the European Parliament and the Council and make them public.*** | | |
| | | | | |
| 404 ad | | ***4. By … [12 months after the date of entry into force of this amending Regulation], the Commission shall, by means of implementing acts, define the formats and procedures for the report referred to in paragraph 1, point (h) of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*** | | |
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| 404 ae | | ***5. By … [12 months after the date of entry into force of this amending Regulation], the Commission shall adopt a delegated act in accordance with Article 47, supplementing this Regulation by further specifying the tasks of the national competent authorities referred to in paragraph 1.*** " | | |
| | | | | |
| 404 af | | ***(39c)*** | | |
| | | | | |
| 404 ag | | "<br>***Article 46c*** | | |
| | | | | |
| 404 ah | | ***The European Digital Identity Framework Board*** | | |
| | | | | |
| 404 ai | | ***1. The European Digital Identity Framework Board (the 'EDIFB') shall be established.*** | | |
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| 404 aj | | ***2. The EDIFB shall be composed of representatives of national competent authorities and the Commission.*** | | |
| | | | | |
| 404 ak | | ***3. Stakeholders and all relevant third parties may be invited to attend meetings of the EDIFB and to participate in its work.*** | | |
| | | | | |
| 404 al | | ***4. ENISA shall be invited when issues regarding cyber threats, notification of breaches, cybersecurity certificates or standards or other issues pertaining to the security are discussed.*** | | |
| | | | | |
| 404 am | | ***5. The EDIFB shall have the following tasks:*** | | |
| | | | | |
| 404 an | | ***(a) assist the Commission in the preparation of legislative proposals and policy initiatives in the field of digital wallets, electronic identification means and trust services;*** | | |
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| 404 ao | | ***(b) assist and cooperate with the Commission on the preparation of implementing and delegated acts pursuant to this Regulation;*** | | |
| | | | | |
| 404 ap | | ***(c) support the consistent application of this Regulation, among other for the purpose of:*** | | |
| | | | | |
| 404 aq | | ***(i) exchanging good practices and information regarding the application of the provisions of this Regulation;*** | | |
| | | | | |
| 404 ar | | ***(ii) examining the relevant developments in the European Digital Identity Wallet, electronic identification and trust services sectors;*** | | |
| | | | | |
| 404 as | | ***(iii) organising regular joint meetings with relevant interested parties from across the Union to discuss activities carried out by the EDIFB and gather input on emerging policy challenges;*** | | |



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| 404 at | | ***(iv) issuing common guidelines on the implementation of the Regulation;*** | | |
| | | | | |
| 404 au | | ***(v) with the support of ENISA, exchanging information, experience and good practice as regards to all cybersecurity aspects of the European Digital Identity Wallet, the electronic identification schemes and trust services;*** | | |
| | | | | |
| 404 av | | ***(vi) national competent authorities under this Regulation and national competent authorities under Directive (EU) XXXX/XXXX of the European Parliament and of the Council [NIS2] shall cooperate to ensure the continuation of current practices and to build on the knowledge and experience gained in the application of the eIDAS Regulation. In addition, they shall collaborate as to ensure a coherent implementation of the Directive (EU) XXXX/XXXX of the European Parliament and of the Council [NIS2];*** | | |



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| 404 aw | | ***(vii) providing guidance in relation to the development and implementation of policies on notification of breaches, coordinated vulnerability disclosure and common measures as referred to in Articles 10 and 10a;*** | | |
| | | | | |
| 404 ax | | ***(viii) exchanging best practices and information in relation to the cybersecurity measures of this Regulation and on Directive (EU) XXXX/XXXX of the European Parliament and of the Council [NIS2] as regards to trust services, in relation to cyber threats, incidents, vulnerabilities, awareness raising initiatives, trainings, exercises and skills, capacity building, standards and technical specifications capacity as well as standards and technical specifications;*** | | |
| | | | | |
| 404 ay | | ***(ix) carrying out coordinated security risk assessments in cooperation with ENISA;*** | | |
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| 404 az | | ***(x) peer review of notified electronic identification schemes falling under this Regulation.*** | | |
| | | | | |
| 404 ba | | ***6. In the framework of the EDIFB, Member States may seek mutual assistance:*** | | |
| | | | | |
| 404 bb | | ***(a) upon receipt of a reasoned request from a national competent authority, EDIFB shall provide that national competent authority with assistance so that it can be carried out in a consistent manner, which 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 regarding the provision of trust services;*** | | |
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| 404 bc | | ***(b) where appropriate, Member States may authorise their respective national competent authorities to carry out joint investigations in which staff from other Member States' competent national authority 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.*** | | |
| | | | | |
| 404 bd | | ***7. By … [6 months after the date of entry into force of this amending Regulation] and every two years thereafter, the EDIFB shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks.*** | | |
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| 404 be | | ***8. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the EDIFB. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*** " | | |
| | | | | |
| 404 bf | | ***(39b) Article 47 is amended as follows:*** | | |
| | | | | |
| 404 bg | | ***(a) paragraphs 2 and 3 are replaced by the following:*** | | |
| | | | | |
| 404 bh | | " 2. The power to adopt delegated acts referred to in Article ***6a(11a), Article 6c(6), Article 24(1a) and 24(6), Article 30(4) and Article 46b(5)*** shall be conferred on the Commission for an indeterminate period of time from 17 September 2014. | | |
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| 404 bi | | 3. The delegation of power referred to in Article ***6a(11a), Article 6c(6), Article 24(1a) and (6), Article 30(4) and Article 46b(5)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***';*** " | | |
| | | | | |
| 404 bj | | ***(b) paragraph 5 is replaced by the following:*** | | |
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| 404 bk | | " 5. A delegated act adopted pursuant to Article ***6a(11a), Article 6c(6), Article 24(1a) or (6), Article 30(4) or Article 46b(5)*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.***';*** " | | |
| Article 1, first paragraph, point (40) | | | | |
| 405 | (40) The following Article 48a is inserted: | (40) The following Article ▌ is inserted: | (40) The following Article 48a is inserted: | |
| Article 1, first paragraph, point (40), amending provision, first paragraph | | | | |
| 406 | ‘ Article 48a | ‘ Article 48a | ‘ Article 48a | |
| Article 1, first paragraph, point (40), amending provision, second paragraph | | | | |
| 407 | Reporting requirements | Reporting requirements | Reporting requirements | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (1) | | | | |



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| 408 | 1. Member States shall ensure the collection of statistics in relation to the functioning of the European Digital Identity Wallets and the qualified trust services. | 1. Member States shall ensure the collection of statistics in relation to the functioning of the European Digital Identity Wallets and the qualified trust services. | 1. Member States shall ensure the collection of statistics in relation to the– functioning of the European Digital Identity Wallets ~~and the qualified trust services~~**once they are provided on their territory**. | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (2) | | | | |
| 409 | 2. The statistics collected in accordance with paragraph 1, shall include the following: | 2. The statistics collected in accordance with paragraph 1, shall include the following: | 2. The statistics collected in accordance with paragraph 1, shall include the following: | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (2), point (a) | | | | |
| 410 | (a) the number of natural and legal persons having a valid European Digital Identity Wallet; | (a) the number of natural and legal persons having a valid European Digital Identity Wallet; | (a) the number of natural and legal persons having a valid European Digital Identity Wallet; | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (2), point (b) | | | | |
| 411 | (b) the type and number of services accepting the use of the European Digital Wallet; | (b) the type and number of services accepting the use of the European Digital ***Identity*** Wallet ***and the number of reasons for the rejection of application of service providers aiming to become a relying party***; | (b) the type and number of services accepting the use of the European Digital **Identity** Wallet; | |
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| 411 a | | ***(ba) the number of user complaints and consumer protection or data protection incidents relating to relying parties and qualified trust services;*** | | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (2), point (c) | | | | |
| 412 | (c) incidents and down time of the infrastructure at national level preventing the use of Digital Identity Wallet Apps. | (c) ***the type and number of*** incidents and down time of the infrastructure at national level preventing the use of ***European*** Digital Identity ***Wallets***. | (c) ~~incidents and down time of the infrastructure at national level~~**summary report including data on incidents** preventing the use of **the European** Digital Identity Wallet ~~Apps~~. | |
| | | | | |
| 412 a | | ***(ca) the type and number of security incidents, suspected data breaches and affected users of European Digital Identity Wallets or qualified trust service;*** | | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (3) | | | | |
| 413 | 3. The statistics referred to in paragraph 2 shall be made available to the public in an open and commonly used, machine-readable format. | 3. The statistics referred to in paragraph 2 shall be made available to the public in an open and commonly used, machine-readable format. | 3. The statistics referred to in paragraph 2 shall be made available to the public in an open and commonly used, machine-readable format. | |
| Article 1, first paragraph, point (40), amending provision, numbered paragraph (4) | | | | |



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| 414 | 4. By March each year, Member States shall submit to the Commission a report on the statistics collected in accordance with paragraph 2.; , | 4. By March each year, Member States shall submit to the Commission a report on the statistics collected in accordance with paragraph 2.; , | 4. By **31** March each year, Member States shall submit to the Commission a report on the statistics collected in accordance with paragraph 2.**’**; , | |
| Article 1, first paragraph, point (41) | | | | |
| 415 | (41) Article 49 is replaced by the following: | (41) Article 49 is replaced by the following: | (41) Article 49 is replaced by the following: | |
| Article 1, first paragraph, point (41), amending provision, first paragraph | | | | |
| 416 | ‘ Article 49 | ‘ Article 49 | ‘ Article 49 | |
| Article 1, first paragraph, point (41), amending provision, second paragraph | | | | |
| 417 | Review | Review | Review | |
| Article 1, first paragraph, point (41), amending provision, numbered paragraph (1) | | | | |



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| 418 | 1. The Commission shall review the application of this Regulation and shall report to the European Parliament and to the Council within 24 months after its entering into force. The Commission shall evaluate in particular whether it is appropriate to modify the scope of this Regulation or its specific provisions taking into account the experience gained in the application of this Regulation, as well as technological, market and legal developments. Where necessary, that report shall be accompanied by a proposal for amendment of this Regulation. | 1. The Commission shall review the application of this Regulation and shall report to the European Parliament and to the Council within ***by ... [***24 months ▌ after ***the date of entry*** into force ***of this amending Regulation]***. The Commission shall evaluate in particular whether it is appropriate to modify the scope of this Regulation or its specific provisions taking into account the experience gained in the application of this Regulation, as well as technological, market and legal developments. Where necessary, that report shall be accompanied by a proposal for amendment of this Regulation. | 1. The Commission shall review the application of this Regulation and shall report to the European Parliament and to the Council within ~~24~~**36** months– after its entering into force. The Commission shall evaluate in particular **the scope of Article 6 and Article 6db and** whether it is appropriate to modify the scope of this Regulation or its specific provisions taking into account the experience gained in the application of this Regulation, as well as **customer demand,** technological, market and legal developments. Where necessary, that report shall be accompanied by a proposal for amendment of this Regulation. | |
| Article 1, first paragraph, point (41), amending provision, numbered paragraph (2) | | | | |



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| 419 | 2. The evaluation report shall include an assessment of the availability and usability of the identification means including European Digital Identity Wallets in scope of this Regulation and assess whether all online private service providers relying on third party electronic identification services for users authentication, shall be mandated to accept the use of notified electronic identification means and European | 2. The evaluation report shall include an assessment of the availability***, security*** and usability of the identification means including European Digital Identity Wallets in scope of this Regulation and assess whether all online private service providers relying on third party electronic identification services for users authentication, shall be mandated to accept the use of notified electronic identification means and European ***Digital Identity Wallet.*** | 2. The evaluation report shall include an assessment of the availability and usability of the ~~identification means including~~ European Digital Identity Wallets in scope of this Regulation and assess whether all online private service providers relying on third party electronic identification services for users authentication, shall be mandated to accept the use of ~~notified electronic identification means and European~~**the European Digital Identity Wallets.** | |
| Article 1, first paragraph, point (41), amending provision, numbered paragraph (3) | | | | |
| 420 | 3. In addition, the Commission shall submit a report to the European Parliament and the Council every four years after the report referred to in the first paragraph on the progress towards achieving the objectives of this Regulation. ‘ | 3. In addition, the Commission shall submit a report to the European Parliament and the Council every four years after the report referred to in the first paragraph on the progress towards achieving the objectives of this Regulation. ‘ | 3. In addition, the Commission shall submit a report to the European Parliament and the Council every four years after the report referred to in the first paragraph on the progress towards achieving the objectives of this Regulation. ‘ | |
| Article 1, first paragraph, point (42) | | | | |
| 421 | (42) Article 51 is replaced by the following: | (42) Article 51 is replaced by the following: | (42) Article 51 is replaced by the following: | |
| Article 1, first paragraph, point (42), amending provision, first paragraph | | | | |
| 422 | ‘<br>Article 51 | ‘<br>Article 51 | ‘<br>Article 51 | |



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| Article 1, first paragraph, point (42), amending provision, second paragraph | | | | |
| 423 | Transitional measures | Transitional measures | Transitional measures | |
| Article 1, first paragraph, point (42), amending provision, numbered paragraph (1) | | | | |
| 424 | 1. Secure signature creation devices of which the conformity has been determined in accordance with Article 3(4) of Directive 1999/93/EC shall continue to be considered as qualified electronic signature creation devices under this Regulation until [date – OJ please insert period of four years following the entry into force of this Regulation]. | 1. Secure signature creation devices of which the conformity has been determined in accordance with Article 3(4) of Directive 1999/93/EC shall continue to be considered as qualified electronic signature creation devices under this Regulation until [date – OJ please insert period of four years following the entry into force of this Regulation]. | 1. Secure signature creation devices of which the conformity has been determined in accordance with Article 3(4) of Directive 1999/93/EC shall continue to be considered as qualified electronic signature creation devices under this Regulation until ~~[date – OJ please insert period of four years~~**36 months** following the entry into force of this Regulation~~]~~. | |
| Article 1, first paragraph, point (42), amending provision, numbered paragraph (2) | | | | |
| 425 | 2. Qualified certificates issued to natural persons under Directive 1999/93/EC shall continue to be considered as qualified certificates for electronic signatures under this Regulation until [date – PO please insert a period of four years following the entry into force of this Regulation].. , | 2. Qualified certificates issued to natural persons under Directive 1999/93/EC shall continue to be considered as qualified certificates for electronic signatures under this Regulation until [date – PO please insert a period of four years following the entry into force of this Regulation].. , | 2. Qualified certificates issued to natural persons under Directive 1999/93/EC shall continue to be considered as qualified certificates for electronic signatures under this Regulation until ~~[date – PO please insert a period of four years~~**24 months** following the entry into force of this Regulation~~]~~.**’**. | |
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| 425 a | | | **2a. The management of remote qualified electronic signature and seal creation devices by qualified trust service providers other than qualified trust service providers providing qualified trust services for the management of remote qualified electronic signature and seal creation devices in accordance with Articles 29a and 39a shall continue to be considered without the need to obtain the qualified status for the provision of these management services until 24 months following the entry into force of this Regulation.** | |
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| 425 b | | | **2b. Qualified trust service providers that have been granted their qualified status under this Regulation before [date of entry into force of the amending Regulation], using methods for identity verification for the issuance of qualified certificates in compliance with Article 24(1), shall submit a conformity assessment report to the supervisory body proving compliance with Article 24(1) as soon as possible but not later than 30 months after entry into force of the amending Regulation. Until the submission of such a conformity assessment report and the completion of its assessment by the supervisory body, the qualified trust service provider may continue to rely on the use of the methods for identity verification set out in Article 24(1) of Regulation (EU) No 910/2014.** , | |
| Article 1, first paragraph, point (43) | | | | |
| 426 | (43) Annex I is amended in accordance with Annex I to this Regulation; | (43) Annex I is amended in accordance with Annex I to this Regulation; | (43) Annex I is amended in accordance with Annex I to this Regulation; | |
| Article 1, first paragraph, point (44) | | | | |



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| 427 | (44) Annex II is replaced by the text set out in Annex II to this Regulation; | (44) Annex II is replaced by the text set out in Annex II to this Regulation; | (44) Annex II is replaced by the text set out in Annex II to this Regulation; | |
| Article 1, first paragraph, point (45) | | | | |
| 428 | (45) Annex III is amended in accordance with Annex III to this Regulation; | (45) Annex III is amended in accordance with Annex III to this Regulation; | (45) Annex III is amended in accordance with Annex III to this Regulation; | |
| Article 1, first paragraph, point (46) | | | | |
| 429 | (46) Annex IV is amended in accordance with Annex IV to this Regulation; | (46) Annex IV is amended in accordance with Annex IV to this Regulation; | (46) Annex IV is amended in accordance with Annex IV to this Regulation; | |
| Article 1, first paragraph, point (47) | | | | |
| 430 | (47) a new Annex V is added as set out in Annex V to this Regulation; | (47) a new Annex V is added as set out in Annex V to this Regulation; | (47) a new Annex V is added as set out in Annex V to this Regulation; | |
| Article 1, first paragraph, point (48) | | | | |
| 431 | (48) a new Annex VI is added to this Regulation. | (48) a new Annex VI is added to this Regulation. | (48) a new Annex VI is added to this Regulation. | |
| Article 2 | | | | |
| 432 | Article 2 | Article 52 | Article 52 | |
| Article 2, first paragraph | | | | |
| 433 | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | |



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| Article 2, second paragraph | | | | |
| 434 | This Regulation shall be binding in its entirety and directly applicable in all Member States. | This Regulation shall be binding in its entirety and directly applicable in all Member States. | This Regulation shall be binding in its entirety and directly applicable in all Member States. | |
| Formula | | | | |
| 435 | Done at Brussels, | Done at ▌ | Done at Brussels, | |
| Formula | | | | |
| 436 | For the European Parliament | For the European Parliament | For the European Parliament | |
| Formula | | | | |
| 437 | The President | The President | The President | |
| Formula | | | | |
| 438 | For the Council | For the Council | For the Council | |
| Formula | | | | |
| 439 | The President | The President | The President | |
| Annex I | | | | |
| 439.1 | Annex I | Annex I | Annex I | |
| Annex I, first paragraph | | | | |
| 440 | In Annex I, point (i) is replaced by the following: | In Annex I, point (i) is replaced by the following: | In Annex I, point (i) is replaced by the following: | |
| Annex I, first paragraph, amending provision, first paragraph | | | | |



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| 441 | ‘<br>(i) the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;.<br>, | ‘<br>(i) the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;.<br>, | ‘<br>(i) —the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;**’**.<br>, | |
| Annex I, first paragraph a, amending provision, second paragraph | | | | |
| 441 a | | ***(ia) an indication, in a machine readable format, showing which identity verification method listed in Article 24(1) was used during issuance of the certificate;’.*** | | |
| Annex II | | | | |
| 441. 1 | Annex II | Annex II | Annex II | |
| Annex II, first paragraph | | | | |
| 442 | REQUIREMENTS FOR QUALIFIED ELECTRONIC SIGNATURE CREATION DEVICES | REQUIREMENTS FOR QUALIFIED ELECTRONIC SIGNATURE CREATION DEVICES | REQUIREMENTS FOR QUALIFIED ELECTRONIC SIGNATURE CREATION DEVICES | |
| Annex II, point (1) | | | | |
| 443 | 1. Qualified electronic signature creation devices shall ensure, by appropriate technical and procedural means, that at least: | 1. Qualified electronic signature creation devices shall ensure, by appropriate technical and procedural means, that at least: | 1. Qualified electronic signature creation devices shall ensure, by appropriate technical and procedural means, that at least: | |
| Annex II, point (1)(a) | | | | |



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| 444 | (a) the confidentiality of the electronic signature creation data used for electronic signature creation is reasonably assured; | (a) the confidentiality of the electronic signature creation data used for electronic signature creation is reasonably assured; | (a) the confidentiality of the electronic signature creation data used for electronic signature creation is reasonably assured; | |
| Annex II, point (1)(b) | | | | |
| 445 | (b) the electronic signature creation data used for electronic signature creation can practically occur only once; | (b) the electronic signature creation data used for electronic signature creation can practically occur only once; | (b) the electronic signature creation data used for electronic signature creation can practically occur only once; | |
| Annex II, point (1)(c) | | | | |
| 446 | (c) the electronic signature creation data used for electronic signature creation cannot, with reasonable assurance, be derived and the electronic signature is reliably protected against forgery using currently available technology; | (c) the electronic signature creation data used for electronic signature creation cannot, with reasonable assurance, be derived and the electronic signature is reliably protected against forgery using currently available technology; | (c) the electronic signature creation data used for electronic signature creation cannot, with reasonable assurance, be derived and the electronic signature is reliably protected against forgery using currently available technology; | |
| Annex II, point (1)(d) | | | | |
| 447 | (d) the electronic signature creation data used for electronic signature creation can be reliably protected by the legitimate signatory against use by others. | (d) the electronic signature creation data used for electronic signature creation can be reliably protected by the legitimate signatory against use by others. | (d) the electronic signature creation data used for electronic signature creation can be reliably protected by the legitimate signatory against use by others. | |
| Annex II, point (2) | | | | |



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| 448 | 2. Qualified electronic signature creation devices shall not alter the data to be signed or prevent such data from being presented to the signatory prior to signing. | 2. Qualified electronic signature creation devices shall not alter the data to be signed or prevent such data from being presented to the signatory prior to signing. | 2. Qualified electronic signature creation devices shall not alter the data to be signed or prevent such data from being presented to the signatory prior to signing. | |
| Annex III | | | | |
| 448.1 | Annex III | Annex III | Annex III | |
| Annex III, first paragraph | | | | |
| 449 | In Annex III, point (i) is replaced by the following: | In Annex III, point (i) is replaced by the following: | In Annex III, point (i) is replaced by the following: | |
| Annex III, first paragraph, amending provision, first paragraph | | | | |
| 450 | ‘ (i) the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;. ’ | ‘ (i) the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;. ’ | ‘ (i) —the information, or the location of the services that can be used to enquire, about the validity status of the qualified certificate;**’**. ’ | |
| | | | | |
| 450a | | ***(ia) an indication, in machine readable format, showing which identity verification method listed in paragraph 1 of Article 24 was used during issuance of the seal;’.*** | | |
| Annex IV | | | | |
| 450.1 | Annex IV | Annex IV | Annex IV | |
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| 450. 1a | | ***Annex IV is amended as follows:*** | | |
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| 450. 1b | | ***(1) point (c) is replaced by the following:*** | | |
| | | | | |
| 450. 1c | | (c) for natural persons: at least the name of the person to whom the certificate has been issued ***with a high level of assurance***, or a pseudonym. If a pseudonym is used, it shall be clearly indicated; ▌ | | |
| | | | | |
| 450. 1d | | ***(ca) for legal persons: at least the name of the legal person to whom the certificate is issued and, where applicable, registration number as stated in the official records with a high level of assurance;';*** | | |
| Annex IV, first paragraph | | | | |
| 451 | In Annex IV, point (j) is replaced by the following: | ***(2)*** ▌ point (j) is replaced by the following: | In Annex IV, point (j) is replaced by the following: | |
| Annex IV, first paragraph, amending provision, first paragraph | | | | |



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| 452 | ‘<br>(j) the information, or the location of the certificate validity status services that can be used to enquire, about the validity status of the qualified certificate..<br>’ | ‘<br>(j) the information, or the location of the certificate validity status services that can be used to enquire, about the validity status of the qualified certificate..<br>’ | ‘<br>(j) —the information, or the location of the certificate validity status services that can be used to enquire, about the validity status of the qualified certificate.’.<br>’ | |
| Annex V | | | | |
| 452.1 | Annex V | Annex V | Annex V | |
| Annex V, first paragraph | | | | |
| 453 | REQUIREMENTS FOR QUALIFIED ELECTRONIC ATTESTATION OF ATTRIBUTES | REQUIREMENTS FOR QUALIFIED ELECTRONIC ATTESTATION OF ATTRIBUTES | REQUIREMENTS FOR QUALIFIED ELECTRONIC ATTESTATION OF ATTRIBUTES | |
| Annex V, second paragraph | | | | |
| 454 | Qualified electronic attestation of attributes shall contain: | Qualified electronic attestation of attributes shall contain: | Qualified electronic attestation of attributes shall contain: | |
| Annex V, second paragraph, point (a) | | | | |
| 455 | (a) an indication, at least in a form suitable for automated processing, that the attestation has been issued as a qualified electronic attestation of attributes; | (a) an indication, at least in a form suitable for automated processing, that the attestation has been issued as a qualified electronic attestation of attributes; | (a) an indication, at least in a form suitable for automated processing, that the attestation has been issued as a qualified electronic attestation of attributes; | |
| Annex V, second paragraph, point (b) | | | | |



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| 456 | (b) a set of data unambiguously representing the qualified trust service provider issuing the qualified electronic attestation of attributes including at least, the Member State in which that provider is established and: | (b) a set of data unambiguously representing the qualified trust service provider issuing the qualified electronic attestation of attributes including at least, the Member State in which that provider is established and: | (b) a set of data unambiguously representing the qualified trust service provider issuing the qualified electronic attestation of attributes including at least, the Member State in which that provider is established and: | |
| Annex V, third paragraph | | | | |
| 457 | - for a legal person: the name and, where applicable, registration number as stated in the official records, | - for a legal person: the name and, where applicable, registration number as stated in the official records, | - for a legal person: the name and, where applicable, registration number as stated in the official records, | |
| Annex V, fourth paragraph | | | | |
| 458 | - for a natural person: the person's name; | - for a natural person: the person's name; | - for a natural person: the person's name; | |
| Annex V, fifth paragraph | | | | |
| 459 | (c) a set of data unambiguously representing the entity to which the attested attributes is referring to; if a pseudonym is used, it shall be clearly indicated; | (c) a set of data unambiguously representing the entity to which the attested attributes is referring to; if a pseudonym is used, it shall be clearly indicated; | (c) a set of data unambiguously representing the entity to which the attested attributes is referring to; if a pseudonym is used, it shall be clearly indicated; | |
| Annex V, sixth paragraph | | | | |
| 460 | (d) the attested attribute or attributes, including, where applicable, the information necessary to identify the scope of those attributes; | (d) the attested attribute or attributes, including, where applicable, the information necessary to identify the scope of those attributes; | (d) the attested attribute or attributes, including, where applicable, the information necessary to identify the scope of those attributes; | |
| Annex V, seventh paragraph | | | | |



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| 461 | (e) details of the beginning and end of the attestation's period of validity; | (e) details of the beginning and end of the attestation's period of validity; | (e) details of the beginning and end of the attestation's period of validity; | |
| Annex V, eighth paragraph | | | | |
| 462 | (f) the attestation identity code, which must be unique for the qualified trust service provider and if applicable the indication of the scheme of attestations that the attestation of attributes is part of; | (f) the attestation identity code, which must be unique for the qualified trust service provider and if applicable the indication of the scheme of attestations that the attestation of attributes is part of; | (f) the attestation identity code, which must be unique for the qualified trust service provider and if applicable the indication of the scheme of attestations that the attestation of attributes is part of; | |
| Annex V, ninth paragraph | | | | |
| 463 | (g) the advanced electronic signature or advanced electronic seal of the issuing qualified trust service provider; | (g) the ***qualified*** electronic signature or ***qualified*** electronic seal of the issuing qualified trust service provider; | (g) the ~~advanced~~**qualified** electronic signature or ~~advanced~~**qualified** electronic seal of the issuing qualified trust service provider; | |
| Annex V, tenth paragraph | | | | |
| 464 | (h) the location where the certificate supporting the advanced electronic signature or advanced electronic seal referred to in point (f) is available free of charge; | (h) the location where the certificate supporting the advanced electronic signature or advanced electronic seal referred to in point (f) is available free of charge; | (h) the location where the certificate supporting the ~~advanced~~**qualified** electronic signature or ~~advanced~~**qualified** electronic seal referred to in point ~~(f)~~**(g)** is available free of charge; | |
| Annex V, eleventh paragraph | | | | |
| 465 | (i) the information or location of the services that can be used to enquire about the validity status of the qualified attestation. | (i) the information or location of the services that can be used to enquire about the validity status of the qualified attestation. | (i) the information or location of the services that can be used to enquire about the validity status of the qualified attestation. | |



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| Annex VI | | | | |
| 465.1 | Annex VI | Annex VI | Annex VI | |
| Annex VI, first paragraph | | | | |
| 466 | MINIMUM LIST OF ATTRIBUTES | MINIMUM LIST OF ATTRIBUTES | MINIMUM LIST OF ATTRIBUTES | |
| Annex VI, second paragraph | | | | |
| 467 | Further to Article 45d, Member States shall ensure that measures are taken to allow qualified providers of electronic attestations of attributes to verify by electronic means at the request of the user, the authenticity of the following attributes against the relevant authentic source at national level or via designated intermediaries recognised at national level, in accordance with national or Union law and in cases where these attributes rely on authentic sources within the public sector: | Further to Article 45d, Member States shall ensure that measures are taken to allow qualified providers of electronic attestations of attributes to verify by electronic means at the request of the user, the authenticity of the following attributes against the relevant authentic source at national level or via designated intermediaries recognised at national level, in accordance with ***Union or national*** law and in cases where these attributes rely on authentic sources within the public sector: | Further to Article 45d, Member States shall ensure that measures are taken to allow qualified providers of electronic attestations of attributes to verify by electronic means at the request of the user, the authenticity of the following attributes against the relevant authentic source at national level or via designated intermediaries recognised at national level, in accordance with national or Union law and in cases where these attributes rely on authentic sources within the public sector: | |
| Annex VI, third paragraph | | | | |
| 468 | 1. Address; | 1. Address; | 1. Address; | |
| Annex VI, fourth paragraph | | | | |
| 469 | 2. Age; | 2. ***Date of birth***; | 2. Age; | |
| Annex VI, fifth paragraph | | | | |
| 470 | 3. Gender; | 3. Gender; | 3. Gender; | |
| Annex VI, sixth paragraph | | | | |



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| 471 | 4. Civil status; | 4. Civil status; | 4. Civil status; | |
| Annex VI, seventh paragraph | | | | |
| 472 | 5. Family composition; | 5. Family composition; | 5. Family composition; | |
| Annex VI, eighth paragraph | | | | |
| 473 | 6. Nationality; | 6. Nationality ***or nationalities*** | 6. Nationality **or citizenship**; | |
| | | | | |
| 473 a | | ***6a. Citizenship or citizenships;*** | | |
| Annex VI, ninth paragraph | | | | |
| 474 | 7. Educational qualifications, titles and licenses; | 7. Educational qualifications, titles and licenses; | 7. Educational qualifications, titles and licenses; | |
| Annex VI, tenth paragraph | | | | |
| 475 | 8. Professional qualifications, titles and licenses; | 8. Professional qualifications, titles and licenses; | 8. Professional qualifications, titles and licenses; | |
| | | | | |
| 475 a | | ***8a. Documents proving the activation of a protection regime and name of the authorised party designated to act on behalf of the natural person;*** | | |
| Annex VI, eleventh paragraph | | | | |
| 476 | 9. Public permits and licenses; | 9. Public permits and licenses; | 9. Public permits and licenses; | |
| Annex VI, twelfth paragraph | | | | |



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| 477 | 10. Financial and company data. | 10. ▌ Company data. | 10. Financial and company data. | |
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| 477 a | | | **ANNEX VIa** | |
| | | | | |
| 477 b | | | **REQUIREMENTS FOR ELECTRONIC ATTESTATION OF ATTRIBUTES ISSUED BY OR ON BEHALF OF A PUBLIC BODY RESPONSIBLE FOR AN AUTHENTIC SOURCE** | |
| | | | | |
| 477 c | | | **1. An electronic attestation of attributes issued by or on behalf of a public body responsible for an authentic source shall contain:** | |
| | | | | |
| 477 d | | | **(a) an indication, at least in a form suitable for automated processing, that the attestation has been issued as an electronic attestation of attributes issued by or on behalf of a public body responsible for an authentic source;** | |
| | | | | |



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| 477e | | | **(b) a set of data unambiguously representing the public body issuing the electronic attestation of attributes, including at least, the Member State in which that public body is established and its name and, where applicable, its registration number as stated in the official records;** | |
| | | | | |
| 477f | | | **(c) a set of data unambiguously representing the entity which the attested attributes is referring to; if a pseudonym is used, it shall be clearly indicated;** | |
| | | | | |
| 477g | | | **(d) the attested attribute or attributes, including, where applicable, the information necessary to identify the scope of those attributes;** | |
| | | | | |
| 477h | | | **(e) details of the beginning and end of the attestation's period of validity;** | |
| | | | | |



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| 477i | | | **(f) the attestation identity code, which must be unique for the issuing public body and if applicable the indication of the scheme of attestations that the attestation of attributes is part of;** | |
| | | | | |
| 477j | | | **(g) the qualified electronic signature or qualified electronic seal of the issuing body;** | |
| | | | | |
| 477 k | | | **(h) the location where the certificate supporting the qualified electronic signature or qualified electronic seal referred to in point (g) is available free of charge;** | |
| | | | | |
| 477l | | | **(i) the information or location of the services that can be used to enquire about the validity status of the attestation.** | |



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