

Regulation (EU) No 910/2014 of the European Parliament and of the Council
of 23 July 2014 on electronic identification and trust services for electronic
transactions in the internal market and repealing Directive 1999/93/EC

CHAPTER III
TRUST SERVICES

SECTION 1

General provisions

Article 13

Liability and burden of proof

1 Without prejudice to paragraph 2, 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.

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

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

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

3 Paragraphs 1 and 2 shall be applied in accordance with national rules on liability.

Article 14

International aspects

1 Trust services provided by trust service providers established in a third country shall be recognised as legally equivalent to qualified trust services provided by qualified trust service providers established in the Union where the trust services originating from the third country are recognised under an agreement concluded between the Union and the third country in question or an international organisation in accordance with Article 218 TFEU.

2 Agreements referred to in paragraph 1 shall ensure, in particular, that:

- a the requirements applicable to qualified trust service providers established in the Union and the qualified trust services they provide are met by the trust service providers in

- the third country or international organisations with which the agreement is concluded, and by the trust services they provide;
- b 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.

Article 15

Accessibility for persons with disabilities

Where feasible, trust services provided and end-user products used in the provision of those services shall be made accessible for persons with disabilities.

Article 16

Penalties

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.