

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 4*  
***Electronic signatures***

*Article 25*

**Legal effects of electronic signatures**

- 1 An electronic signature shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form or that it does not meet the requirements for qualified electronic signatures.
- 2 A qualified electronic signature shall have the equivalent legal effect of a handwritten signature.
- 3 A qualified electronic signature based on a qualified certificate issued in one Member State shall be recognised as a qualified electronic signature in all other Member States.

*Article 26*

**Requirements for advanced electronic signatures**

An advanced electronic signature shall meet the following requirements:

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

*Article 27*

**Electronic signatures in public services**

- 1 If a Member State requires an advanced electronic signature to use an online service offered by, or on behalf of, a public sector body, that Member State shall recognise advanced electronic signatures, advanced electronic signatures based on a qualified certificate

for electronic signatures, and qualified electronic signatures in at least the formats or using methods defined in the implementing acts referred to in paragraph 5.

2 If a Member State requires an advanced electronic signature based on a qualified certificate to use an online service offered by, or on behalf of, a public sector body, that Member State shall recognise advanced electronic signatures based on a qualified certificate and qualified electronic signatures in at least the formats or using methods defined in the implementing acts referred to in paragraph 5.

3 Member States shall not request for cross-border use in an online service offered by a public sector body an electronic signature at a higher security level than the qualified electronic signature.

4 The Commission may, by means of implementing acts, establish reference numbers of standards for advanced electronic signatures. Compliance with the requirements for advanced electronic signatures referred to in paragraphs 1 and 2 of this Article and in Article 26 shall be presumed when an advanced electronic signature meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

5 By 18 September 2015, and taking into account existing practices, standards and Union legal acts, the Commission shall, by means of implementing acts, define reference formats of advanced electronic signatures or reference methods where alternative formats are used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

#### *Article 28*

### **Qualified certificates for electronic signatures**

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

2 Qualified certificates for electronic signatures shall not be subject to any mandatory requirement exceeding the requirements laid down in Annex I.

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

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

5 Subject to the following conditions, Member States may lay down national rules on temporary suspension of a qualified certificate for electronic signature:

- a if a qualified certificate for electronic signature has been temporarily suspended that certificate shall lose its validity for the period of suspension;
- b the period of suspension shall be clearly indicated in the certificate database and the suspension status shall be visible, during the period of suspension, from the service providing information on the status of the certificate.

6 The Commission may, 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).

#### *Article 29*

### **Requirements for qualified electronic signature creation devices**

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

2 The Commission may, by means of implementing acts, establish reference numbers of standards for qualified electronic signature creation devices. Compliance with the requirements laid down in Annex II shall be presumed where a qualified electronic signature creation device meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

#### *Article 30*

### **Certification of qualified electronic signature creation devices**

1 Conformity of qualified electronic signature creation devices with the requirements laid down in Annex II shall be certified by appropriate public or private bodies designated by Member States.

2 Member States shall notify to the Commission 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 The certification referred to in paragraph 1 shall be based on one of the following:

- a a security evaluation process carried out in accordance with one of the standards for the security assessment of information technology products included in the list established in accordance with the second subparagraph; or
- b a process other than the process referred to in point (a), provided that it uses comparable security levels and provided that the public or private body referred to in paragraph 1 notifies that process to the Commission. That process may be used only in the absence of standards referred to in point (a) or when a security evaluation process referred to in point (a) is ongoing.

The Commission shall, by means of implementing acts, establish a list of standards for the security assessment of information technology products referred to in point (a). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

4 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 1 of this Article.

#### *Article 31*

### **Publication of a list of certified qualified electronic signature creation devices**

1 Member States shall notify to the Commission without undue delay and no later than one month after the certification is concluded, information on qualified electronic signature

creation devices that have been certified by the bodies referred to in Article 30(1). They shall also notify to the Commission, without undue delay and no later than one month after the certification is cancelled, information on electronic signature creation devices that are no longer certified.

2 On the basis of the information received, the Commission shall establish, publish and maintain a list of certified qualified electronic signature creation devices.

3 The Commission may, 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 32*

#### **Requirements for the validation of qualified electronic signatures**

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

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

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

3 The Commission may, by means of implementing acts, establish reference numbers of standards for the validation of qualified electronic signatures. Compliance with the requirements laid down in paragraph 1 shall be presumed where the validation of qualified electronic signatures meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

### *Article 33*

#### **Qualified validation service for qualified electronic signatures**

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

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

2 The Commission may, by means of implementing acts, establish 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 standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

#### *Article 34*

### **Qualified preservation service for qualified electronic signatures**

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

2 The Commission may, by means of implementing acts, establish reference numbers of standards for the qualified preservation service for qualified electronic signatures. Compliance with the requirements laid down in paragraph 1 shall be presumed where the arrangements for the qualified preservation service for qualified electronic signatures meet those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).