

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 5

Electronic seals

Article 35

Legal effects of electronic seals

- 1 An electronic seal 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 seals.
- 2 A qualified electronic seal shall enjoy the presumption of integrity of the data and of correctness of the origin of that data to which the qualified electronic seal is linked.
- 3 A qualified electronic seal based on a qualified certificate issued in one Member State shall be recognised as a qualified electronic seal in all other Member States.

Article 36

Requirements for advanced electronic seals

An advanced electronic seal shall meet the following requirements:

- (a) it is uniquely linked to the creator of the seal;
- (b) it is capable of identifying the creator of the seal;
- (c) it is created using electronic seal creation data that the creator of the seal can, with a high level of confidence under its control, use for electronic seal creation; and
- (d) it is linked to the data to which it relates in such a way that any subsequent change in the data is detectable.

Article 37

Electronic seals in public services

- 1 If a Member State requires an advanced electronic seal in order to use an online service offered by, or on behalf of, a public sector body, that Member State shall recognise advanced electronic seals, advanced electronic seals based on a qualified certificate for electronic seals and

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qualified electronic seals at least in the formats or using methods defined in the implementing acts referred to in paragraph 5.

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

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

4 The Commission may, by means of implementing acts, establish reference numbers of standards for advanced electronic seals. Compliance with the requirements for advanced electronic seals referred to in paragraphs 1 and 2 of this Article and Article 36 shall be presumed when an advanced electronic seal 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 legal acts of the Union, the Commission shall, by means of implementing acts, define reference formats of advanced electronic seals 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 38

Qualified certificates for electronic seals

1 Qualified certificates for electronic seals shall meet the requirements laid down in Annex III.

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

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

4 If a qualified certificate for an electronic seal 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 qualified certificates for electronic seals:

- a if a qualified certificate for electronic seal 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 seals. Compliance with the requirements laid down in Annex III shall be presumed where a qualified certificate for electronic seal meets those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

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Article 39

Qualified electronic seal creation devices

- 1 Article 29 shall apply mutatis mutandis to requirements for qualified electronic seal creation devices.
- 2 Article 30 shall apply mutatis mutandis to the certification of qualified electronic seal creation devices.
- 3 Article 31 shall apply mutatis mutandis to the publication of a list of certified qualified electronic seal creation devices.

Article 40

Validation and preservation of qualified electronic seals

Articles 32, 33 and 34 shall apply mutatis mutandis to the validation and preservation of qualified electronic seals.

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