
STATUTORY INSTRUMENTS

2016 No. 696

The Electronic Identification and Trust Services
for Electronic Transactions Regulations 2016

PART 1

Introduction

Citation and Commencement

1. These Regulations may be cited as the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and come into force on 22nd July 2016.

Interpretation

2.—(1) In these Regulations—

the “1998 Act” means the Data Protection Act 1998⁽¹⁾;

the “2002 Regulations” means the Electronic Signatures Regulations 2002⁽²⁾;

“eIDAS Regulation” means Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market⁽³⁾, as amended from time to time;

“supervisory body” has the meaning given in regulation 3(1) of these Regulations;

“the Tribunal” has the meaning given in section 70(1)⁽⁴⁾ of the 1998 Act.

(2) Other expressions used in these Regulations, which are used in the eIDAS Regulation, have the same meaning as in the eIDAS Regulation.

PART 2

Supervisory body

Supervision

3.—(1) The Information Commissioner is the supervisory body and must carry out the supervisory body tasks set out in Article 17 of the eIDAS Regulation.

(2) The supervisory body must enforce these Regulations and Chapter III of the eIDAS Regulation.

(1) 1998 c.29.

(2) S.I. 2002/318.

(3) OJ No L 257, 28.8.2014, p73.

(4) 1998 c.29; section 70(1) was amended by S.I. 2010/22.

(3) Schedules 1 (monetary penalties) and 2 (enforcement powers of the Information Commissioner under the 1998 Act) have effect.

PART 3

Miscellaneous

Transitional provisions and revocations

4.—(1) The Electronic Signatures Regulations 2002 are revoked.

(2) For the purposes of these Regulations, a qualified certificate issued pursuant to regulation 2 of the 2002 Regulations is to be treated as a qualified certificate for electronic signature pursuant to Article 3(15) of the eIDAS Regulation until it expires.

Consequential amendments

5. Schedule 3 has effect.

Review

6.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the eIDAS Regulation is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of 5 years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

30th June 2016

Neville-Rolfe
Parliamentary Under Secretary of State for
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