

**EDPS Formal comments on the draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards notification of information on certified qualified electronic signature creation devices and certified qualified electronic seal creation devices**

**THE EUROPEAN DATA PROTECTION SUPERVISOR,**

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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 ('EUDPR')<sup>1</sup>, and in particular Article 42(1) thereof,

**HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:**

**1. Introduction and background**

1. On 30 April 2025, the European Commission consulted the EDPS on the draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards notification of information on certified qualified electronic signature creation devices and certified qualified electronic seal creation devices ('the draft implementing regulation'), as part of the consultation on 12 draft implementing regulations to be adopted pursuant to Regulation (EU) No 910/2014<sup>2</sup>, as amended by Regulation (EU) 2024/1183 establishing the European Digital Identity Framework<sup>3</sup>. The current batch is the third batch of implementing acts for consultation since Regulation (EU) No 910/2014 was amended by Regulation (EU) 2024/1183 establishing the European Digital Identity Framework.
2. The objective of the draft implementing regulation is, in accordance with Article 31 and Article 39 of Regulation (EU) No 910/2014, to establish the formats and procedures applicable for the notification by Member States to the Commission of

---

<sup>1</sup> OJ L 295, 21.11.2018, p. 39.

<sup>2</sup> 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, OJ L 257, 28.8.2014, p. 73–114.

<sup>3</sup> Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework, OJ L, 2024/1183, 30.4.2024.

information on qualified electronic signature creation devices and of qualified electronic seal creation devices that have been certified by appropriate public or private bodies designated by Member States.

3. The draft implementing regulation is adopted pursuant to Article 31(3) and Article 39 of Regulation (EU) No 910/2014.
4. The EDPS previously issued formal comments on the 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<sup>4</sup>.
5. The present formal comments of the EDPS are issued in response to a consultation by the European Commission pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 3 of the draft implementing regulation.
6. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts<sup>5</sup>.
7. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft implementing regulation that are relevant from a data protection perspective.

## 2. Comments

8. The EDPS welcomes Recital 2 of the draft implementing regulation, which recalls that Regulation (EU) 2016/679<sup>6</sup> and, where relevant, Directive 2002/58/EC<sup>7</sup> shall be applicable to the processing of personal data under this Regulation. The EDPS recalls that, insofar as the information notified by Member States would involve processing of personal, the processing of such data by the European Commission shall be subject to Regulation (EU) 2018/1725.

---

<sup>4</sup> [Formal comments of the EDPS on the 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](#), issued 28 July 2021.

<sup>5</sup> In case of other implementing or delegated acts with an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

<sup>6</sup> 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.

<sup>7</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.

9. Given the subject matter and the provisions of the draft implementing regulation, which do not raise significant issues having regard to the protection of personal data, the EDPS has no further comments on the Proposal.

Brussels, 6 June 2025

*(e-signed)*  
Wojciech Rafał WIEWIÓROWSKI