

**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 the formats of advanced electronic signatures and seals to be recognised by public sector bodies and repealing Commission Implementing Decision (EU) 2015/1506**

**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 25 September 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 the formats of advanced electronic signatures and seals to be recognised by public sector bodies and repealing Commission Implementing Decision (EU) 2015/1506 ('the draft Implementing Regulation').
2. The objective of the draft Implementing Regulation is to facilitate cross-border validation of electronic signatures or seals, and to improve the cross-border interoperability of electronic transactions, by laying down reference formats for advanced electronic signatures and seals to be supported by Member States<sup>2</sup>. Previously, Commission Implementing Decision (EU) 2015/1506<sup>3</sup> laid down those reference formats. As a result of new technologies, practices, standards and technical specifications that have been developed, Implementing Decision (EU) 2015/1506 would be repealed<sup>4</sup> and replaced by this draft Implementing Regulation. The draft

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

<sup>2</sup> Recital 1 of the draft Implementing Regulation.

<sup>3</sup> Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of 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. OJ L 235, 9.9.2015, p. 37, ELI: [http://data.europa.eu/eli/dec\\_impl/2015/1506/oj](http://data.europa.eu/eli/dec_impl/2015/1506/oj).

<sup>4</sup> Recital 3 of the draft Implementing Regulation.

Implementing Regulation is accompanied by two Annexes, laying down the relevant technical specifications<sup>5</sup>.

3. The draft Implementing Regulation is adopted pursuant to Article 27(5) and Article 37(5) of Regulation (EU) No 910/2014<sup>6</sup>.
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>7</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 10 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>8</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.

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<sup>5</sup> Annex 1 lays down the list of technical specifications for advanced electronic signatures referred to in Article 1(1) and for advanced electronic seals referred to in Article 3(1), as well as the list of technical specifications for associated signature containers referred to in Article 1(1) and for associated seal containers referred to in Article 3(1). Annex 2 lays down the list of technical specifications for advanced electronic signatures referred to in Article 1(2) and for advanced electronic seals referred to in Article 3(2) as well as the list of technical specifications for associated signature containers referred to in Article 1(2) and for associated seal containers referred to in Article 3(2).

<sup>6</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, pp. 73–114, as amended by 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, ELI: <http://data.europa.eu/eli/reg/2024/1183/oj>.

<sup>7</sup> [EDPS 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](#), issued on 28 July 2021.

<sup>8</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.

## 2. Comments

8. The EDPS welcomes recital 9 of the draft implementing Regulation, confirming that Regulation (EU) 2016/679 ('the GDPR')<sup>9</sup>, as well as, where relevant, Directive 2002/58/EC ('ePrivacy Directive')<sup>10</sup>, apply to the personal data processing activities under the draft implementing act.
9. The EDPS welcomes recital 7 of the draft implementing Regulation, which recalls the need to review and, if necessary, update the draft implementing Regulation, to keep it in line with global developments, new technologies, practices, standards or technical specifications and to follow the best practices on the internal market. Taking into account the state of the art is also important to ensure compliance with data protection laws, including the requirement of data protection by design and by default<sup>11</sup>.
10. The EDPS notes that the signature and seal format standards specified in the draft implementing Regulation do not refer to the possible use of privacy enhancing cryptographic protocols to implement selective disclosure and unlinkability (e.g., anonymous credentials and zero-knowledge proofs). In this respect, the EDPS is aware of the ongoing work in ETSI on "*analysis of signature schemes, formats and protocols with different degrees of maturity that cater for selective disclosure, unlinkability, and predicate proofs*" and on "*how certain data minimisation techniques can be applied to eIDAS2 and the EUDI Wallet*"<sup>12</sup> with a view to a possible implementation in the EUDI wallet.
11. The EDPS considers that the continued efforts of the Commission, including their interaction with stakeholders and the standardisation community, are important to enable the implementation of privacy preserving techniques which ensure data minimisation, and more specifically unlinkability and selective disclosure.

Brussels, 21 October 2025

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

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<sup>9</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) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1.

<sup>10</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, pp. 37–47.

<sup>11</sup> See Article 25 GDPR.

<sup>12</sup> See ETSI, [Electronic Signatures and Trust Infrastructures \(ESI\): Selective disclosure and zero-knowledge proofs applied to Electronic Attestation of Attributes: Part 1: Feasibility study](#), Technical Report, August 2025, TR 119 476-1 V1.3.1.