

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 requirements for qualified trust service providers providing qualified trust services

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')¹, 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 requirements for qualified trust service providers providing qualified trust services ('the draft Implementing Regulation').
2. The draft Implementing Regulation would be adopted pursuant to Article 24(5) of Regulation (EU) No 910/2014 ('the basic act').²
3. The objective of the draft Implementing Regulation is to set out requirements, reference standards and specifications as set out in the basic act. If a trust service provider adheres to them, supervisory bodies should presume compliance with the relevant requirements of the basic act and duly consider such presumption for granting or confirming the qualified status of the trust service³. The draft Implementing Regulation is accompanied by an annex, laying down the list of reference standards and specifications referred to in Article 4 of the draft Implementing Regulation for qualified trust services.

¹ OJ L 295, 21.11.2018, p. 39.

² 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.

³ Recital 3 of the draft Implementing Regulation. However, a qualified trust service provider may still rely on other practices to demonstrate compliance with the requirements of Regulation (EU) No 910/2014.

4. 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 11 of the draft Implementing Regulation.
5. 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 Identity⁴.
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 acts⁵.
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 10 of the draft Implementing Regulation, confirming that Regulation (EU) 2016/679 ('the GDPR')⁶, as well as, where relevant, Directive 2002/58/EC ('ePrivacy Directive')⁷, apply to the personal data processing activities under the draft Implementing act.
9. The EDPS welcomes recital 4 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 law, including the requirement of data protection by design and by default⁸.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ See Article 25 GDPR.

10. The EDPS also takes a positive note of the specification of the elements of the notifications to the supervisory body⁹; of the standards and specifications for the risk management framework¹⁰; of the termination plan for each qualified trust service¹¹; as well as of the reference standards and specifications for qualified trust services¹², as specified in the annex to the draft Implementing Regulation.
11. The EDPS recalls that Article 24(2)(f)(i) of the basic act requires qualified trust service providers ‘to use trustworthy systems to store data provided to it, in a verifiable form, so that they are publicly available for retrieval *only where the consent of the person to whom the data relates has been obtained*’ (emphasis added). The EDPS therefore recommends adding to the draft Implementing Regulation a provision that would require qualified trust service providers to document their procedure for managing such consent.

Brussels, 21 October 2025

(e-signed)
Wojciech Rafał WIEWIÓROWSKI

⁹ Article 1 of the draft Implementing Regulation.

¹⁰ Article 2 of the draft Implementing Regulation.

¹¹ Article 3 of the draft Implementing Regulation.

¹² Article 4 of the draft Implementing Regulation.