



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

2012/0146(COD)

28.5.2013

AMENDMENTS

42 - 175

Draft opinion
Alajos Mészáros
(PE510.497v01-00)

Electronic identification and trust services for electronic transactions in the internal market

Proposal for a regulation
(COM(2012)0238 – C7-0133/2012 – 2012/0146(COD))

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PE510.788v01-00

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United in diversity

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Amendment 42
Hans-Peter Martin

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare sets up a network of national authorities responsible for eHealth. To enhance safety and the continuity of cross-border healthcare, the network is required to produce guidelines on cross-border access to electronic health data and services, including by supporting 'common identification and authentication measures to facilitate transferability of data in cross-border healthcare'. Mutual recognition and acceptance of electronic identification and authentication is key to make *cross border* healthcare for European citizens a reality. When people travel for treatment, their medical data *needs* to be accessible in the country of treatment. This requires a solid, safe and trusted electronic identification framework.

Amendment

(10) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare sets up a network of national authorities responsible for eHealth. To enhance safety and the continuity of cross-border healthcare, the network is required to produce guidelines on cross-border access to electronic health data and services, including by supporting 'common identification and authentication measures to facilitate transferability of data in cross-border healthcare'. Mutual recognition and acceptance of electronic identification and authentication is key to make *cross-border* healthcare for European citizens a reality. When people travel for treatment, their medical data *need* to be accessible in the country of treatment. This requires a solid, safe and trusted electronic identification framework ***that should be such as to rule out infringement of current consumer and data protection standards.***

Or. de

Amendment 43
Francesco Enrico Speroni

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) One of the objectives of this Regulation is to remove existing barriers to

Amendment

(11) One of the objectives of this Regulation is to remove existing barriers to

the cross-border use of electronic identification means used in the Member States to access at least public services. This Regulation does not aim at intervening on electronic identity management systems and related infrastructures established in the Member States. The aim of this Regulation is to ensure that for the access to cross-border online services offered by the Member States, secure electronic identification and authentication *is possible*.

the cross-border use of electronic identification means used in the Member States to access at least public services. This Regulation does not aim at intervening on electronic identity management systems and related infrastructures established in the Member States. The aim of this Regulation is to ensure that for the access to cross-border online services offered by the Member States, *a high degree of security can be provided for* electronic identification and authentication, *for instance by establishing different security levels corresponding to particular types of services to be accessed*.

Or. it

Justification

Security has to be organised according to distinct levels. The proposal for a regulation does not say what type of online services is to be accessed by means of electronic identification. Access to sensitive private data ought to imply, for the purposes of identification, reliability of a different degree from what is required for general information or transaction services.

Amendment 44 **Giuseppe Gargani**

Proposal for a regulation **Recital 11**

Text proposed by the Commission

(11) One of the objectives of this Regulation is to remove existing barriers to the cross-border use of electronic identification means used in the Member States to access at least public services. This Regulation does not aim at intervening on electronic identity management systems and related infrastructures established in the Member States. The aim of this Regulation is to ensure that for the access to cross-border online services offered by the Member

Amendment

(11) One of the objectives of this Regulation is to remove existing barriers to the cross-border use of electronic identification means used in the Member States to access at least public services. This Regulation does not aim at intervening on electronic identity management systems and related infrastructures established in the Member States. The aim of this Regulation is to ensure that for the access to cross-border online services offered by the Member

States, secure electronic identification and authentication *is possible*.

States, *a high degree of security can be provided for* electronic identification and authentication, *for instance by establishing security levels adjusted according to the types of services to be accessed*.

Or. it

Amendment 45
Francesco Enrico Speroni

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Cooperation of Member States should serve the technical interoperability of the notified electronic identification schemes with a view to *foster* a high level of trust and security appropriate to the degree of risk. The exchange of information and the sharing of best practices between Member States with a view to their mutual recognition should help such cooperation.

Amendment

(16) Cooperation of Member States should serve the technical interoperability and *neutrality* of the notified electronic identification schemes with a view to *fostering* a high level of trust and security appropriate to the degree of risk. *Member States should submit electronic identification schemes for technological pre-checking, implementing the cooperation arrangement referred to above*. The exchange of information and the sharing of best practices between Member States with a view to their mutual recognition should help such cooperation.

Or. it

Justification

The proposal for a regulation does not provide the means for a Member State to challenge the technical conformity of a notified electronic identification scheme. Because of this gap, schemes not conforming to the requirements might spread within the EU. The desired harmonisation to be brought about by the regulation is in danger of boiling down to circumvention of national legislation and encouraging forum shopping.

Amendment 46
Sergio Gaetano Cofferati

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Under Article 9 of the Treaty on the Functioning of the European Union, the Union must, in defining and implementing its policies and activities, take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health. The concepts of accessibility and design for all should be mainstreamed when legislative measures on electronic identification are being pursued at Union level.

Or. it

Amendment 47
Hans-Peter Martin

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Supervisory bodies should cooperate and exchange information with data protection authorities to ensure proper implementation of data protection legislation by service providers. The exchange of information should in particular cover security incidents and personal data breaches.

(25) Supervisory bodies should cooperate and exchange information with data protection authorities to ensure proper implementation of data ***and consumer*** protection legislation by service providers. The exchange of information should in particular cover security incidents and personal data breaches.

Or. de

Amendment 48
Hans-Peter Martin

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) All Member States should follow common essential supervision requirements to ensure a comparable security level of qualified trust services. To **ease** the consistent application of these requirements across the Union, Member States should adopt comparable procedures and should exchange information on their supervision activities and best practices in the field.

Amendment

(28) All Member States should follow common essential supervision requirements to ensure a comparable security **and data protection** level of qualified trust services. To **ensure** the consistent application of these requirements across the Union, Member States should adopt comparable procedures and should exchange information on their supervision activities and best practices in the field.

Or. de

Amendment 49
Francesco Enrico Speroni

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules for electronic identification and electronic trust services for electronic transactions with a view to ensuring the proper functioning of the internal market.

Amendment

1. This Regulation lays down rules for electronic identification and electronic trust services for electronic transactions with a view to ensuring the proper functioning of the internal market, **guaranteeing a high degree of security, and increasing citizens' confidence in the digital environment.**

Or. it

Justification

To help achieve the aims of the regulation, and hence encourage citizens to feel confident that cross-border electronic transactions are secure and reliable, it is necessary to guarantee a high degree of security and reduce the risk that the security of online environments will be

reduced across the board, the latter being an outcome that might be caused unintentionally by the regulation.

Amendment 50
Giuseppe Gargani

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules for electronic identification and electronic trust services for electronic transactions with a view to ensuring the proper functioning of the internal market.

Amendment

1. This Regulation lays down rules for electronic identification and electronic trust services for electronic transactions with a view to ensuring the proper functioning of the internal market, ***guaranteeing a high degree of security, and increasing citizens' confidence in the digital environment.***

Or. it

Amendment 51
Tadeusz Zwiefka

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules for electronic ***identification and electronic*** trust services ***for electronic transactions with a view to ensuring the*** proper functioning of the internal market.

Amendment

1. This Regulation lays down rules for electronic trust services ***a view to ensure trust in the online environment,*** proper functioning of the internal market ***and cross border access to e-government services.***

Or. en

Amendment 52
Tadeusz Zwiefka

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the conditions under which Member States shall recognise and accept electronic identification means of **natural and** legal persons falling under a notified electronic identification scheme of another Member State.

Amendment

2. This Regulation lays down the conditions under which Member States shall recognise and accept electronic identification means of **any entity or natural or** legal persons falling under a notified electronic identification scheme of another Member State.

Or. en

Amendment 53
Tadeusz Zwiefka

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic delivery services and website authentication.

Amendment

3. This Regulation establishes a legal framework for electronic signatures, electronic seals, electronic **validation and verification, electronic** time stamps, electronic documents, electronic delivery services and website authentication.

Or. en

Amendment 54
Tadeusz Zwiefka

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation ensures that trust services and products **which comply with this Regulation** are permitted to circulate freely in the internal market.

Amendment

4. This Regulation ensures that trust services and products are permitted to circulate freely in the internal market.

Amendment 55
Tadeusz Zwiefka

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to electronic identification provided by, on behalf or under the responsibility of Member States and to trust service providers established in the Union.

Amendment

1. This Regulation applies to ***notification of*** electronic identification provided by, on behalf or under the responsibility of Member States and to trust service providers established in the Union. ***This regulation applies to trust services offered to the public.***

Or. en

Amendment 56
Rebecca Taylor

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation does not apply to the provision of electronic trust services based on voluntary agreements under private law.

Amendment

deleted

Or. en

Justification

The proposed wording brings considerable legal uncertainty and opens the scope to different interpretation and legal loopholes.

Amendment 57
Sajjad Karim

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation does not apply to the provision of electronic trust services based on voluntary agreements under private law.

deleted

Or. en

Justification

The words ‘voluntary agreements’ are confusing as this is a concept that does not exist in a legal sense in many Member States. The scope of the Regulation should be broad as possible – this text could include a loophole whereby any contract could be defined as a ‘voluntary arrangement’ by the parties involved. The amendment is in line with the text of the existing e-signatures directive (1999/93/EC).

Amendment 58
Tadeusz Zwiefka

Proposal for a regulation
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Regulation does not apply to trust services deployed solely for testing, training or scientific research purposes.

Or. en

Amendment 59
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘electronic identification’ means the

(1) ‘electronic identification’ means the

process of using person identification data in electronic form unambiguously representing a natural or legal person;

process of using person identification data in electronic form unambiguously representing ***an entity or*** a natural or legal person;

Or. en

Amendment 60
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘electronic identification means’ means a material or immaterial unit containing data as referred to in point 1 of this Article, and which is used to access services ***online*** as referred to in Article 5;

Amendment

(2) ‘electronic identification means’ means a material or immaterial unit containing data as referred to in point 1 of this Article, and which is used to access ***electronic*** services as referred to in Article 5;

Or. en

Amendment 61
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘certificate’ means an electronic attestation which links electronic signature or seal validation data ***of*** a natural or a legal person respectively ***to the certificate*** and confirms those data of that person;

Amendment

(10) ‘certificate’ means an electronic attestation which links electronic signature or seal validation data ***with the identification data of any entity or*** a natural or a legal person respectively and confirms those data of that person;

Or. en

Amendment 62
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘trust service provider’ means *a* natural or a legal person who provides *one or more* trust *services*;

Amendment

(14) ‘trust service provider’ means *an entity or a* natural or a legal person who provides *at least one* trust *service*;

Or. en

Amendment 63
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘creator of a seal’ means *a* legal person who creates an electronic seal;

Amendment

(19) ‘creator of a seal’ means *an entity or a* legal person who creates an electronic seal;

Or. en

Amendment 64
Tadeusz Zwiefka

Proposal for a regulation
Article 3 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘electronic document’ means a *document* in any electronic format;

Amendment

(27) ‘electronic document’ means a *separate set of structured data* in any electronic format;

Or. en

Amendment 65
Sergio Gaetano Cofferati

Proposal for a regulation
Article 3 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

Amendment

(31a) ‘breach of security’ means a security incident leading to the accidental or unlawful destruction, loss, alteration, or unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed.

Or. it

Amendment 66
Sergio Gaetano Cofferati

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Data processing and protection

1. Trust service providers, issuers, validation services, relying parties and supervisory bodies shall ensure fair and lawful processing in accordance with Directive 95/46/EC when processing personal data. Such processing shall be strictly limited to the minimum data needed to issue and maintain an eID or certificate, validate an electronic authentication or to provide a trust service.

2. Trust service providers, issuers, validation services shall guarantee the confidentiality and integrity of data related to a person to whom the eID is issued or the service is provided.

3. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent issuers from indicating in electronic

authentication means a pseudonym instead of or in addition to the holder's name or prevent trust service providers indicating in electronic signature certificates a pseudonym instead of the signatory's name.

4. Validation services must not collect or retain data beyond the extent necessary for the process of validation. Validation services must not profile signatories, relying parties or any other customers. Logs may be retained for the purpose of detecting fraud and intrusions but for no more than 90 days.

Or. en

Amendment 67
Tadeusz Zwiefka

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Data processing and protection

1. Trust service providers and data protection supervisory bodies shall ensure fair and lawful processing in accordance with Directive 95/46/EC when processing personal data.

2. Trust service providers shall process personal data according to Directive 95/46/EC. Such processing shall be strictly limited to the minimum data needed to issue and maintain a certificate or to provide a trust service.

3. Trust service providers shall guarantee the confidentiality and integrity of data related to a person to whom the trust service is provided.

4. Qualified trust service providers shall

store documents or information related to provided service according to national laws. In case of qualified trust service providers ending all activity aforementioned documents and data shall be deposited in supervisory body. Relevant documents and information may be archived electronically.

Or. en

Amendment 68
Francesco Enrico Speroni

Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Amendment

Mutual recognition **and acceptance**

Mutual recognition

Or. it

Justification

Recognition and acceptance are, technically and legally, two separate concepts that should not be confused or bracketed together.

Amendment 69
Sergio Gaetano Cofferati

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

When an electronic identification using an electronic identification means and authentication is **required** under national legislation or administrative practice to access a service online, any electronic identification means issued in another Member State **falling** under a scheme

When an electronic identification using an electronic identification means and authentication is **allowed** under national legislation or administrative practice to access a service online, any electronic identification means issued in another Member State **that ensures the same or an**

included in the list published by the Commission pursuant to the procedure referred to in Article 7 shall be recognised and accepted for the purposes of accessing this service.

higher level of assurance and that falls under a scheme included in the list published by the Commission pursuant to the procedure referred to in Article 7 shall be recognised and accepted for the purposes of accessing this service.

Or. en

Amendment 70
Sajjad Karim

Proposal for a regulation
Article 5

Text proposed by the Commission

When an electronic identification using an electronic identification means and authentication is required under national legislation or administrative practice to access a service online, ***any*** electronic identification means issued in another Member State ***falling*** under a scheme included in the list published by the Commission pursuant to ***the procedure referred to in*** Article 7 shall be recognised ***and accepted*** for the purposes of accessing ***this*** service.

Amendment

When an electronic identification using an electronic identification means and authentication is required under national legislation or administrative practice to access a ***public*** service online ***in one Member State, the*** electronic identification means issued in another Member State under a scheme, ***which is*** included in the list published by the Commission pursuant to Article 7, shall be recognised ***in the first Member State*** for the purposes of accessing ***that service online, provided that those electronic identification means correspond to an identity assurance level equal to or higher than the identity assurance level required for access to that service online in the first Member State.***

Or. en

Justification

This proposal should be initially introduced to public services only to build trust and confidence in the system, as long as this doesn't interfere with the development of the market. Levels of assurance or identity assurance levels are a crucial element of many global federated identity models. It is necessary to include this model in the text so that the Regulation can accommodate the models in different Member States.

Amendment 71
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – introductory wording

Text proposed by the Commission

1. Electronic identification *schemes* shall be eligible for notification pursuant to Article 7 if all the following conditions are met:

Amendment

1. **An** electronic identification *scheme* shall be eligible for notification pursuant to Article 7 if all the following conditions are met:

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 72
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the electronic identification means are issued by, ***on behalf of or under the responsibility of*** the notifying Member State;

Amendment

(a) the electronic identification means ***under that scheme are issued:***

(i) by the notifying Member State,

(ii) ***under a mandate from the notifying Member State, or***

(iii) ***independently of the notifying Member State and are recognised by that Member State;***

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 73
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the electronic identification means can be used to access at least **public services** requiring electronic identification in the notifying Member State;

Amendment

(b) the electronic identification means **under that scheme** can be used **to access** at least **one service provided by a public sector body** requiring electronic identification in the notifying Member State;

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 74
Sergio Gaetano Cofferati

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the electronic identification means can be used to access at least public services **requiring** electronic identification in the notifying Member State;

(b) the electronic identification means can be used to access at least public services **allowing** electronic identification in the notifying Member State;

Or. en

Amendment 75
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the electronic identification scheme meets the requirements of the interoperability mode under Article 81;

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 76
Francesco Enrico Speroni

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the electronic identification means have built-in security levels adjusted according to the types of services to which

they give access;

Or. it

Justification

Security has to be based on distinct levels. The proposal does not say what type of online services is to be accessed by means of electronic identification. Access to sensitive private data ought to imply, for the purposes of identification, reliability of a different degree from what is required for general information. The recognition of identity should be a process designed to provide the proper degree of security, corresponding to the type of services that citizens are to access.

Amendment 77
Giuseppe Gargani

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the electronic identification means have built-in security levels adjusted according to the types of services to which they give access;

Or. it

Amendment 78
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the notifying Member State ensures that the person identification data are attributed ***unambiguously*** to the natural or legal person referred to in Article 3 ***point1***;

(c) the notifying Member State ensures that the person identification data are attributed ***to a sufficiently high level for the identity assurance level in question*** to the natural or legal person referred to ***in point 1 of Article 3 at the time of issuance of the electronic identification means under that scheme;***

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 79
Rebecca Taylor

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the notifying Member State ensures that the person identification data are attributed ***unambiguously*** to the natural or legal person referred to in Article 3 point 1;

Amendment

(c) the notifying Member State ensures that the person identification data are attributed ***to a sufficiently high level for the identity assurance level in question*** to the natural or legal person referred to in Article 3 point 1;

Justification

Using the word unambiguously for the attribution of the person identification data would require a very high level of background check which is inconsistent with the use of the different levels of assurance.

Amendment 80
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the party issuing the electronic

identification means under that scheme ensures that the person identification data referred to in point (c) are attributed to a sufficiently high level for the identity assurance level in question to the electronic identification means at the time of the issuance of the electronic identification means;

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 81
Rebecca Taylor

Proposal for a regulation
Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the party issuing the electronic identification means ensures that the person identification data referred to in point (c) are attributed to a sufficiently high level for the identity assurance level in question in relation to the electronic identification means at the time of the issuance of the electronic identification means;

Or. en

Justification

The level of certainty applying to the attribution of data should be based on the level of assurance.

Amendment 82
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) the notifying Member State ensures the availability of *an authentication possibility online, at any time and free of charge so that any relying party can validate the person identification data received in electronic form.* Member States shall not impose any specific technical requirements on relying parties *established outside of their territory intending to carry out such authentication. When either the notified identification scheme or authentication possibility is breached or partly compromised, Member States shall suspend or revoke without delay the notified identification scheme or authentication possibility or the compromised parts concerned and inform the other Member States and the Commission pursuant to Article 7;*

Amendment

(d) *the notifying Member State ensures the availability of authentication online, so that any relying party established outside of the territory of that Member State can validate the person identification data received in electronic form. Such authentication shall be provided free of charge when accessing a service online provided by a public sector body.* Member States shall not *unduly* impose any specific technical requirements on relying parties *intending to carry out such authentication;*

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 83
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) at least six months prior to notification pursuant to Article 7(1), the notifying Member State provides to other Member States a description of the electronic identification scheme.

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 84
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the notifying Member State takes liability for: ***deleted***

– (i) the unambiguous attribution of the person identification data referred to in point (c), and

– (ii) the authentication possibility specified in point (d).

Or. en

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with

use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 85
Rebecca Taylor

Proposal for a regulation
Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the notifying Member State takes liability for: ***deleted***

(i) the unambiguous attribution of the person identification data referred to in point (c), and

(ii) the authentication possibility specified in point (d).

Or. en

Justification

Using the word unambiguous for the attribution of the person identification data would require a very high level of background check which is inconsistent with the use of the different levels of assurance.

Amendment 86
Sajjad Karim

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Point (e) of paragraph 1 is without prejudice to the liability of parties to a transaction in which electronic identification means falling under the notified scheme are used. ***deleted***

Justification

The unambiguous attribution of the person identification data to the person themselves would require a very high level of background check (at least Level 4) and which is inconsistent with use of different levels of assurance. The level of certainty applying to the attribution of data should be based on the level of assurance. This level should always be the minimum required to safeguard the interests of the relying party. The question of data minimisation is relevant here.

Amendment 87
Rebecca Taylor

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. **Point (e)** of paragraph 1 is without prejudice to the liability of parties to a transaction in which electronic identification means falling under the notified scheme are used.

Amendment

2. **Point (c) and (d)** of paragraph 1 is without prejudice to the liability of parties to a transaction in which electronic identification means falling under the notified scheme are used.

Amendment 88
Francesco Enrico Speroni

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall, by means of implementing acts, lay down the criteria defining the security levels corresponding to the types of services to which the electronic identification scheme gives access.

Justification

Security has to be based on distinct levels. The proposal for a regulation does not say what type of online services is to be accessed by means of electronic identification. Access to sensitive private data ought to imply, for the purposes of identification, reliability of a different degree from what is required for general information or transaction services.

Amendment 89 **Giuseppe Gargani**

Proposal for a regulation **Article 6 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Commission shall, by means of implementing acts, lay down the criteria defining the security levels corresponding to the types of services to which the electronic identification scheme gives access.

Or. it

Amendment 90 **Sajjad Karim**

Proposal for a regulation **Article 7 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States which notify an electronic identification scheme shall forward to the Commission the following information and without undue delay, any subsequent changes thereof:

(a) a description of the notified electronic identification scheme;

(b) the authorities responsible for the notified electronic identification scheme;

1. The notifying Member State shall forward to the Commission the following information and without undue delay, any subsequent changes thereof:

(a) a description of the notified electronic identification scheme, ***including its identity assurance levels;***

(b) the ***authority or*** authorities responsible for the notified electronic identification scheme;

(c) information on *by whom the registration of the unambiguous person identifiers is managed*;

(d) a description of the authentication *possibility*;

(e) arrangements for suspension or revocation of either the notified identification scheme or authentication *possibility* or the compromised parts concerned.

(c) information on *the entity or entities which manages the verification of the person identification data*;

(ca) a description of how the requirements of the interoperability framework referred to in Article 8 are met;

(d) a description of the authentication *referred to in point (d) of Article 6*;

(e) arrangements for suspension or revocation of either the notified identification scheme or authentication or the compromised parts concerned.

Or. en

Justification

These changes compliment those made to the other 'eID' articles and reiterate that "unambiguous" attribution is inconsistent with levels of assurance.

Amendment 91 Francesco Enrico Speroni

Proposal for a regulation Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) a description of the notified electronic identification scheme;

Amendment

(a) a description of the notified electronic identification scheme, *including the security levels corresponding to the types of services to be accessed*;

Or. it

Amendment 92 Giuseppe Gargani

Proposal for a regulation Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) a description of the notified electronic identification scheme;

Amendment

(a) a description of the notified electronic identification scheme, ***including the security levels corresponding to the types of services to be accessed;***

Or. it

Amendment 93
Francesco Enrico Speroni

Proposal for a regulation
Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) a description of the authentication possibility;

Amendment

(d) a description of the authentication possibility, ***taking into account the different security levels required for access;***

Or. it

Amendment 94
Sajjad Karim

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. If the Commission receives a notification after the period referred to in paragraph 2 expired, it shall ***amend the list within three months.***

Amendment

3. If the Commission receives a notification after the period referred to in paragraph 2 ***has*** expired, it shall ***publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within one month from the date of receipt of that notification.***

Or. en

Justification

These changes compliment those made to the other ‘eID’ articles and reiterate that “unambiguous” attribution is inconsistent with levels of assurance.

Amendment 95
Sajjad Karim

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

1. When either the electronic identification scheme notified pursuant to Article 7(1) or the authentication referred to in point (d) of Article 6 is breached or partly compromised in a way that would affect the reliability of that scheme for cross border transactions, the notifying Member State shall without delay suspend or revoke the cross border part of that electronic identification scheme or that authentication or the compromised parts concerned and inform other Member States and the Commission.

2. When the breach or compromise referred to in paragraph 1 has been remedied, the notifying Member State shall reestablish the authentication and shall inform other Member States and the Commission without undue delay.

3. If the breach or compromise referred to in paragraph 1 is not remedied within 3 months of the suspension or revocation, the notifying Member State shall notify the withdrawal of the electronic identification scheme to other Member States and to the Commission. The Commission shall publish without undue delay in the Official Journal of the European Union the corresponding amendments to the list referred to in Article 7(2).

Justification

Changes have been proposed to clarify the process in case of breach or compromise.

Amendment 96
Sajjad Karim

Proposal for a regulation
Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

1. The notifying Member State shall be liable for any direct damage caused to any natural or non-natural person due to a failure to comply with its obligations under points (c) and (d) of Article 6, unless it can show that it has not acted negligently.

2. The party issuing the electronic identification means shall be liable for any direct damage caused to any natural or non-natural person for failing to ensure, consistent with the application of the identity assurance levels within national schemes:

(i) the attribution of the person identification data referred to in point (ca) of Article 6, and

(ii) the correct operation of the authentication referred to in point (d) of Article 6,

unless it can show that it has not acted negligently.

3. Paragraphs 1 and 2 are without prejudice to the liability under national legislation of parties to a transaction in which electronic identification means falling under the notified scheme are used

Justification

It is important to clarify what the Member State / party issuing the eID is liable for. This amendment would mean that the notifying Member State/party issuing the electronic identification means is liable unless they can show that they have not acted negligently. This is consistent with the approach taken in Article 9, and will ensure an element of consistency regarding liability across Member States.

Amendment 97
Francesco Enrico Speroni

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Coordination

Amendment

Coordination ***and interoperability***

Or. it

Amendment 98
Sajjad Karim

Proposal for a regulation
Article 8 – title and paragraph 1

Text proposed by the Commission

Coordination

1. Member States shall cooperate in order to ensure the interoperability of electronic identification means falling under a notified scheme and to enhance their security.

Amendment

Cooperation and interoperability

1. The national electronic identification infrastructures need to provide for interoperability with the electronic identification infrastructures of other Member States. The interoperability between the national electronic identification infrastructures shall be ensured through an interoperability model.

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 99
Francesco Enrico Speroni

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall cooperate in order to ensure the interoperability of electronic identification means falling under a notified scheme and to enhance their security.

Amendment

1. Member States shall cooperate in order to ensure the interoperability **and technological neutrality** of electronic identification means falling under a notified scheme and to enhance their security.

Or. it

Justification

The provisions intended to guarantee technical interoperability have to be technologically neutral so as not to interfere with the options favoured by Member States when developing their national electronic identification and authentication schemes.

Amendment 100
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The interoperability model shall include the necessary minimum technical requirements, the common operational security standards and the levels of identity assurance and standards against which Member States will map their national scheme, certification and

governance.

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 101
Francesco Enrico Speroni

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where an electronic identification scheme has been shown to be unacceptable from the point of view of neutrality and interoperability in the light of the technological pre-checking for which Member States are to be responsible under the cooperation arrangement referred to in paragraph 1, it shall not be eligible for notification under Article 7 for the purposes of mutual recognition within the meaning of Article 5.

Or. it

Amendment 102
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The interoperability model shall:
i) ensure technology neutrality,

- ii) facilitate the principle of privacy by design,*
- iii) ensure personal data is processed in accordance with Directive 95/46/EC.*

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 103
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. By [insert the date], in order to establish uniform conditions for implementing paragraphs 1, 1a and 1b, the Commission shall adopt implementing acts on standards, protocols for the interoperability model and identity assurance levels.

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 104
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall cooperate in order to ensure the interoperability of electronic identification means falling under a notified electronic identification scheme and to enhance their security.

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 105
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. The cooperation between Member States shall consist of:

- i) exchange of information, experience and good practice on eID schemes,***
- ii) peer review of eID schemes;***
- iii) examination of relevant developments in the eID sector.***

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 106
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 2 and 2 a (new)

Text proposed by the Commission

2. The Commission shall, by means of implementing acts, establish the necessary modalities to facilitate the cooperation between the Member States referred to in **paragraph 1** with a view to fostering a high level of trust and security appropriate to the degree of risk. **Those implementing acts shall concern, in particular, the exchange of information, experiences and good practice on electronic identification schemes, the peer review of notified electronic identification schemes and the examination of relevant developments arising in the electronic identification sector by the competent authorities of the Member States.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Amendment

2. The Commission shall, by means of implementing acts, establish the necessary modalities to facilitate the cooperation between the Member States referred to in **paragraphs 1d and 1e** with a view to fostering a high level of trust and security appropriate to the degree of risk.

2a. The implementing acts **referred to in paragraphs 1c and 2 of this Article** shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 107
Sajjad Karim

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the facilitation of cross border interoperability of electronic identification means by setting of minimum technical requirements. *deleted*

Or. en

Justification

The interoperability model will be key to the success of the Regulation. Further discussion between Member States is required to determine what this needs to include and how this should work.

Amendment 108
Tadeusz Zwiefka

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the facilitation of cross border interoperability of electronic identification means by setting of minimum technical requirements. *deleted*

Or. en

Amendment 109
Francesco Enrico Speroni

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the facilitation of *cross border* interoperability of electronic identification means by setting of minimum **technical** requirements.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the facilitation of *cross-border* interoperability of electronic identification means by setting of **technologically neutral** minimum requirements **for the security levels required for access**.

Or. it

Justification

The provisions intended to guarantee technical interoperability have to be technologically neutral so as not to interfere with the options favoured by Member States when developing their national electronic identification and authentication schemes.

Amendment 110
Sergio Gaetano Cofferati

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A trust service provider shall be liable for any **direct** damage caused to any natural or legal person due to failure to comply with the obligations laid down in Article 15(1), unless the trust service provider can prove that he has not acted negligently.

Amendment

1. A trust service provider shall be liable for any damage caused to any natural or legal person due to failure to comply with the obligations laid down in Article 15(1), unless the trust service provider can prove that he has not acted negligently.

Or. it

Amendment 111
Tadeusz Zwiefka

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A trust service provider shall be liable **for any direct** damage caused to any natural or legal person due to failure to comply with the obligations laid down in Article 15(1), unless the trust service provider can prove that he has not acted negligently.

Amendment

1. A trust service provider shall be liable **under national law for** damage caused to any **entity or** natural or legal person due to failure to comply with the obligations laid down in Article 15(1), unless the trust service provider can prove that he has not acted negligently.

Or. en

Amendment 112
Tadeusz Zwiefka

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. A qualified trust service provider shall be liable for any direct damage caused to any natural or legal person due to failure to meet the requirements laid down in this Regulation, in particular in Article 19, unless the qualified trust service provider can prove that he has not acted negligently.

Amendment

deleted

Or. en

Amendment 113
Sergio Gaetano Cofferati

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. A qualified trust service provider shall be liable for any **direct** damage caused to any natural or legal person due to failure to meet the requirements laid down in this

Amendment

2. A qualified trust service provider shall be liable for any damage caused to any natural or legal person due to failure to meet the requirements laid down in this

Regulation, in particular in Article 19, unless the qualified trust service provider can prove that he has not acted negligently.

Regulation, in particular in Article 19, unless the qualified trust service provider can prove that he has not acted negligently.

Or. it

Amendment 114
Tadeusz Zwiefka

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Subject to the following conditions, trust service providers may indicate limitations on the use of the services they provide:

(a) they duly inform their customers in advance of those limitations, and

(b) those limitations are recognisable to third parties.

Where trust service providers indicate limitations on the use of the services they provide in accordance with the previous subparagraph, they shall not be liable for damages exceeding the indicated limitations.

Or. en

Amendment 115
Sajjad Karim

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Qualified*** trust services ***and qualified certificates*** provided by ***qualified*** trust service providers established in a third country shall be ***accepted*** as qualified trust

1. ***Trust services provided by*** trust service providers established in a third country shall be ***recognised as legally equivalent to*** qualified trust services provided by

services **and qualified certificates** provided by **a** qualified trust service providers established in **the territory of** the Union if the **qualified** trust services **or qualified certificates** originating from the third country **are recognised under an agreement between the Union and third countries or international organisations in accordance with Article 218 TFUE.**

qualified trust service providers established in the Union if the trust services originating from the third country **comply with the relevant requirements of this Regulation as determined by a supervisory body established in a Member State.**

Or. en

Justification

If third country trust service providers meet the supervision requirements set out in this chapter, their services should be accepted by EU supervisory bodies (this would reflect the arrangements set out in Article 7.1(a) of the current e-signatures directive). This proposal would require third country governments to draw up bilateral agreements with the EU to cover individual trust service providers and this agreement would also require third country governments to legally recognise all qualified trust services from anywhere in the EU which seems a disproportionate, time-consuming and an unnecessary bureaucratic and potentially costly process.

Amendment 116 **Sajjad Karim**

Proposal for a regulation **Article 10 – paragraph 2**

Text proposed by the Commission

Amendment

2. With reference to paragraph 1, such agreements shall ensure that the requirements applicable to qualified trust services and qualified certificates provided by qualified trust service providers established in the territory of the Union are met by the trust service providers in the third countries or international organisations, especially with regard to the protection of personal data, security and supervision.

deleted

Or. en

Justification

If third country trust service providers meet the supervision requirements set out in this chapter, their services should be accepted by EU Supervisory Bodies (this would reflect the arrangements set out in Article 7.1(a) of the current e-signatures directive). This proposal would require third country governments to draw up bilateral agreements with the EU to cover individual trust service providers and this agreement would also require third country governments to legally recognise all qualified trust services from anywhere in the EU which seems a disproportionate, time-consuming and an unnecessary bureaucratic and potentially costly process.

Amendment 117
Sergio Gaetano Cofferati

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

***Right of access and information for users
of trust services***

***Trust service providers shall provide users
with at least the following:***

***(a) information on the collection,
communication, and retention of their
personal data;***

***(b) means of checking their personal data
and exercising their data protection
rights.***

Or. it

Amendment 118
Sergio Gaetano Cofferati

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Trust services provided and end user
products used in the provision of those

Trust services provided and end user
products used in the provision of those

services shall be made accessible for persons with disabilities *whenever possible*.

services shall be made accessible for persons with disabilities.

Or. it

Amendment 119
Tadeusz Zwiefka

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Trust services provided and end user products used in the provision of those services shall be made accessible for persons with disabilities *whenever possible*.

Amendment

1. Trust services provided and end user products used in the provision of those services shall be made accessible for persons with disabilities *according to existing EU legislation*.

Or. en

Amendment 120
Tadeusz Zwiefka

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall establish and award trust mark to distinguish products and services accessible for persons with disabilities.

Or. en

Amendment 121
Tadeusz Zwiefka

Proposal for a regulation
Article 12 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. EU standards organizations are responsible for development of assessment criteria for products and services accessible for persons with disabilities.

Or. en

Amendment 122
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall designate ***an appropriate*** body established in their territory ***or, upon mutual agreement, in another Member State under the responsibility of the designating Member State. Supervisory bodies shall be given all supervisory and investigatory powers that are necessary for the exercise of their tasks.***

1. Member States shall designate ***a supervisory*** body established in their territory.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 123
Tadeusz Zwiefka

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall designate an appropriate body established in their territory or, upon mutual agreement, in another Member State under the responsibility of the designating Member State. Supervisory bodies shall be given ***all supervisory and investigatory*** powers that are necessary for the exercise of their tasks.

Amendment

1. Member States shall designate an appropriate body established in their territory or, upon mutual agreement, in another Member State under the responsibility of the designating Member State. Supervisory bodies shall be given powers that are necessary for the exercise of their tasks.

Or. en

Amendment 124
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall notify to the Commission the names and the addresses of their respective designated supervisory bodies.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 125
Tadeusz Zwiefka

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 39(2) concerning specific means of supervision.

Or. en

Amendment 126
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 – introductory wording

Text proposed by the Commission

Amendment

2. The supervisory body shall **be responsible for the performance of the following tasks:**

2. The supervisory body shall, **insofar as is possible, ensure that:**

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 127
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) **monitoring** trust service providers established in the territory of the designating Member State **to ensure that they** fulfil the requirements laid down in **Article 15**;

(a) trust service providers established in the territory of the designating Member State fulfil the requirements laid down in **this Regulation**;

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 128
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) **undertaking supervision of** qualified trust service **providers established in the territory of the designating Member State and of the qualified trust services they provide in order to ensure that they and the qualified trust services** provided by **them** meet the **applicable** requirements laid down in this Regulation;

(b) qualified trust services provided by **qualified trust service providers** meet the requirements laid down in this Regulation; **and**

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is

clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 129
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) if relevant pursuant to Article 10, that the trust service providers established in third countries and the trust services they provide fulfil the applicable requirements laid down in this Regulation.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 130
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ensuring that relevant information and data referred to in point (g) of Article 19(2), and recorded by qualified trust service providers are preserved and kept accessible after the activities of a qualified trust service provider have ceased, for an appropriate time with a view to

guaranteeing continuity of the service.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 131
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purposes of ensuring continuity of the service, the supervisory body may adopt provisions on termination plans in cases where the qualified trust service providers cease their activities.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 132
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. Each supervisory body shall submit a **yearly** report on ***the last*** calendar year's **supervisory activities to the Commission and Member States by the end of the first quarter of the following year. It shall include at least:**

(a) information on its supervisory activities;

(b) a summary of breach notifications received from trust service providers in accordance with Article 15(2);

(c) statistics on the market and usage of qualified trust services, including information on qualified trust service providers themselves, the qualified trust services they provide, the products they use and the general description of their customers.

Amendment

3. ***Annually, by the 31st March***, each supervisory body shall submit ***to the Commission*** a report on ***its previous*** calendar year's activities ***together with a*** summary of breach notifications received from trust service providers in accordance with Article 15(2).

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 133
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall make the annual report referred to in paragraph 3

available to Member States.

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 134
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify to the Commission and other Member States the names and the addresses of their respective designated supervisory bodies.

deleted

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 135
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 38, concerning the definition of procedures applicable to the tasks referred to in paragraph 2. **deleted**

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the responsibility of the service provider. We should not confuse or conflate the two.

Amendment 136
Sajjad Karim

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may, by means of implementing acts, define the **circumstances**, formats and procedures for the report referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

6. The Commission may, by means of implementing acts, define the formats and procedures for the report referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Justification

The supervisory body can only be responsible for ensuring that it monitors a service provider's performance and service delivery against the criteria and requirements set out in this Regulation, it cannot "ensure" that a service provider meets them, which is the responsibility of the service provider delivering the service. We need to ensure that there is clear dividing line between the proper role and responsibility of the supervisory body and the

responsibility of the service provider. We should not confuse or conflate the two.

Amendment 137

Sajjad Karim

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Supervisory bodies shall cooperate with a view to exchange good practice **and provide each other, within the shortest possible time, with relevant information and mutual** assistance so that activities can be carried out in a consistent manner. **Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out inspections related to the security audits** as referred to in Articles 15, 16 and 17.

Amendment

1. Supervisory bodies shall cooperate with a view to exchanging good practice. **A supervisory body shall, upon a receiving a request from another supervisory body, provide that body with** assistance so that **their** activities can be carried out in a consistent manner. **Supervisory bodies shall also cooperate where a request is made under the Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products¹. In addition, mutual assistance may also cover information requests and supervisory measures related to the conformity assessment reports** as referred to in Articles 15, 16 and 17.

¹ OJ L 218, 13.8.2008, p. 30.

Or. en

Justification

The Regulation on Accreditation and Market Surveillance (765/2008) already allows for inspections, so references to inspections here would be confusing and risk introducing i) unnecessary duplication and ii) a more onerous and costly requirement than already agreed and operating in Member States.

Amendment 138

Sajjad Karim

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. A supervisory body to which a request for assistance is addressed may **not** refuse **to comply with it unless:**

(a) **it** is not competent to **deal with the request; or**

(b) **compliance with the request** would be incompatible with this Regulation.

2. A supervisory body to which a request for assistance is addressed may refuse **that request under any of the following conditions:**

(a) **the supervisory body** is not competent to **provide the requested assistance;**

(aa) the requested assistance is not proportionate to standard supervisory activities of the supervisory body;

(b) **if the requested assistance** would be incompatible with this Regulation.

Or. en

Justification

The Regulation on Accreditation and Market Surveillance (765/2008) already allows for inspections, so references to inspections here would be confusing and risk introducing i) unnecessary duplication and ii) a more onerous and costly requirement than already agreed and operating in Member States.

Amendment 139
Sajjad Karim

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Where appropriate, supervisory bodies may carry out joint investigations in which staff from other Member States' supervisory bodies is involved.

deleted

The supervisory body of the Member State where the investigation is to take place, in compliance with its own national law, may devolve investigative tasks to the assisted supervisory body's staff. Such

powers may be exercised only under the guidance and in the presence of staff from the host supervisory body. The assisted supervisory body's staff shall be subject to the host supervisory body's national law. The host supervisory body shall assume responsibility for the assisted supervisory body staff's actions.

Or. en

Justification

The Regulation on Accreditation and Market Surveillance (765/2008) already allows for inspections, so references to inspections here would be confusing and risk introducing i) unnecessary duplication and ii) a more onerous and costly requirement than already agreed and operating in Member States.

Amendment 140
Sajjad Karim

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may, by means of implementing acts, specify the formats and procedures for the mutual assistance provided for in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

deleted

Or. en

Justification

The Regulation on Accreditation and Market Surveillance (765/2008) already allows for inspections, so references to inspections here would be confusing and risk introducing i) unnecessary duplication and ii) a more onerous and costly requirement than already agreed and operating in Member States.

Amendment 141
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. Trust service providers ***who are established in the territory of the Union*** shall ***take appropriate technical and organisational measures*** to manage the risks posed to the security of the trust services they provide. Having regard to ***state of the art, these*** measures shall ensure that the level of security is ***appropriate*** to the degree of risk. In particular, measures shall be taken to prevent and minimise the impact of security incidents and inform stakeholders of adverse effects of any incidents.

Without prejudice to Article 16(1), ***any*** trust service provider ***may*** submit ***the report of a security audit carried out by a recognised independent body to the supervisory body*** to confirm that appropriate security measures have been taken.

Amendment

1. Trust service providers shall manage the risks posed to the security of the trust services they provide ***in accordance with existing industry best practice and industry standards***. Having regard to the ***latest technological developments, any such*** measures shall ensure that the level of security is ***commensurate*** to the degree of risk. In particular, measures shall be taken to prevent and minimise the impact of security incidents and inform stakeholders of the adverse effects of any incidents.

Without prejudice to Article 16(1), trust service providers ***shall*** submit ***to the supervisory body a conformity assessment report provided by a conformity assessment*** body to confirm that appropriate security measures have been taken.

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 142
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. Trust service providers shall, without undue delay **and where feasible not later than 24 hours** after having become aware of it, notify the **competent** supervisory body, the competent national body for information security **and other relevant third parties such as** data protection authorities of any breach of security or loss of integrity that has a significant impact on the trust service provided and on the personal data maintained therein.

Where appropriate, in particular if a breach of security or loss of integrity concerns two or more Member States, the supervisory body **concerned** shall inform supervisory bodies in other Member States and the European Network and Information Security Agency (ENISA).

The supervisory body concerned **may also** inform the public or require the trust service provider to do so, where it determines that disclosure of the breach is in the public interest.

Amendment

2. Trust service providers shall, without undue delay after having become aware of it, notify the supervisory body **and, where appropriate, other relevant bodies, such as** the competent national body for information security **or the** data protection **authority**, of any breach of security or loss of integrity that has a significant impact on the trust service provided and on the personal data maintained therein.

Where appropriate, in particular if a breach of security or loss of integrity concerns two or more Member States, the **notified** supervisory body shall inform **the** supervisory bodies in **the** other Member States and the European Network and Information Security Agency (ENISA).

The **notified** supervisory body **shall** inform the public or require the trust service provider to do so, where it determines that disclosure of the breach is in the public interest.

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 143
Rebecca Taylor

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Trust service providers shall, without undue delay and **where feasible not later**

Amendment

2. Trust service providers shall, without undue delay and **as soon as it becomes**

than 24 hours after having become aware of it, notify the competent supervisory body, the competent national body for information security and other relevant third parties such as data protection authorities of any breach of security or loss of integrity that has a significant impact on the trust service provided and on the personal data maintained therein.

aware of it, notify the competent supervisory body, the competent national body for information security and other relevant third parties such as data protection authorities of any breach of security or loss of integrity that has a significant impact on the trust service provided and on the personal data maintained therein.

Or. en

Justification

The focus should be for the trust service provider to resolve the breach of security or loss as soon as it becomes aware of it.

Amendment 144
Sergio Gaetano Cofferati

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When the breach of security is likely to adversely affect the users of trust services, the supervisory body shall without undue delay notify the breach to those users in order to enable them to take the necessary precautions.

Or. it

Amendment 145
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. The supervisory body shall provide to ENISA and to the Commission once a

deleted

year with a summary of breach notifications received from trust service providers.

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 146
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. In order to implement paragraphs 1 and 2, the **competent** supervisory body shall have the power to **issue binding instructions to trust service providers.**

Amendment

4. In order to implement paragraphs 1 and 2, the supervisory body shall have the power to **require trust service providers to take the necessary action in order to be able to fulfil these requirements.**

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 147
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 38, concerning the further specification of the measures referred to in paragraph 1.

deleted

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 148
Sajjad Karim

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may, by means of implementing acts, define **the circumstances, formats and procedures, including deadlines, applicable for the purpose of paragraphs 1 to 3.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

6. The Commission may, by means of implementing acts, define **further specification of the measures referred to in paragraph 1 and the formats and procedures, including deadlines, applicable for the purpose of paragraph 2.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Justification

It is important that this Regulation is in line with best practice and standards so that any EU regulatory system/framework is not seen to be unnecessarily burdensome and costly to the detriment of innovation and service provision.

Amendment 149
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Qualified trust service providers shall be audited by a **recognised independent** body once a year to confirm that they and the qualified trust services provided by them fulfil the requirements set out in this Regulation, and shall submit the resulting **security audit** report to the supervisory body.

Amendment

1. Qualified trust service providers shall be audited, **annually, at their own expense** by a **conformity assessment** body **in order** to confirm that they and the qualified trust services provided by them fulfil the requirements set out in this Regulation, and **they** shall submit the resulting **conformity assessment** report to the supervisory body.

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 150
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. Without prejudice to paragraph 1, the supervisory body may at any time audit the qualified trust service providers to confirm that they and the qualified trust services provided by them still meet the conditions set out in this Regulation, **either on its own initiative or in response to a request from the Commission. The supervisory body** shall inform the data protection authorities of the results of its audits, **in case personal**

Amendment

2. Without prejudice to paragraph 1, the supervisory body may at any time audit the qualified trust service providers to confirm that they and the qualified trust services provided by them meet the conditions set out in this Regulation. **Where personal data protection rules as set out in Directive 95/46/EC appear to have been breached, the supervisory body** shall inform the data protection authorities of the

data protection rules appear to have been breached.

results of its audits.

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 151
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. The supervisory body shall have the power to ***issue binding instructions to*** qualified trust service providers to remedy any failure to fulfil the requirements indicated in the ***security audit*** report.

Amendment

3. The supervisory body shall have the power to ***require*** qualified trust service providers to remedy any failure to fulfil the requirements indicated in the ***conformity assessment*** report.

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 152
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

4. With reference to paragraph 3, if the qualified trust service provider does not remedy any such failure within a time limit set by the supervisory body, **it shall lose its qualified status and be informed by the supervisory body that its status will be changed accordingly in** the trusted lists referred to in Article 18.

Amendment

4. With reference to paragraph 3, if the qualified trust service provider does not remedy any such failure within a time limit set by the supervisory body, **the supervisory body shall withdraw its qualified status and amend the trusted lists referred to in Article 18 accordingly. The supervisory body shall inform the trust service provider of the withdrawal of its qualified status.**

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 153
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the specification of the conditions under which the independent body carrying out the audit referred to in paragraph 1 of this Article and in Article 15(1) and in Article 17(1) shall be recognised.

Amendment

deleted

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 154
Sajjad Karim

Proposal for a regulation
Article 16 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may, by means of implementing acts, define the circumstances, procedures and formats applicable for the purpose of paragraphs 1, 2 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

deleted

Or. en

Justification

This Regulation should use/sit within the powers set out in existing legislation rather than seek to introduce an alternative/parallel system in respect of the same issues, which risks introducing unnecessary duplication and/or increased costs for MSs, service providers and, potentially, consumers i.e. the Regulation on Accreditation and Market Surveillance (RAMS) 765/2008, which already applies and provides sufficient powers in respect of supervision.

Amendment 155
Sajjad Karim

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. *Qualified* trust service providers shall

1. *Where* trust service providers *intend to*

notify the supervisory body *of* their intention *to start providing a qualified trust service and shall submit to the supervisory body a security audit* report carried out by a *recognised independent* body, as provided for in Article 16(1).
Qualified trust service providers may start to provide the qualified trust service after they have submitted the notification and security audit report to the supervisory body.

start providing qualified trust services, they shall submit to the supervisory body ***a notification of*** their intention ***together with a conformity assessment*** report ***provided*** by a ***conformity assessment*** body, as provided for in Article 16(1).

Or. en

Justification

To ensure that appropriate checks have been carried out before a service provider is able to start providing qualified trust services - reference to a conformity assessment body is in keeping with established practice and removes the legal uncertainty around what is meant by a “recognised, independent body”.

Amendment 156 **Sajjad Karim**

Proposal for a regulation **Article 17 – paragraph 2**

Text proposed by the Commission

Amendment

2. Once the relevant documents are submitted to the supervisory body according to paragraph 1, the qualified service providers shall be included in the trusted lists referred to in Article 18 indicating that the notification has been submitted.

deleted

Or. en

Justification

To ensure that appropriate checks have been carried out before a service provider is able to start providing qualified trust services - reference to a conformity assessment body is in keeping with established practice and removes the legal uncertainty around what is meant by

a “recognised, independent body”.

Amendment 157

Sajjad Karim

Proposal for a regulation

Article 17 – paragraph 3 – subparagraphs 1 and 2

Text proposed by the Commission

3. The supervisory body shall verify the compliance of the **qualified** trust service provider and of the **qualified** trust services provided by it with the requirements of the Regulation.

The supervisory body shall indicate the qualified status of the qualified service providers and the qualified trust services they provide in the trusted lists after the positive conclusion of the verification, not later than one month after the notification has been done in accordance with paragraph 1.

Amendment

3. The supervisory body shall verify the compliance of the trust service provider and of the trust services provided by it with the requirements of this Regulation, ***in particular with the requirements provided for qualified trust services providers. If the supervisory body concludes that the trust service provider and the trust services provided by it comply with those requirements, the supervisory body shall grant the qualified status to the trust service provider and the trust services it provides and indicate such status in the trusted lists referred to in Article 18, not later than one month after notification in accordance with paragraph 1.***

Or. en

Justification

To ensure that appropriate checks have been carried out before a service provider is able to start providing qualified trust services - reference to a conformity assessment body is in keeping with established practice and removes the legal uncertainty around what is meant by a “recognised, independent body”.

Amendment 158
Sajjad Karim

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. A qualified trust service *which has been subject to the notification referred to in paragraph 1 cannot be refused for the fulfilment of an administrative procedure or formality by the concerned public sector body for not being included in the lists* referred to in paragraph 3.

Amendment

4. Qualified trust service *providers may start to provide the qualified trust service after the status* referred to in paragraph 3 *has been indicated in the trusted lists.*

Or. en

Justification

To ensure that appropriate checks have been carried out before a service provider is able to start providing qualified trust services - reference to a conformity assessment body is in keeping with established practice and removes the legal uncertainty around what is meant by a “recognised, independent body”.

Amendment 159
Sajjad Karim

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. The Commission may, by means of implementing acts, define the *circumstances*, formats and procedures for the purpose of paragraphs 1, 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Amendment

5. The Commission may, by means of implementing acts, define the formats and procedures for the purpose of paragraphs 1 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Justification

To ensure that appropriate checks have been carried out before a service provider is able to start providing qualified trust services - reference to a conformity assessment body is in keeping with established practice and removes the legal uncertainty around what is meant by a “recognised, independent body”.

Amendment 160
Sajjad Karim

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish, maintain and publish trusted lists with information related to the qualified trust service providers for which it is **competent** together with information related to the qualified trust services provided by them.

Amendment

1. Each Member State shall establish, maintain and publish trusted lists with information related to the qualified trust service providers for which it is **responsible** together with information related to the qualified trust services provided by them.

Or. en

Amendment 161
Sajjad Karim

Proposal for a regulation
Article 18 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the definition of the information referred to in paragraph 1.

Amendment

deleted

Or. en

Amendment 162
Sajjad Karim

Proposal for a regulation
Article 18 – paragraph 6

Text proposed by the Commission

6. The Commission may, by means of implementing acts, define the technical specifications and formats for trusted lists applicable for the purposes of paragraphs 1 to 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Amendment

6. The Commission may, by means of implementing acts, ***specify the information referred to in paragraph 1 and*** define the technical specifications and formats for trusted lists applicable for the purposes of paragraphs 1 to 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Amendment 163
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. When issuing a qualified certificate, a qualified trust service provider shall verify, by appropriate means and in accordance with national law, the identity ***and, if applicable, any specific attributes*** of the natural or legal person to whom a qualified certificate is issued.

Such information shall be verified by the qualified service provider or by **an authorised** third party acting under the responsibility of the qualified service provider:

- (a) by a physical appearance of the natural person or of an authorised representative of the legal person, or
- (b) remotely, using electronic identification means ***under a notified scheme*** issued in compliance with point

Amendment

1. When issuing a qualified certificate, a qualified trust service provider shall verify, by appropriate means and in accordance with national law, the identity of the natural or legal person to whom a qualified certificate is issued.

The information referred to in the previous subparagraph shall be verified by the qualified service provider or by **a** third party acting under the responsibility of the qualified service provider:

- (a) by a physical appearance of the natural person or of an authorised representative of the ***non-natural*** person, or
- (b) remotely, using electronic identification means issued in compliance with point (a).

(a).

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 164
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point a

Text proposed by the Commission

(a) employ staff who possess the necessary expertise, experience, and qualifications and apply administrative and management procedures which correspond to European or international standards **and have received appropriate training regarding security and personal data protection rules;**

Amendment

(a) employ staff who possess the necessary expertise, experience, and qualifications and **who have received appropriate training regarding security and personal data protection rules and shall** apply administrative and management procedures which correspond to European or international standards;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 165
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point b

Text proposed by the Commission

(b) **bear** the risk of liability for damages by **maintaining** sufficient financial resources

Amendment

(b) **with regard to** the risk of liability for damages, **maintain** sufficient financial

or *by an* appropriate liability insurance *scheme*;

resources or *obtain* appropriate liability insurance;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 166
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point c

Text proposed by the Commission

(c) before entering into a contractual relationship, inform any person seeking to use a qualified trust service of the *precise* terms and conditions regarding the use of that service;

Amendment

(c) before entering into a contractual relationship, inform any person seeking to use a qualified trust service of the terms and conditions regarding the use of that service, *including any limitation on its use*;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 167
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point e

Text proposed by the Commission

(e) use trustworthy systems to store data provided to them, in a verifiable form so

Amendment

(e) use trustworthy systems to store data provided to them, in a verifiable form so

that:

- they are publicly available for retrieval only where the consent of the person to whom the data *has been issued* has been obtained,
- only authorised persons can make entries and changes,
- *information* can be checked for authenticity;

that:

- they are publicly available for retrieval only where the consent of the person to whom the data *relates* has been obtained,
- only authorised persons can make entries and changes *to the stored data*,
- *the data* can be checked for authenticity;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 168

Sajjad Karim

Proposal for a regulation

Article 19 – paragraph 2 – point f

Text proposed by the Commission

(f) take measures against forgery and theft of data;

Amendment

(f) take appropriate measures against forgery and theft of data;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 169

Sajjad Karim

Proposal for a regulation

Article 19 – paragraph 2 – point g

Text proposed by the Commission

(g) record for an appropriate period of time all relevant information concerning data issued and received by the qualified trust service provider, in particular for the purpose of providing evidence in legal proceedings. Such recording may be done electronically;

Amendment

(g) record **and keep accessible** for an appropriate period of time, **including after the activities of the qualified trust service provider have ceased**, all relevant information concerning data issued and received by the qualified trust service provider, in particular for the purpose of providing evidence in legal proceedings **and for the purpose of ensuring continuity of the service in accordance with the termination plans referred to in Article 13(2)(a)**. Such recording may be done electronically;

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 170
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point h

Text proposed by the Commission

(h) have an up-to-date termination plan to ensure continuity of service in accordance with **arrangements issued** by the supervisory body under point (c) of Article 13(2);

Amendment

(h) have an up-to-date termination plan to ensure continuity of service, **where applicable**, in accordance with **provisions adopted** by the supervisory body under Article 13(2a);

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 171
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) when the qualified trust service includes the issuing of qualified certificates, establish and keep updated a certificate database.

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 172
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

Amendment

3. Qualified trust service providers issuing qualified certificates shall register ***in their certificate database the*** revocation ***of the certificate within ten minutes after such revocation has*** taken effect.

3. ***When*** qualified trust service providers issuing qualified certificates ***decide to revoke a certificate, they*** shall register ***such*** revocation ***in their*** certificate database ***and publish the revocation status of the certificate in a timely manner (but in any case, within 24 hours) of the decision to revoke being*** taken. ***Such*** revocation shall become effective ***immediately upon its registration in the certificate database.***

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 173
Sajjad Karim

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

5. The Commission may, by means of implementing acts, establish reference numbers of standards for trustworthy systems and products. Compliance with the requirements laid down in Article 19 shall be presumed where trustworthy systems and products meet those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2). ***The Commission shall publish those acts in the Official Journal of the European Union.***

Amendment

5. The Commission may, by means of implementing acts, establish reference numbers of standards for trustworthy systems and products ***which comply with the requirements under paragraph 2, points (d) and (e), of this Article.*** Compliance with the requirements laid down in Article 19 shall be presumed where trustworthy systems and products meet those standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Or. en

Justification

This provides the additional detail necessary to ensure that trust service providers know what is required of them.

Amendment 174
Rebecca Taylor

Proposal for a regulation
Article 20 – paragraph 6

Text proposed by the Commission

6. The Commission shall be empowered to adopt delegated acts in accordance with

Amendment

deleted

Article 38 concerning the definition of the different security levels of electronic signature referred to in paragraph 4.

Or. en

Justification

The use of delegated act here goes further than what is intended by Article 290. The definition of the different security levels of electronic signatures should not be defined by delegated acts.

Amendment 175
Rebecca Taylor

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the definition of different security assurance levels of electronic seals referred to in paragraph 4. *deleted*

Or. en

Justification

The use of delegated act here goes further than what is intended by Article 290. The definition of the different security assurance levels of electronic seals should not be defined by delegated acts.