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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/0146(COD)**

07.6.2013

## **AMENDMENTS 43 - 147**

**Draft opinion**  
**Jens Rohde**  
(PE504.331v01-00)

on the proposal for a regulation of the European Parliament and of the Council  
on 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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PE510.805v01-00



**Amendment 43**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Ensuring that all citizens have access to the technology and skills that enable them to benefit equally from digital offerings and electronic services is vital in order to ensure equal opportunities and inclusion of all parts of society.***

Or. en

**Amendment 44**  
**Hans-Peter Martin**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) The Commission's Digital Agenda for Europe identified the fragmentation of the digital market, the lack of interoperability and the rise in cybercrime as major obstacles to the virtuous cycle of the digital economy. In its Citizenship Report 2010 the Commission further highlighted the need to solve the main problems which prevent European citizens from enjoying the benefits of a digital single market and cross-border digital services.

(4) The Commission's Digital Agenda for Europe, ***which it submitted as part of the Europe 2020 Strategy***, identified the fragmentation of the digital market, the lack of interoperability and the rise in cybercrime as major obstacles to the virtuous cycle of the digital economy. In its Citizenship Report 2010 the Commission further highlighted the need to solve the main problems which prevent European citizens from enjoying the benefits of a digital single market and cross-border digital services.

Or. de

**Amendment 45**  
**Jens Rohde**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Electronic identification schemes should comply with Directive 95/46 of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup>, which governs the processing of personal data carried out in the Member States pursuant to this Regulation and under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States.***

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<sup>1</sup> OJ L 281, 23.11.1995, p. 31

Or. en

*Justification*

*Electronic identification schemes controls personal data and should thus comply with the data protection directive just like the trust services.*

**Amendment 46**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) In most cases service providers from another Member State cannot use their electronic identification to access these services because the national electronic identification schemes in their country are not recognised and accepted in other Member States. This electronic barrier excludes service providers from enjoying the full benefits of the internal market.

(9) In most cases service providers from another Member State cannot use their electronic identification to access these services because the national electronic identification schemes in their country are not recognised and accepted in other Member States. This electronic barrier excludes service providers from enjoying the full benefits of the internal market.

Mutually recognized and accepted electronic identification means **will** facilitate cross-border provision of **numerous** services in the Internal Market and enable businesses to go cross-border without facing many obstacles in interactions with public authorities

Mutually recognized and accepted electronic identification means **could** facilitate cross-border provision of services in the Internal Market and enable businesses to go cross-border without facing many obstacles in interactions with public authorities

Or. nl

**Amendment 47**  
**Salvatore Iacolino**

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

*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, electronic identification and authentication is **fit for purpose and consistent with the types of service to be accessed**.

Or. it

*Justification*

*If the means employed offered levels of electronic identification and authentication commensurate with the particular type of online services, the security requirement would be met, irrespective of whether the data concerned were considered sensitive or amounted to general information.*

**Amendment 48**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) The cross border use of electronic identification means should not lead to disclosure of personal data that are not necessary for the service to be provided. The principle of data minimization should be respected.***

Or. en

**Amendment 49**  
**Hans-Peter Martin**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

(20) Because of the pace of technological change, this Regulation should adopt an approach which is open to innovations.

(20) Because of the pace of technological change, this Regulation should adopt an approach which is open to innovations ***but which at all times focuses primarily on consumers and their interests.***

Or. de

**Amendment 50**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

*Amendment*

(23) In line with the obligations under the UN Convention on the Rights of Persons with Disabilities that has entered into force in the EU, persons with disabilities should be able to use trust services and end user

(23) In line with the obligations under the UN Convention on the Rights of Persons with Disabilities that has entered into force in the EU ***and in line the Commission proposal on the accessibility of public***

products used in the provision of those services on equal bases with other consumers.

*sector bodies' websites*<sup>1</sup>, persons with disabilities should be able to use trust services and end user products used in the provision of those services on equal bases with other consumers.

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*<sup>1</sup>Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites 2012/0340. COM(2012) 721 final.*

Or. en

**Amendment 51**  
**Salvador Sedó i Alabart**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

*(23a) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup> governs the processing of personal data carried out in the Member States, under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States. Accordingly, any processing of personal data performed in the context of this Regulation should comply with Directive 95/46/EC.*

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<sup>1</sup> OJ L 281, 23.11.1995, p. 31

Or. en

**Amendment 52**

**Anna Hedh**

**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, in defining and implementing its policies and activities, the Union must 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. Accordingly, the concepts of accessibility and design for all should be mainstreamed in the development of legal measures on electronic identification at Union level.***

Or. en

**Amendment 53**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup> governs the processing of personal data carried out in the Member States pursuant to this Regulation and under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States.***



Or. en

**Amendment 54**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) A high level of data protection through appropriate and harmonised safeguards is all the more important for the use of electronic identification schemes and trust services, as both will require the processing of personal data. Such processing will be relied upon, amongst other things, for identifying and authenticating persons in the most reliable manner; moreover the lack of appropriate safeguards could lead to significant data protection risks such as identity theft, forgery or misuse of the electronic medium.***

Or. en

**Amendment 55**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and its national implementations apply to data processing***

*in the Member States<sup>1</sup>. Therefore, all data processing that takes place under this Regulation, including within electronic identification schemes, should comply with Directive 95/46/EC.*

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<sup>1</sup> OJ L 281, 23.11.1995, p. 31

Or. en

*Justification*

*Following the EDPS opinion.*

**Amendment 56**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Notification of security breaches and security risk assessments is essential with a view to providing adequate information to concerned parties in the event of a breach of security or loss of integrity.

*Amendment*

*(29) A breach of security may, if not addressed in an adequate and timely manner, result in substantial economic loss and social harm for the individuals concerned, including identity fraud. Therefore notification of security breaches without undue delay and security risk assessments is essential with a view to providing adequate information to concerned parties in the event of a breach of security or loss of integrity, especially to give them the opportunity to mitigate potential adverse effects.*

Or. en

**Amendment 57**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

*Amendment*

***(30) To enable the Commission and the Member States to assess the effectiveness of the breach notification mechanism introduced by this Regulation, supervisory bodies should be requested to provide summary information to the Commission and to European Network and Information Security Agency (ENISA).***

***deleted***

Or. nl

#### **Amendment 58**

**Daniël van der Stoep**

#### **Proposal for a regulation**

##### **Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) To ensure sustainability and durability of qualified trust services and to boost users' confidence in the continuity of qualified trust services, supervisory bodies ***should ensure that*** the data of qualified trust service providers ***are preserved*** and ***kept*** accessible for an appropriate period of time even if a qualified trust service provider ceases to exist.

(33) To ensure sustainability and durability of qualified trust services and to boost users' confidence in the continuity of qualified trust services, supervisory bodies ***may preserve*** the data of qualified trust service providers and ***make them*** accessible for an appropriate period of time even if a qualified trust service provider ceases to exist.

Or. nl

#### **Amendment 59**

**Daniël van der Stoep**

#### **Proposal for a regulation**

##### **Recital 51**

*Text proposed by the Commission*

*Amendment*

***(51) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should***

***deleted***

*be conferred on the Commission, in particular for specifying reference numbers of standards which use would give a presumption of compliance with certain requirements laid down in this Regulation or defined in delegated acts. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.*

Or. nl

**Amendment 60**  
**Salvatore Iacolino**

**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 ***and protecting citizens' security, thereby increasing consumer and business confidence in the digital economy.***

Or. it

*Justification*

*The security of electronic transactions is a prerequisite that will have to be satisfied if the opportunities and services offered by the online environment are to be utilised to the full.*

**Amendment 61**  
**Jacek Protasiewicz**

**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**, natural **or** legal persons falling under a notified electronic identification scheme of another Member State.

Or. en

**Amendment 62**  
**Jacek Protasiewicz**

**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 63**  
**Jacek Protasiewicz**

**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 and products offered to the public.*

Or. en

**Amendment 64**  
**Jacek Protasiewicz**

**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 purposes.***

Or. en

**Amendment 65**  
**Jacek Protasiewicz**

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

*Text proposed by the Commission*

*Amendment*

(1) ‘electronic identification’ means the process of using person identification data in electronic form unambiguously representing a natural or legal person;

(1) ‘electronic identification’ means the process of using person identification data in electronic form unambiguously representing ***an entity***, a natural or legal person;

Or. en

**Amendment 66**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

(1) ‘electronic identification’ means the process of using person identification data in electronic form unambiguously representing a natural or legal person;

*Amendment*

(1) ‘electronic identification’ means the process of using person identification data in electronic form unambiguously representing a natural or legal person **or a pseudonym thereof**;

Or. en

**Amendment 67**  
**Jacek Protasiewicz**

**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 68**  
**Jacek Protasiewicz**

**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 of **an entity**, a natural or a legal person respectively to the certificate and confirms those data of that person;

Or. en

**Amendment 69**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 12**

*Text proposed by the Commission*

(12) ‘trust service’ means any electronic service consisting *in* the creation, verification, validation, handling and preservation of electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic delivery services, website authentication, and electronic certificates, including certificates for electronic signature and for electronic seals;

*Amendment*

(12) ‘trust service’ means any electronic service consisting, ***among others, of*** the creation, verification, validation, handling and preservation of electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic delivery services, website authentication, and electronic certificates, including certificates for electronic signature and for electronic seals;

Or. en

**Amendment 70**  
**Jacek Protasiewicz**

**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, a*** natural or a legal person who provides one or more trust services;

Or. en

**Amendment 71**  
**Jacek Protasiewicz**

**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, a*** legal person who creates an electronic seal;



**Amendment 72**  
**Jacek Protasiewicz**

**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 73**  
**Salvador Sedó i Alabart**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 74**  
**Salvatore Iacolino**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. When an electronic identification using an electronic identification means and

1. 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.

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. ***Such means must be fit for purpose and consistent with the type of service to be accessed.***

Or. it

### *Justification*

*If the means employed offer levels of electronic identification and authentication commensurate with the particular type of online services, the security requirement can be met, irrespective of whether the data concerned are considered sensitive or amount to general information.*

## **Amendment 75** **Cornelia Ernst**

### **Proposal for a regulation** **Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 5a***

##### ***Protection of personal data***

- 1. Member States shall ensure that the provisions of Directive 95/46/EC fully apply to the processing of personal data in electronic identification schemes.***
- 2. Such processing shall be strictly limited to the minimum necessary to issue and maintain an electronic identification and for the sole purposes of issuing, maintaining or providing electronic identification.***
- 3. Personal data shall be kept in a form which permits identification of data subjects for no longer than necessary for***

*these purposes.*

***4. Electronic identification schemes shall guarantee the confidentiality and integrity of data related to a person to whom the trust service is provided.***

Or. en

*Justification*

*Following EDPS opinion.*

**Amendment 76**  
**Jacek Protasiewicz**

**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 point1;

*Amendment*

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

Or. en

**Amendment 77**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 6a***

***Data processing and protection of personal data***

***1. Member States shall ensure fair and lawful processing in accordance with Directive 95/46/EC when processing personal data by electronic identification schemes.***

***2. Such processing shall be strictly limited to the minimum data needed to issue and maintain a certificate or to provide an electronic identification service.***

***3. Member States shall guarantee the confidentiality and integrity of data related to a person to whom the electronic identification means service is provided.***

***4. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent indicating in electronic identification certificates a pseudonym instead of the signatory's name.***

Or. en

**Amendment 78**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) other relevant specifications, manuals or documentation that notifying Member State may deem relevant for mutual recognition and development of services;***

Or. en

**Amendment 79**  
**Salvatore Iacolino**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

security.

notified scheme and to enhance their security.

Or. it

*Justification*

*The electronic identification requirement applies regardless of the means employed and should be neutral in terms of present and future identification technologies.*

**Amendment 80**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 8 – paragraph 2**

*Text proposed by the Commission*

*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 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).** **deleted**

Or. nl

**Amendment 81**

**Jacek Protasiewicz**

**Proposal for a regulation**

**Article 8 – paragraph 2**

*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 ***interoperability framework*** 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).

Or. en

**Amendment 82**  
**Jacek Protasiewicz**

**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*

***deleted***

Or. en

**Amendment 83**  
**Daniël van der Stoep**

**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. nl

**Amendment 84**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 8a***

***Security requirements applicable to electronic identification schemes and personal data breach***

***1. Member States shall take appropriate technical and organisational measures to manage the risks posed to the security of the electronic identification schemes 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.***

***Any Member State 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.***

***2. Member States 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 electronic identification 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 electronic identification scheme to do so, where it determines that disclosure of the breach is in the public interest.*

*3. The supervisory body shall provide to ENISA and to the Commission once a year with a summary of breach notifications received from electronic identification schemes.*

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

*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.*

*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).*

Or. en



**Amendment 85**

**Salvador Sedó i Alabart, Anna Maria Corazza Bildt**

**Proposal for a regulation**

**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

***Data processing and protection of  
personal data***

- 1. Member States shall provide that the processing of personal data carried out by electronic identification schemes shall be in accordance with Directive 95/46/EC.***
- 2. Such processing shall be strictly limited to the minimum data needed to issue and maintain an electronic identification and for the sole purposes of issuing, maintaining or providing electronic identification.***
- 3. Personal data shall be kept in a form which permits identification of data subjects for no longer than it is necessary for the purposes for which the personal data are processed.***
- 4. Member States shall ensure that electronic identification schemes guarantee the confidentiality and integrity of data related to a person to whom the electronic identification means service is provided.***

Or. en

**Amendment 86**

**Salvador Sedó i Alabart**

**Proposal for a regulation**

**Article 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***Article 8b***

***Personal data breach***

***Article 15(2) shall apply to any personal data breach by electronic identification schemes.***

Or. en

**Amendment 87**  
**Jacek Protasiewicz**

**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 any damage caused to any ***entity***, 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 88**  
**Salvador Sedó i Alabart**

**Proposal for a regulation**  
**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 10a***

***Right of information of users of trust services***

***Electronic trust service providers shall provide the data subject with information regarding the collection, communication***

*and retention of their data, as well as the means to access their data pursuant to article 10 of Directive 95/46/CE.*

Or. en

**Amendment 89**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 90**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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

Or. en

**Amendment 91**  
**Anna Hedh**

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. Trust service providers shall guarantee the confidentiality and integrity of data related to a person to whom the trust service is provided. ***Pseudonyms shall nevertheless remain personal data and shall be treated as such.***

Or. en

**Amendment 92**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent trust service providers indicating in ***electronic signature*** certificates a pseudonym instead of the signatory's name.

*Amendment*

4. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent trust service providers indicating in certificates a pseudonym instead of the signatory's name.

Or. en

**Amendment 93**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent trust service providers indicating in electronic signature certificates a pseudonym instead of the signatory's name.

*Amendment*

4. Without prejudice to the legal effect given to pseudonyms under national law, Member States shall not prevent trust service providers indicating in electronic signature certificates a pseudonym instead of the signatory's name. ***Pseudonymous***

*data in any case fall under the definition of personal data of Directive 95/46/EC.*

Or. en

*Justification*

*Following recommendation by the EDPS.*

**Amendment 94**

**Anna Hedh**

**Proposal for a regulation**

**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

***Right of access and information for the user of trust services***

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

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

***(b) the means to check their personal data and exercise their data protection rights.***

Or. en

**Amendment 95**

**Salvador Sedó i Alabart**

**Proposal for a regulation**

**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

***Right of information of users of trust services***

***Trust service providers shall provide the***

*data subject with information regarding the collection, communication and retention of their data, as well as the means to access their data pursuant to article 10 of Directive 95/46/CE.*

Or. en

**Amendment 96**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

***Right of information and access of users***

***Trust service providers as well as providers of electronic identification schemes shall provide the users of their services with:***

***(i) appropriate information on the collection, communication, and retention of their data, as well as***

***(ii) means to control their personal data and exercise their data protection rights as laid down in Directive 95/46/EC.***

Or. en

*Justification*

*Taken from EDPS opinion.*

**Amendment 97**  
**Anna Hedh**

**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

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*

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

Or. en

**Amendment 98**  
**Salvador Sedó i Alabart**

**Proposal for a regulation**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 13a***

***Cooperation with data protection authorities***

***Member States shall provide that supervisory bodies referred to in Article 13 shall cooperate with Member States' data protection authorities designated pursuant to article 28 of Directive 95/46/EC in order to enable them to ensure compliance with national data protection rules adopted pursuant to Directive 95/46/EC.***

Or. en

**Amendment 99**  
**Daniël van der Stoep**

**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***

***deleted***

*Article 38, concerning the definition of procedures applicable to the tasks referred to in paragraph 2.*

Or. nl

**Amendment 100**

**Daniël van der Stoep**

**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).** *deleted*

Or. nl

**Amendment 101**

**Daniël van der Stoep**

**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. nl



**Amendment 102**  
**Anna Hedh**

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

*Text proposed by the Commission*

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.

*Amendment*

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 such notification cannot be made within 24 hours, an explanation of the reasons for the delay should accompany the notification.***

Or. en

**Amendment 103**  
**Salvador Sedó i Alabart**

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

*Text proposed by the Commission*

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.***

*Amendment*

Trust service providers shall, without undue delay and where feasible not later than 24 hours after having become aware of it, notify ***its*** competent supervisory body, the competent national body for information security, ***its data protection authorities*** and other relevant third parties ***as required by a Member State of any*** personal data ***breach.***

Or. en

**Amendment 104**  
**Daniël van der Stoep**

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

*Text proposed by the Commission*

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)*.

*Amendment*

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.

Or. nl

**Amendment 105**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 15 – paragraph 5**

*Text proposed by the Commission*

*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.*

*Amendment*

*deleted*

Or. nl

**Amendment 106**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 15 – paragraph 6**

*Text proposed by the Commission*

*6. The Commission may, by means of*

*Amendment*

*deleted*

*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).*

Or. nl

**Amendment 107**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 16 – 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 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.** **deleted**

Or. nl

**Amendment 108**  
**Daniël van der Stoep**

**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**

**Amendment 109**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 17 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***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).***

***deleted***

Or. nl

**Amendment 110**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 18 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. Member States shall notify to the Commission, without undue delay, information on the body responsible for establishing, maintaining and publishing national trusted lists, and details of where such lists are published, the certificate used to sign or seal the trusted lists and any changes thereto.***

***deleted***

Or. nl

**Amendment 111**

**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 18 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall make available to the public, through a secure channel, the information, referred to in paragraph 3 in electronically signed or sealed form suitable for automated processing.** **deleted**

Or. nl

**Amendment 112**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 18 – 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 the information referred to in paragraph 1.** **deleted**

Or. nl

**Amendment 113**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 18 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**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).** **deleted**

**Amendment 114**  
**Jacek Protasiewicz**

**Proposal for a regulation**  
**Article 19 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 **entity**, natural or legal person to whom a qualified certificate is issued.

Or. en

**Amendment 115**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

(i) ensure lawful processing of personal data in accordance with Article 11.

*Amendment*

(i) ensure lawful processing of personal data in accordance with Article 11 **and demonstrate this compliance.**

Or. en

**Amendment 116**  
**Salvador Sedó i Alabart**

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

*Text proposed by the Commission*

*Amendment*

**(ia) make publicly available its data**

*protection policy, indicating the data protection authority competent for its supervision.*

Or. en

**Amendment 117**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 19 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***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.***

***deleted***

Or. nl

**Amendment 118**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 20 – 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 the different security levels of electronic signature referred to in paragraph 4.***

***deleted***

Or. nl

**Amendment 119**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 20 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission may, by means of implementing acts, establish reference numbers of standards for the security levels of electronic signature. Compliance with the security level defined in a delegated act adopted pursuant to paragraph 6 shall be presumed when an electronic signature meets 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.** **deleted**

Or. nl

**Amendment 120**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 21 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the further specification of the requirements laid down in Annex I.** **deleted**

Or. nl

**Amendment 121**  
**Daniël van der Stoep**



**Proposal for a regulation**  
**Article 21 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Commission may, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic signature. Compliance with the requirements laid down in Annex I shall be presumed where a qualified certificate for electronic signature meets 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.**

**deleted**

Or. nl

**Amendment 122**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission may, by means of implementing acts, establish reference numbers of standards for qualified electronic signature creation devices. Compliance with the requirements laid down in Annex II shall be presumed where a qualified electronic signature creation device meets 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.**

**deleted**

Or. nl

**Amendment 123**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 23 – paragraph 1**

*Text proposed by the Commission*

1. Qualified electronic signature creation devices may be certified by appropriate public or private bodies designated by Member States provided that they have been submitted to a security evaluation process carried out in accordance with one of the standards for the security assessment of information technology products included in a list that shall be established by the Commission by means of implementing acts. ***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*

1. Qualified electronic signature creation devices may be certified by appropriate public or private bodies designated by Member States provided that they have been submitted to a security evaluation process carried out in accordance with one of the standards for the security assessment of information technology products included in a list that shall be established by the Commission by means of implementing acts.

Or. nl

**Amendment 124**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall notify to ***the Commission and*** other Member States the names and addresses of the public or private body designated by them as referred to in paragraph 1.

*Amendment*

2. Member States shall notify to other Member States the names and addresses of the public or private body designated by them as referred to in paragraph 1.

Or. nl

**Amendment 125**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 23 – 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 establishment of specific criteria to be met by the designated bodies referred to in paragraph 1.** *deleted*

Or. nl

**Amendment 126**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 24**

*Text proposed by the Commission*

*Amendment*

**Article 24** *deleted*

**Publication of a list of certified qualified electronic signature creation devices**

**1. Member States shall notify to the Commission without undue delay, information on qualified electronic signature creation devices which have been certified by the bodies referred to in Article 23. They shall also notify to the Commission, without undue delay, information on electronic signature creation devices that would no longer be certified.**

**2. On the basis of the information received, the Commission shall establish, publish and maintain a list of certified qualified electronic signature creation devices.**

**3. The Commission may, by means of implementing acts, define circumstances,**

*formats and procedures applicable for the purpose of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).*

Or. nl

**Amendment 127**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the further specification of the requirements laid down in paragraph 1.** *deleted*

Or. nl

**Amendment 128**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 25 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Commission may, by means of implementing acts, establish reference numbers of standards for the validation of qualified electronic signatures. Compliance with the requirements laid down in paragraph 1 shall be presumed where the validation of qualified electronic signatures meets 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** *deleted*

*of the European Union.*

Or. nl

**Amendment 129**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 26 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission may, by means of implementing acts, establish reference numbers of standards for qualified validation service referred to in paragraph 1. Compliance with the requirements laid down in point (b) of paragraph 1 shall be presumed where the validation service for qualified electronic signature meets 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.** **deleted**

Or. nl

**Amendment 130**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 27 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the further specification of the requirements laid down in paragraph 1.** **deleted**

Or. nl

**Amendment 131**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Commission may, by means of implementing acts, establish reference numbers of standards for the preservation of qualified electronic signatures. Compliance with the requirements laid down in paragraph 1 shall be presumed where the arrangements for the preservation of qualified electronic signatures 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.** **deleted**

Or. nl

**Amendment 132**  
**Daniël van der Stoep**

**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. nl

**Amendment 133**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 28 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission may, by means of implementing acts, establish reference numbers of standards for the security assurance levels of electronic seals. Compliance with the security assurance level defined in a delegated act adopted pursuant to paragraph 6 shall be presumed when an electronic seal meets 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.** **deleted**

Or. nl

**Amendment 134**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 29 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall be empowered to adopt delegated acts in accordance with Article 38 concerning the further specification of the requirements laid down in Annex III.** **deleted**

Or. nl

**Amendment 135**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 29 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. The Commission may, by means of implementing acts, establish reference numbers of standards for qualified certificates for electronic seal. Compliance with the requirements laid down in Annex III shall be presumed where a qualified certificate for electronic seal 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.***

***deleted***

Or. nl

**Amendment 136**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 33 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The Commission may, by means of implementing acts, establish reference numbers of standards for the accurate linkage of time to data and an accurate time source. Compliance with the requirements laid down in paragraph 1 shall be presumed where an accurate linkage of time to data and an accurate time source meets 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.***

***deleted***

Or. nl



**Amendment 137**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 34 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The Commission may, by means of implementing acts, define formats of electronic signatures and seals that shall be accepted whenever a signed or sealed document is requested by a Member State for the provision of a service online offered by a public sector body referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).***

***deleted***

Or. nl

**Amendment 138**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 35 – 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 specification of mechanisms for sending or receiving data using electronic delivery services, which shall be used with a view to fostering interoperability between electronic delivery services.***

***deleted***

Or. nl

**Amendment 139**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 36 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission may, by means of implementing acts, establish reference numbers of standards for processes for sending and receiving data. Compliance with the requirements laid down in paragraph 1 shall be presumed where the process for sending and receiving data meets 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.**

**deleted**

Or. nl

**Amendment 140**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 37 – 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 further specification of the requirements laid down in Annex IV.**

**deleted**

Or. nl

**Amendment 141**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 37 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission may, by means of implementing acts, establish reference numbers of standards for qualified certificates for website authentication. Compliance with the requirements laid down in Annex IV shall be presumed where a qualified certificate for website authentication meets 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.**

**deleted**

Or. nl

#### **Amendment 142**

**Daniël van der Stoep**

#### **Proposal for a regulation**

#### **Article 38**

*Text proposed by the Commission*

*Amendment*

#### **Article 38**

**deleted**

#### **Exercise of the delegation**

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**

**2. The power to adopt delegated acts referred to in Articles 8(3), 13(5), 15(5), 16(5), 18(5), 20(6), 21(4), 23(3), 25(2), 27(2), 28(6), 29(4), 30(2), 31, 35(3) and 37(3) shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Regulation.**

**3. The delegation of power referred to in Articles 8(3), 13(5), 15(5), 16(5), 18(5), 20(6), 21(4), 23(3), 25(2), 27(2), 28(6),**

*29(4), 30(2), 31, 35(3) and 37(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to Articles 8(3), 13(5), 15(5), 16(5), 18(5), 20(6), 21(4), 23(3), 25(2), 27(2), 28(6), 29(4), 30(2), 31, 35(3) and 37(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. nl

**Amendment 143**  
**Daniël van der Stoep**

**Proposal for a regulation**  
**Article 39**

*Text proposed by the Commission*

*Amendment*

**Article 39**

***deleted***

***Committee procedure***

***1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***

***deleted***

***2. Where reference is made to this paragraph, Article 5 of Regulation 182/2011 shall apply.***

Or. nl

**Amendment 144**

**Daniël van der Stoep**

**Proposal for a regulation**

**Article 40**

*Text proposed by the Commission*

*Amendment*

**Article 40**

***deleted***

***Report***

***The Commission shall report to the European Parliament and to the Council on the application of this Regulation. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter.***

Or. nl

**Amendment 145**

**Salvador Sedó i Alabart**

**Proposal for a regulation**

**Annex 1 – paragraph 1 – point b – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**- sensitive data within the meaning of article 8 of Directive 95/46/CE shall not be processed.**

Or. en

**Amendment 146**  
**Salvador Sedó i Alabart**

**Proposal for a regulation**  
**Annex 3 – paragraph 1 – point b – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**- sensitive data within the meaning of article 8 of Directive 95/46/CE shall not be processed.**

Or. en

**Amendment 147**  
**Salvador Sedó i Alabart**

**Proposal for a regulation**  
**Annex 4 – paragraph 1 – point b – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**- sensitive data within the meaning of article 8 of Directive 95/46/CE shall not be processed.**

Or. en