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NOTE

From: Presidency

To: Permanent Representatives Committee

No. Cion doc.: 9471/21

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity

– Analysis of the final compromise text with a view to agreement

1. **In document ST 15149/23 INIT, page 12, the numbering of Recitals (9b) and (9c) has been corrected.**

2. **In document ST 15149/23 INIT, page 12, Recital (10)**

(10) In order to achieve a high level of security and trustworthiness, this Regulation establishes the requirements for European Digital Identity Wallets. The conformity of European Digital Identity Wallets with those requirements should be certified by accredited **conformity assessment** bodies designated by Member States. **█**

was missing and has been reinserted.

3. **In document ST 15149/23 INIT, page 28, Recital (36b)**

(36b) This Regulation should ensure a harmonized level of quality, trustworthiness and security of qualified trust services, regardless of the place where the operations are conducted. Thus, a qualified trust service provider should be allowed to outsource its operations related to the provision of a qualified trust service outside of the Union, should it provide the adequate guarantees, ensuring that supervisory activities and audits can be enforced as if these operations were carried out in the Union. When the compliance with the Regulation cannot be fully assured, the supervisory bodies should be able to adopt proportionate and justified measures, including withdrawal of the qualified status of the trust service provided.

was missing and has been reinserted.

4. **In document ST 15149/23 INIT Article 3(4)**

‘(4) ‘electronic identification scheme’ means a system for electronic identification under which electronic identification means ■ are issued to natural or legal persons or natural persons representing *natural or* legal persons;’;

was incorrectly duplicated on pages 32-33 and has been deleted.

5. **In document ST 15149/23 INIT, point (ga) introducing amendments to Article 3(38) and (39)**

(ga) points (38) and (39) are replaced by the following:

was incorrectly separated from said provisions on page 35 and has been moved.

6. In document ST 15149/23 INIT, page 38, point (5) of the amending Regulation introducing Section I should read as follows:

(5) in Chapter II the *following section* is *inserted before Article 6a*:

7. In document ST 15149/23 INIT, page 39, Article 6a(3)(ae), subpoints (ii) and (iii)

(ii) easily request to a relying party the deletion of personal data pursuant to Article 17 of the Regulation (EU) 2016/679);

(iii) easily report to the national data protection authority where a relying party is established when an allegedly unlawful or suspicious request of data is received.

were incorrectly displayed under Article 6a(3)(a) and have been moved.

8. In document ST 15149/23 INIT, page 48, Article 6c(5)

5. Member States shall communicate to the Commission the names and addresses of the **conformity assessment** bodies referred to in paragraph **1**. *The* Commission shall make that information available to *all* Member States.

was missing and has been reinserted.

9. In document ST 15149/23 INIT, page 59, the title of Article 19a

'Requirements for non-qualified trust service providers'

was missing and has been reinserted. The numbering of a paragraph and a subpoint of the same Article were also corrected.

10. In document ST 15149/23 INIT Article 21(1)

(1) Where trust service providers intend to start providing a qualified trust service, they shall submit to the supervisory body a notification of their intention together with a conformity assessment report issued by a conformity assessment body confirming the fulfilment of the requirements laid down in this Regulation and in Article 21 of Directive (EU) 2022/2555.’;

was incorrectly duplicated on pages 63-64 and has been deleted.

11. In document ST 15149/23 INIT Article 33(2)

2. By... [12 months after the date of the entering into force of this amending Regulation], the Commission shall, by means of implementing acts, establish a list of reference standards and when necessary, establish specifications and procedures for qualified validation service referred to in paragraph 1. Compliance with the requirements laid down in paragraph 1 shall be presumed where the qualified validation service for qualified electronic signatures meets those standards, specifications and procedures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).’

was incorrectly duplicated under Article 32a on page 74 and has been deleted.

12. In document ST 15149/23 INIT, page 100, Article 52 has been correctly renumbered as Article 2 of the amending Regulation. Point (48b) of the amending Regulation has been adapted respectively.