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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the submission of information to the Commission for the list of certified European Digital Identity Wallets and to the Cooperation Group**

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

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## laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the submission of information to the Commission for the list of certified European Digital Identity Wallets and to the Cooperation Group

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 910/2014<sup>1</sup> of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC<sup>2</sup>, and in particular Article 5d(7) thereof,

Whereas:

- (1) The European Digital Identity Framework established by Regulation (EU) No 910/2014 is a crucial component in the establishment of a secure and interoperable digital identity ecosystem across the Union. With the European Digital Identity Wallets ('wallets') being the cornerstone of the framework, it aims at facilitating access to services across Member States, for citizens, residents, and businesses, while ensuring the protection of personal data and privacy.
- (2) Regulation (EU) 2016/679 of the European Parliament and of the Council and, where relevant, Directive 2002/58/EC of the European Parliament and of the Council<sup>3</sup> apply to the personal data processing activities under this Regulation.
- (3) As the Commission is to establish, publish in the Official Journal of the European Union and maintain in machine-readable form information submitted by Member States about certified European Digital Identity Wallets ('wallets'), the Commission should enable Member States to submit and update the required information to the Commission and the European Digital Identity Cooperation Group established pursuant to Article 46e(1) of Regulation (EU) No 910/2014 (the 'Cooperation Group'). Considering that the submitted information is to be used by the Commission, the Cooperation Group and the general public, Member States should submit the information at least in English as this facilitates its wide accessibility, assessment and comprehension.
- (4) The information that Member States are to submit is essential to ensure trust, transparency and harmonisation across the wallet ecosystem, fostering confidence among wallet users, wallet providers and regulatory authorities. Therefore, it should include a description of the electronic identification scheme under which the

<sup>1</sup> OJ L , , p. .

<sup>2</sup> OJ L 257, 28.8.2014, p.73, ELI: <http://data.europa.eu/eli/reg/2014/910/oj>.

<sup>3</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37, ELI: <http://data.europa.eu/eli/dir/2002/58/oj>.

European Digital Identity Wallet is provided. This should entail details on the authority or authorities responsible for the electronic identification scheme, the applicable supervisory regime, the liability regime with respect to the party providing the wallet, arrangements for suspension or revocation of the electronic identification scheme or of the compromised parts concerned, and on the certificate and certification assessment report of the certified wallet provided under that electronic identification scheme. The information should be sufficient to enable the Commission to establish, publish in the Official Journal of the European Union and maintain in a machine-readable form a list of certified wallets. The secure electronic channel used for submitting information should avoid duplicate submissions of the same information by Member States.

- (5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725<sup>4</sup> and delivered its opinion on [XX.XXX 2024].
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 48 of Regulation (EU) No 910/2014,

HAS ADOPTED THIS REGULATION:

### *Article 1* **Definitions**

For the purposes of this Regulation, the following definitions apply:

- (1) 'wallet solution' means a combination of software, hardware, services, settings, and configurations, including wallet instances, one or more wallet secure cryptographic applications and one or more wallet secure cryptographic devices;
- (2) 'wallet instance' means the application installed and configured on a wallet user's device or environment, which is part of a wallet unit, and that the wallet user uses to interact with the wallet unit;
- (3) 'wallet unit' means a unique configuration of a wallet solution that includes wallet instances, wallet secure cryptographic applications and wallet secure cryptographic devices provided by a wallet provider to an individual wallet user;
- (4) 'wallet provider' means a natural or legal person who provides wallet solutions;
- (5) 'wallet user' means a user who is in control of the wallet unit;
- (6) 'wallet secure cryptographic application' means an application that manages critical assets by being linked to and using the cryptographic and non-cryptographic functions provided by the wallet secure cryptographic device;
- (7) 'wallet secure cryptographic device' means a tamper-resistant device that provides an environment that is linked to and used by the wallet secure cryptographic application to protect critical assets and provide cryptographic functions for the secure execution of critical operations;

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<sup>4</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>.

- (8) 'critical assets' means assets within or in relation to a wallet unit of such extraordinary importance that where their availability, confidentiality or integrity are compromised, this would have a very serious, debilitating effect on the ability to rely on the wallet unit;
- (9) 'provider of person identification data' means a natural or legal person responsible for issuing and revoking the person identification data and ensuring that the person identification data of a user is cryptographically bound to a wallet unit.

#### *Article 2*

#### **Information to be submitted to the Commission**

1. Member States shall, through a secure electronic channel made available by the Commission, submit the information set out in the Annex to the Commission and to the Cooperation Group.
2. Member States shall submit the information required under paragraph 1 at least in English.
3. Where there are any changes to the submitted information, including changes to the certification status of the wallet solutions, Member States shall submit the updated information through the channel referred to in paragraph 1.

#### *Article 3*

#### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*