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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 qualified electronic attestations of attributes and electronic attestations of attributes provided by or on behalf of a public sector body responsible for an authentic source

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC¹, and in particular Articles 45d(5), 45e(2), 45f(6) and 45f(7) thereof,

Whereas:

- (1) Regulation (EU) No 910/2014 creates a legal framework for the issuance and validation of electronic attestations of attributes. Electronic attestations of attributes are crucial components for the establishment of a secure and interoperable digital identity ecosystem. They enable users to share information with relying parties in a trusted manner in a variety of use cases.
- (2) Regulation (EU) 2016/679² of the European Parliament and of the Council² and, where relevant, Directive 2002/58/EC of the European Parliament and of the Council³ apply to the personal data processing activities under this Regulation.
- (3) The Commission regularly assesses new technologies, practices, standards or technical specifications. To ensure the highest level of harmonisation among Member States for the development and certification of the wallets, the technical specifications set out in this Regulation rely on the work carried out on the basis of Commission Recommendation (EU) 2021/946 of 3 June 2021 on a common Union Toolbox for a coordinated approach towards a European Digital Identity Framework⁴ and in particular the Architecture and Reference Framework which is part of it. In accordance with recital 75 of Regulation 2024/1183⁵, the Commission should review

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¹ OJ L 257, 28.8.2014, p.73, ELI: <http://data.europa.eu/eli/reg/2014/910/oj>.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>.

³ 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>.

⁴ OJ L 210, 14.6.2021, p. 51, ELI: <http://data.europa.eu/eli/reco/2021/946/oj>.

⁵ Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework, OJ L, 2024/1183, 30.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1183/oj>.

and update this Implementing Regulation, if necessary, to keep it in line with global developments, the architecture and reference framework and to follow the best practices on the internal market.

- (4) In order to ensure trustworthiness of the electronic attestations of attributes and enable providers of such attestations to benefit from a clear and uniform set of rules in that respect, it is necessary to set out requirements that apply independently of whether electronic attestations of attributes are issued to a wallet unit or not. This Implementing Regulation defines rules for qualified electronic attestations of attributes and electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source. Protecting against untrustworthy information is of high significance for the digitalisation of attestations. Therefore, qualified electronic attestations of attributes and electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source should be able to be revoked or alternative measures should be implemented to compensate the risks related to non-revocability.
- (5) In order to enable wallet users and service providers to verify that electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source were indeed issued by that public sector body, Member States should notify the relevant information to the Commission. The notification of this information should be complementary to the obligation for Member States to establish and maintain lists of registered wallet-relying parties established in their territory, including providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source, as defined in the Commission Implementing Regulation (EU) 2024/XXX⁶ laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties.
- (6) With the objective to facilitate the verification of attributes by qualified trust service providers against authentic sources directly or indirectly and to foster interoperability, the Commission should establish catalogues of attributes and of schemes for the attestation of attributes with the assistance of the European Digital Identity Cooperation Group. The registration in the catalogues should be mandatory for attributes listed in Annex VI of Regulation (EU) No 910/2014 in order to enable the verification of attributes against authentic sources. For other attributes and schemes the registration should be optional. Any natural or legal person should be enabled to request the registration of optional attributes or schemes.
- (7) To ensure that the catalogue of attributes provides meaningful information, the catalogue should at least provide a minimum set of information, such as a semantic description of the attribute, the data type of the attribute and an indication of whether the value of the attribute for a given user may be verified in one or more authentic sources. For the same purpose, the catalogue of schemes for the attestation of attributes should, among others, entail descriptions for common types of electronic

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⁶ Commission Implementing Regulation (EU) 2024/XXX laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties, OJ XXX, ELI: XXX.

attestations of attributes and a description of the trust model and the governance mechanisms applied under the attestation scheme.

- (8) In order to facilitate the establishment of catalogues of attributes and of schemes for the attestation of attributes and re-use existing systems as far as possible, the Commission should examine potential synergies with the common services from the once-only technical system supporting the Single Digital Gateway Regulation.
- (9) In order to ensure that providers of qualified electronic attestation of attributes comply with the requirements of the corresponding scheme for the attestation of attributes registered in the catalogue, supervisory bodies should verify that they comply with those requirements. Similarly, in order to ensure that providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source comply with the requirements of the corresponding scheme for the attestation of attributes registered in the catalogue, Member States should verify that those public sector bodies comply with the requirements of the corresponding scheme for the attestation of attributes registered in the catalogue.
- (10) In case personal data is processed for the purposes of the catalogue of attributes or the catalogue of schemes for the attestation of attributes, the Commission should manage the catalogues in compliance with the applicable data protection legislation such as Regulation (EU) 2018/1725 of the European Parliament and of the Council⁷.
- (11) In order to improve the discoverability of verification mechanisms of authentic sources, Member States should set up discovery mechanisms that enable qualified trust service providers to request information about the authentic sources or designated intermediaries recognised at national level, or rely on existing ones like the once-only technical system common services, in particular when the authentic sources are not publicly available.
- (12) In order to enhance interoperability for electronic attestations of attributes issued by non-qualified trust service providers and extend the full range of benefits provided for in this Regulation for qualified electronic attestations of attributes or electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source, the same principles and requirements may be followed in regard to non-qualified electronic attestation of attributes.
- (13) Cooperation between Member States requires procedures. The use of at least the English language for these procedures should facilitate their implementation and avoid causing unreasonable burden.
- (14) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁸ and delivered its opinion on [XX.XX.2024].

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⁷ 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 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

- (15) 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

Subject matter and scope

This Regulation lays down the reference standards, specifications and procedures relating to:

- (1) qualified electronic attestations of attributes;
- (2) electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source;
- (3) the list of providers of electronic attestation of attributes issued by or on behalf of a public sector body responsible for an authentic source;
- (4) catalogues of attributes and schemes for the attestations of attributes;
- (5) the verification of attributes against authentic sources or designated intermediaries;
- (6) to be updated on a regular basis to keep in line with technology and standards developments and with the work carried out on the basis of Commission Recommendation (EU) 2021/946⁹, and in particular the Architecture and Reference Framework.

Article 2

Definitions

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

- (1) ‘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;
- (2) ‘wallet user’ means a user who is in control of the wallet unit;
- (3) ‘catalogue of attributes’ means a digital repository of attributes that is maintained and published online by the Commission;
- (4) ‘scheme for the attestation of attributes’ means a set of rules applicable to one or more types of electronic attestation of attributes;
- (5) ‘type of electronic attestation of attributes’ means a specifically named and semantically described group of electronic attestation of attributes;
- (6) ‘catalogue of schemes for the attestation of attributes’ means a digital repository that includes schemes for the attestation of attributes registered in accordance with this Regulation and that is maintained by the Commission;

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>.

⁹ OJ L 210, 14.6.2021, p. 51, ELI: <http://data.europa.eu/eli/reco/2021/946/oj>.

- (7) '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;
- (8) '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;
- (9) '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;
- (10) '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;
- (11) 'wallet provider' means a natural or legal person who provides wallet solutions;
- (12) 'critical assets' means assets within or in relation to a wallet unit of such extraordinary importance that their incapacitation or destruction would have a very serious, debilitating effect on the ability to rely on the wallet unit;
- (13) 'scheme for the attestation of attributes owner' means an entity responsible for the establishment and maintenance of a scheme for the attestation of attributes.

Article 3

Issuance of qualified electronic attestations of attributes and electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source

1. Providers of qualified electronic attestations of attributes and providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source, shall ensure that the electronic attestations of attributes they issue comply with the technical specifications set out in Annex I.
2. Where providers of qualified electronic attestations of attributes and providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source issue electronic attestations of attributes which are included in schemes registered in the catalogue of schemes for the attestation of attributes, they shall comply with the requirements of the corresponding scheme for the attestation of attributes.

Article 4

Revocation of qualified electronic attestations of attributes and electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source

1. Providers of qualified electronic attestations of attributes and electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source shall have written and publicly accessible policies relating to validity status management, including, where applicable, the conditions under which such electronic attestation of attributes can be revoked without delay in accordance with Article 24(4a) of Regulation (EU) No 910/2014.

2. Providers of qualified electronic attestations of attributes and providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source shall:
 - (a) be the only entities able to revoke the electronic attestations of attributes they issued;
 - (b) ensure that revocations cannot be reverted.
3. Unless the qualified electronic attestations of attributes or the electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source are issued with a validity period of less than 24 hours, providers of these attestations shall revoke them, in at least the following circumstances:
 - (a) upon the explicit request of the person to whom the electronic attestation of attributes was issued;
 - (b) where it is known to the providers that the security or trustworthiness of the qualified electronic attestation of attributes or electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source has been compromised;
 - (c) in other situations as required by Union or national law, or as determined by the providers in their policies as referred to in Article 4(1).

Article 5

Notification of providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source

1. The Commission shall make available to Member States a secure electronic notification system, enabling Member States to notify information on providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source.
2. The secure electronic notification system referred to in paragraph 1 shall comply with the technical requirements set out in Annex II.
3. Member States shall submit, through the secure electronic notification system referred to in paragraph 1, at least the information specified in Annex III.
4. Member States shall make the notifications at least in English. Member States shall not be obliged to translate any document supporting the notifications where this would create an unreasonable administrative or financial burden.
5. The Commission may ask the Member States to provide additional information or clarifications for the purpose of verifying the completeness and consistency of the notified information.

Article 6

Publication of the list of providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source

1. The Commission shall establish, maintain, and publish a list of providers of electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source on the basis of the information notified by Member States as referred to in Annex III.

2. The Commission shall ensure that the list referred to in paragraph 1 can be accessed:
 - (a) in both electronically signed or sealed form suitable for automated processing, and through a human-readable website available in at least English;
 - (b) without the need to register or to be authenticated;
 - (c) only by using state of the art transport layer encryption.
3. The Commission shall also publish through a secure channel:
 - (a) the technical specifications of the list;
 - (b) the details of the URL where the lists are published;
 - (c) the certificates to be used to verify the electronic signature or seal on the list;
 - (d) the details on mechanisms used to validate future changes to the location or to the certificates referred to in points (b) and (c).

Article 7

Creation and maintenance of the catalogue of attributes

1. The Commission shall establish a secure system to enable requests for the inclusion or modification of attributes in the catalogue of attributes.
2. Requests to include or modify an attribute in the European catalogue of attributes shall be assessed by the Commission, after considering any advice provided by the European Digital Identity Cooperation Group, taking into account whether it contributes to a common foundation for secure and privacy-aware electronic interaction between citizens, businesses and public authorities and it contributes to foster interoperability.
3. Member States shall request the inclusion of attributes listed in Annex VI of Regulation (EU) No 910/2014 wherever those attributes rely on authentic sources within the public sector.
4. The request for the inclusion of an attribute or a modification thereof shall at least contain:
 - (a) the identification of the entity making the request;
 - (b) a namespace for the identifier of the attributes, the value of which is unique within the catalogue of attributes;
 - (c) an identifier of the attribute, unique within the namespace;
 - (d) the version of the attribute;
 - (e) a semantic description and taxonomy of the attribute;
 - (f) the data type of the attribute;
 - (g) an indication of whether the value of the attribute for a given user may be verified in one or more authentic sources, and if so, for each authentic source:
 - the URI where that authentic source or designated intermediaries can be accessed for the purposes of verification, including any instructions to enable verification from a technical perspective;

- the name of the authentic source or designated intermediaries through which the attribute can be verified, and information about the mechanisms and resources made available for verification.
5. The request for inclusion or modification of an attribute shall be signed by the requester.
 6. The Commission, following the assessment of paragraph 2 and the verification that the information provided in the request for the inclusion of an attribute includes all the information listed in paragraph 4, may include the requested attribute or modification in the catalogue of attributes.
 7. The Commission shall publish the catalogue of attributes. The catalogue of attributes shall be publicly accessible, through a secure channel, free of charge and without prior identification or authentication, machine-readable and human-readable and shall include a search functionality.
 8. The Commission shall publish the technical specifications the Commission uses for the catalogue of attributes.
 9. The Commission shall issue a unique identifier to each registered attributes.

Article 8

Creation and maintenance of the catalogue of schemes for the attestation of attributes

1. The Commission shall set up a secure system to enable requests for the inclusion or modification of schemes for the attestation of attributes in the catalogue of schemes for the attestation of attributes.
2. Requests to include or modify an attribute in the European catalogue of attributes shall be assessed by the Commission, after considering any advice provided by the European Digital Identity Cooperation Group, taking into account whether it contributes to a common foundation for secure and privacy-aware electronic interaction between citizens, businesses and public authorities and it contributes to foster interoperability.
3. A request for the inclusion or modification of a scheme in the catalogue of schemes for the attestation of attributes shall contain, at least:
 - (a) the name of the scheme, chosen by the scheme for the attestation of attributes owner and unique within the catalogue of schemes for the attestation of attributes;
 - (b) the name and contact information of the scheme for the attestation of attributes owner;
 - (c) the status and version of the scheme;
 - (d) where the issuance, validation, or use of an electronic attestation of attributes within the scope of the scheme is subject to specific laws, standards or guidelines, a reference to those;
 - (e) the format or formats of electronic attestation of attributes within the scope of the scheme;
 - (f) one or more namespaces, attribute identifiers, semantic descriptions, selective disclosure descriptions, taxonomy and data types of each attribute that is part of an electronic attestation of attributes within the scope of the scheme, either

- by reference to an attribute in the catalogue of attributes in Article 7, or an attribute defined in an analogue way within the scope of the scheme;
- (g) a description of the trust model and the governance mechanisms applied under the scheme, including the revocation mechanisms;
 - (h) any requirements in relation to the providers of the electronic attestations of attributes or the sources of information on which those providers rely for the issuance of electronic attestations of attributes, including any authentic sources, if applicable;
 - (i) a statement whether electronic attestations of attributes within the scope of the scheme are to be issued as qualified electronic attestations of attributes, as electronic attestations of attributes issued by or on behalf of a public sector body responsible for an authentic source, or as both.
4. Where a requested scheme for the attestation of attributes includes one or more attributes registered in the catalogue of attributes, they shall identify that attribute or those attributes as such, based on their unique identifiers.
 5. The request for inclusion or modification of an attribute scheme shall be signed by the scheme owner.
 6. The Commission, following the assessment of paragraph 2 and verifying that the information provided in the request for the inclusion or modification of an attestation scheme contains all the information listed in paragraph 3, may include the requested scheme in the catalogue of schemes for the attestation of attributes.
 7. The Commission shall publish the catalogue of schemes for the attestation of attributes. The catalogue of schemes for the attestation of attributes shall be publicly accessible, through a secure channel, free of charge and without prior identification or authentication, machine-readable and human-readable and shall include a search functionality.
 8. The Commission shall publish the technical specifications the Commission uses for the catalogue of schemes for the attestation of attributes.
 9. The Commission shall issue a unique identifier to each registered scheme for the attestation of attributes.

Article 9

Verification of attributes against authentic sources or designated intermediaries

1. For the purposes of enabling the verification by qualified trust service providers of the attributes referred to in Article 45e(1) of Regulation (EU) No 910/2014, Member States shall:
 - (a) implement or re-use discovery mechanisms that enable qualified trust service providers to request information about the authentic sources or designated intermediaries recognised at national level, including the attributes available for verification through that authentic source;
 - (b) establish and make available the procedures and services for qualified trust service providers to request the verification of attributes from authentic sources;

- (c) ensure that public sector bodies responsible for an authentic sources or their designated intermediaries implement interfaces and verification mechanisms to support the verification of attributes.
2. Member States shall implement the requirements referred to paragraph 1 in compliance with the technical specifications set out in Annex IV.

Article 10

Entry into force and applicability

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

However, Article 9 shall apply 24 months after the date of entry into force of [- to be inserted by OP – implementing regulations referred to in Articles 5a(23) and 6c(6) of Regulation (EU) No 910/2014].

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN