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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 registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties**

*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) .../...

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 registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties

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>, in particular Article 5b(11) thereof,

Whereas:

- (1) For the purposes of registering relying parties that intend to rely upon European Digital Identity Wallets ('wallets') for the provision of public or private services by means of digital interaction, as required under Article 5b of Regulation (EU) No 910/2014, Member States should establish and maintain registers of registered wallet-relying parties established in their territory.
- (2) Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>3</sup> and, where relevant, Directive 2002/58/EC of the European Parliament and of the Council<sup>4</sup> 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 Framework<sup>5</sup> and in particular the architecture and reference framework which is part of it. In accordance with recital 75 of Regulation 2024/1183<sup>6</sup>, the Commission should review

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<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> 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>.

<sup>4</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>.

<sup>5</sup> OJ L 210, 14.6.2021, p. 51, ELI: <http://data.europa.eu/eli/reco/2021/946/oj>.

<sup>6</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

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) The registration of wallet-relying parties aims at enhancing transparency and trust in the use of the wallets. In order to facilitate the consultation of the information on registered wallet-relying parties across the Union, Member States should make this information available to the public in a manner that is both human and machine-readable.
- (5) As the registers are to provide interfaces to the wallets, it is necessary that the information in the registers can be processed by all wallets provided in the Union. Therefore, Member States should set up interfaces that meet the technical specifications set out in this Regulation.
- (6) As registration policies are a useful tool for providing clear guidance to the wallet-relying parties on the registration process, Member States should set out and publish the registration policies applicable to registers set up in their territory.
- (7) As set out in Article 5b of Regulation (EU) No 910/2014, another objective of the relying party registration is to facilitate the verification by Member States of the lawfulness of the activities of the wallet-relying parties. Therefore, wallet-relying parties should provide, for inclusion in the registers the necessary information, including their entitlement(s).
- (8) In order to ensure that the registration process is cost-effective and proportionate-to risk, and to strike an appropriate balance between meeting a high level of transparency and safety on the one hand and ensuring uptake by service providers on the other hand, registrars should set up online and, where applicable, automated registration processes for wallet-relying parties that are easy to use and they should verify applications for registration without undue delay.
- (9) For the purposes of ensuring security and continuity of the registers, Member State should keep records of all the information provided by wallet-relying parties established in that Member State for at least ten years.
- (10) Member States are to ensure that the wallets are able to authenticate wallet-relying parties, irrespective of where they are established in the Union. To achieve this, wallet-relying parties should use wallet-relying party access certificates when they identify themselves to wallet units. To guarantee interoperability of those certificates across all wallets provided within the Union, wallet-relying parties access certificates should adhere to common requirements set-out in the Annex to this Regulation. The Commission, in collaboration with Member States, should closely monitor the development of new or alternative standards on which relying-party access certificates could be implemented. In particular, trust models that have proven their efficacy and security in Member States should be assessed.
- (11) As set out in Regulation (EU) No 910/2014, wallet-relying parties are not to request users to provide any data other than those indicated for the intended use of wallets during the registration process. Wallet users should be enabled to verify the registration data of wallet-relying parties. To enable wallet users to verify that the attributes being requested by the wallet-relying party are within the scope of their

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(Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37, ELI: <http://data.europa.eu/eli/dir/2002/58/oj>.

registered attributes, Member States may require the issuance of wallet-relying party registration certificates to registered wallet-relying parties. To ensure the interoperability of the wallet-relying party registration certificates, Member States should ensure that those certificates meet the requirements and standards set out in the Annex of this Implementing Regulation.

(12) In order to protect wallet users from any potentially unlawful requests, registrars should be able to suspend or cancel the registration of any wallet-relying party without prior notice where the registrars have reason to believe that the registration contains information which is not accurate, not up to date or misleading, the wallet-relying party is not compliant with the registration policy or the wallet-relying party is otherwise acting in breach of Union or national law in a way that relates to their role as a wallet-relying party. In order to safeguard the stability of the wallet ecosystem, the decision to suspend or cancel a registration should be proportionate to the service disruption caused by the suspension or cancellation and the associated cost and inconvenience for the service provider and the user. For the same reason, supervisory bodies are to be enabled to suspend and cancel the registration required pursuant to Article 46a(4), point (f) of Regulation (EU) No 910/2014.

(13) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725<sup>7</sup> and delivered its opinion on [XX.XXX 2024].

(14) 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 rules for the registration of wallet-relying parties, 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) 2021/946, and in particular the Architecture and Reference Framework.

## *Article 2*

### **Definitions**

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

- (1) ‘wallet-relying party’ means a relying party that intends to rely upon wallet units for the provision of public or private services by means of digital interaction;
- (2) ‘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;

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<sup>7</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>.

- (3) '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;
- (4) '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;
- (5) '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;
- (6) '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;
- (7) '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;
- (8) 'wallet provider' means a natural or legal person who provides wallet solutions;
- (9) 'wallet user' means a user who is in control of the wallet unit;
- (10) 'register of wallet-relying parties' means an electronic register used by a Member State to make information on wallet-relying parties registered in that Member State publicly available as set out in Article 5b(5) of Regulation (EU) No 910/2014;
- (11) 'provider of wallet-relying party access certificates' means a natural or legal person mandated by a Member State to issue wallet-relying party access certificates to wallet-relying parties registered in that Member State;
- (12) 'wallet-relying party access certificate' means a certificate for electronic seals or signatures authenticating and validating the wallet-relying party issued by a provider of wallet-relying party access certificates;
- (13) '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;
- (14) 'registrar of wallet-relying parties' means a body responsible for establishing and maintaining a list of registered wallet-relying parties established in their territory who has been designated by a Member State;
- (15) 'wallet-relying party registration certificate' means a data object that indicates the attributes the relying party has registered to intend to request from users;
- (16) 'provider of wallet-relying party registration certificates' means a natural or legal person mandated by a Member State to issue wallet-relying party registration certificates to wallet-relying parties registered in that Member State.

### *Article 3*

#### **National registers**

1. Member States shall establish and maintain at least one national register with information about registered wallet-relying parties. Where more than one national register is established, a wallet-relying party shall be included in one register only.
2. Member States shall make the information set out in Annex I on registered wallet-relying parties from all national registers publicly available online, both in human readable form and in a form suitable for automated processing.
3. The information shall be available through a single national application programming interface ('API') and through a national website. It shall be electronically signed or sealed by or on behalf of the registrar, in accordance with the requirements set out in Section 1 of Annex II.
4. Member States shall ensure that the API referred to in paragraph 2 complies with the technical specifications set out in Section 2 of Annex II. Member States shall ensure that the registers comply with the registration policy set out in Article 4.

### *Article 4*

#### **Registration policies**

1. Member States shall lay down and publish one or more national registration policies applicable to national registers.
2. The registration policy shall cover at least the following points:
  - (a) the identification and authentication procedures applicable to wallet-relying parties during the registration process;
  - (b) the supporting documentation to be provided by the wallet-relying party to establish their identity, business registration, any applicable entitlement(s), and other relevant information that is required under the registration policy;
  - (c) where applicable, the description of the authentic sources or other official electronic records in the Member State where the register is set up, that can be relied upon to provide accurate data, information or other evidence required as part of the registration process;
  - (d) where applicable, the automated means supported to enable wallet-relying parties to register or to update an existing registration;
  - (e) the means of redress available to wallet-relying parties under the law of the Member State where the register is set up;
  - (f) the rules and procedures for the verification of the identity of the registered wallet-relying party and of any other relevant information provided by that party.
3. The procedures referred to in paragraph 1, point (a) and (b) shall enable a wallet-relying party to indicate whether it is acting under a specific entitlement(s) as set out in Annex I.
4. The requirements set out in the registration policy shall not impede an automated registration process.

## Article 5

### **Information to be provided to the national registers**

A wallet-relying party shall provide to the relevant register of the Member State where it is established at least the information set out in Annex I. The wallet-relying party shall ensure that all information provided is accurate at the time of registration and when the information is updated.

## Article 6

### **The registration process**

1. Registrars shall set up online, and where applicable, automated registration processes for wallet-relying parties that are easy to use.
2. Registrars shall verify applications for registration without undue delay. They shall provide a response to the applicant within five working days, using appropriate means and in accordance with the laws and procedures of the Member State where the register is set up.
3. Registrars shall verify, where applicable, in an automated manner:
  - (a) the accuracy and validity of the information required under Article 5;
  - (b) where applicable, the power of attorney of a representative of the wallet-relying party in accordance with the laws and procedures of the Member State where the register is set up;
  - (c) the type of entitlement(s) of the wallet-relying party as set out in Annex I.
4. The verification of the information referred to in paragraph 3 shall include an authenticity and validity assessment of the provided information against the supporting documentation provided by the wallet-relying parties and against any authentic sources or other official electronic records in the Member State where the register is set up and to which the registrars have access in accordance with national law. The verification of entitlements of wallet-relying parties shall be carried out in accordance with Annex III.
5. When a wallet-relying party no longer intends to rely upon wallet units for the provision of public or private services under a specific registration, it shall notify the relevant registrar without undue delay and request the cancellation of that registration.

## Article 7

### **Wallet-relying party access certificates**

1. Member States shall ensure that providers of wallet-relying party access certificates issue wallet-relying party access certificates to wallet-relying parties registered in accordance with the requirements set out in Article 4 to Article 6 of this Regulation.
2. Member States shall set up dedicated certificate policies and certificate practice statements in accordance with the requirements set out in Annex IV. Member States shall ensure that wallet-relying party access certificates meet the requirements set out in Annex IV.

## Article 8

### Wallet-relying party registration certificates

1. Member States may require providers of wallet-relying party registration certificates to issue wallet-relying party registration certificates to wallet-relying parties registered in accordance with the requirements set out in Article 4 to Article 6 of this Regulation.
2. Where Member States require the provision of wallet-relying party registration certificates, Member States shall ensure that these certificates meet the requirements set out in Annex V.

## Article 9

### Suspension and cancellation

1. Registrars may suspend or cancel a registration of a wallet-relying party where such a suspension or cancellation is requested by a supervisory body pursuant to Article 46a(4), point (f) of Regulation (EU) No 910/2014 or where the registrars have reasons to believe that:
  - (a) the registration contains information which is not accurate, not up to date or misleading;
  - (b) the wallet-relying party is not compliant with the registration policy;
  - (c) the wallet-relying party is requesting more attributes than what they have registered in accordance with Article 5 and Article 6 of this Regulation;
  - (d) the wallet-relying party is otherwise acting in breach of Union or law of that Member State in a way that relates to their role as a wallet-relying party;
2. When considering the suspension or cancellation, the registrar shall conduct a proportionality assessment, taking into account the severity of the disruption caused by the suspension or cancellation and the associated costs, both for the wallet-relying party and the user. Based on the result of this assessment, the registrar may suspend or cancel the registration with or without prior notice to the relying party concerned.
3. In case of suspension or cancellation of the registration of a wallet-relying party, the registrar shall inform the provider of the relevant wallet-relying party access certificate, the provider of the relevant wallet-relying party registration certificates where applicable, and the concerned wallet-relying party of this action without undue delay and not later than 24 hours after the suspension or cancellation. This notification shall also include information on reason for the suspension and on the available means of redress or appeal. The provider of wallet-relying party access certificates, and, where applicable, the provider of wallet-relying registration certificates, shall suspend or revoke the wallet-relying party access certificate, and wallet-relying party registration certificates respectively, of the wallet-relying party for which the registration has been suspended or cancelled.



*Article 10*

**Record keeping**

Registrars shall record the information provided for the registration of a wallet-relying party, and of any subsequent updates for as long as necessary in accordance with Union and national law.

*Article 11*

**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*.

It shall apply from [date to be inserted by the OP – 12 months after publication].

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*