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# eIDs and the eIDAS-Regulation

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# General Overview

## Regulation (EU) No. 910/2014

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- General Provisions (Art. 1 – 5)
- Electronic Identification (eID)
  - Mutual recognition (Art. 6)
  - Notification (Art. 7 – 9)
  - Security breach (Art. 10)
  - Liability (Art. 11)
  - Cooperation and interoperability (Art. 12)
- Trust Services (Art. 13 – 45)
  - Electronic signatures (Art. 25 – 34)
  - Electronic seals (Art. 35 – 40)
  - Electronic time stamps (Art. 41 – 44)

## Implementing Acts

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- 26 implementing acts, 1 delegated act
- 4 implementing acts concerned with eIDs:
  - Art. 8 III: Minimum technical standards for assurance levels  
( ➡ 18 September 2015)
  - Art. 9 V: Circumstances, formats and procedures of notification  
(non-mandatory)
  - Art. 12 VII: Procedural arrangements for cooperation of Member States  
( ➡ 18 March 2015)
  - Art. 12 VIII: Interoperability framework  
( ➡ 18 September 2015)

 **02**  


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**Scope**

## Scope

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- Art. 2 III: „This Regulation does not affect national or Union law related to the conclusion and validity of contracts or other legal or procedural obligations relating to form.“
- Recital 21: „[This] Regulation [should not] cover aspects related to the conclusion and validity of contracts or other legal obligations where there are requirements as regards form laid down by national or Union law. In addition, **it should not affect national form requirements pertaining to public registers, in particular commercial and land registers.**“
- Cf. EU Council’s general approach on SUP-Directive

 **03**  


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# Electronic Identification



## Electronic Identification (eID)

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- **Mutual recognition (Art. 6)**
  - Any notified eID with the same assurance level
  - Only regarding natural persons
  - = no proof of existence or representation of a company
- **Notification (Art. 7 – 9)**
- Security breach (Art. 10)
- Liability (Art. 11)
- Cooperation and interoperability (Art. 12)

 **04**

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# Conclusion

## Conclusion

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- **Scope:**
  - eIDAS does not affect legal or procedural obligations relating to form
  - National form requirements of public registers are not affected
- **Mutual recognition of eIDs**
  - Only in case of express applicability due to a *lex posteriori*
  - Recognition of any notified eID with the same assurance level
  - Only regarding natural persons
  - = no proof of existence or representation of a company

Thank you for your attention!

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