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eIDs and the eIDAS-Regulation

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General Overview



Regulation (EU) No. 910/2014

- 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

- 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)





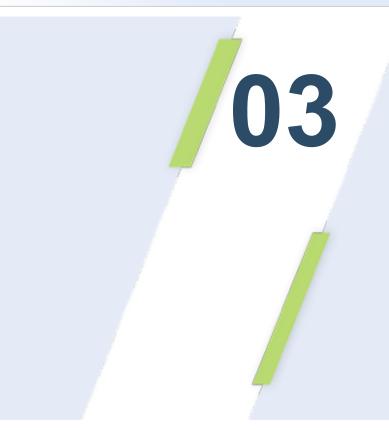
Scope



Scope

- 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





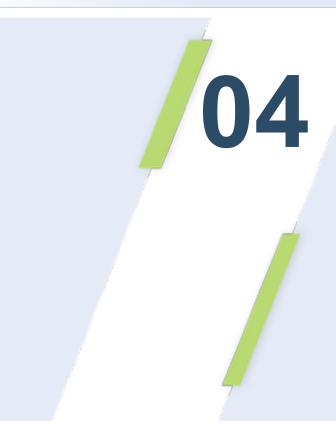
Electronic Identification



Electronic Identification (eID)

- 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)





Conclusion



Conclusion

Scope:

- eIDAS does not affect legal or procedural obligations relating to form
- National form requirements of public registers are not affected

Mutual recognition of elDs

- 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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