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

**of **XXX****

**on laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the formats and procedures for annual reports by supervisory bodies**

*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**

## **on laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the formats and procedures for annual reports by supervisory bodies**

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 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC<sup>1</sup>, and in particular Article 46a(7) and Article 46b(7) thereof,

Whereas:

- (1) Supervisory bodies for the European Digital Identity Wallets designated pursuant to Article 46a(1) of Regulation (EU) No 910/2014 and supervisory bodies for trust services designated pursuant to Article 46b(1) of that Regulation ('supervisory bodies') are to provide relevant information on their supervisory activities to the Commission pursuant to Article 46a(6) and Article 46b(6) of that Regulation.
- (2) To establish a transparent and reliable source of information regarding the supervisory activities and actions of the supervisory bodies and to ensure that data exchanges with the Commission are secure and verifiable and to reduce administrative complexity, supervisory bodies should submit the annual reports in a specified format which is machine-readable and suitable for automated processing.
- (3) To facilitate the exchange of good practices between supervisory bodies and to ensure consistent and efficient supervision in all Member States, all supervisory bodies should submit the information as set out in Annexes I and II to this Regulation on their main supervisory activities in the annual reports.
- (4) Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>2</sup> and, where relevant, Directive 2002/58/EC of the European Parliament and of the Council<sup>3</sup> apply to all personal data processing activities under this Regulation.
- (5) 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 Council<sup>4</sup> and delivered its opinion on [XX. XX.2025].

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

<sup>2</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>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>).

- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 48 of Regulation (EU) No 910/2014,

HAS ADOPTED THIS REGULATION:

### *Article 1*

#### **Subject matter**

This Regulation lays down the formats and procedures for the annual reports submitted to the Commission by supervisory bodies for the European Digital Identity Wallets, designated pursuant to Article 46a(1) of Regulation (EU) No 910/2014 and by supervisory bodies for trust services, designated pursuant to Article 46b(1) of Regulation (EU) No 910/2014.

### *Article 2*

#### **Definitions**

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

- (1) ‘wallet provider’ means a natural or legal person who provides wallet solutions;
- (2) ‘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;
- (3) ‘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;
- (4) ‘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;
- (5) ‘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;
- (6) ‘wallet user’ means a user who is in control of the wallet unit;
- (7) ‘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;
- (8) ‘critical assets’ means assets within or in relation to a wallet unit of such extraordinary importance that, where their availability, confidentiality or integrity is compromised, this would have a very serious, debilitating effect on the ability to rely on the wallet unit.

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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>).

### *Article 3*

#### **Format and procedures of annual reports**

1. Supervisory bodies shall submit their annual reports referred to in Article 46a(6) and Article 46b(6) of Regulation (EU) No 910/2014 to the Commission, through a secure electronic channel made available by the Commission.
2. Supervisory bodies shall submit the information in their annual reports only once, by re-using previously submitted information where appropriate.
3. Supervisory bodies for the European Digital Identity Wallets referred to in Article 46a(1) of Regulation (EU) No 910/2014 shall ensure that their annual reports include the information set out in Annex I to this Regulation.
4. Supervisory bodies of trust services referred to in Article 46b(1) of Regulation (EU) No 910/2014 shall ensure that their annual reports include the information set out in Annex II to this Regulation.

### *Article 4*

#### **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*