



Brussels, 21 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF ELECTRONIC IDENTIFICATION AND TRUST SERVICES FOR ELECTRONIC TRANSACTIONS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, stakeholders, in particular providers of trust services, providers of notified electronic identification schemes or parties relying on notified electronic identification schemes are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market⁴ no longer applies to the United Kingdom. This has in particular the following consequences:

1. TRUST SERVICES

In accordance with Article 4 of Regulation (EU) No 910/2014 there must be no restriction on the provision of trust services in the territory of a Member State by a trust

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ [Regulation \(EU\) N°910/2014](#) of the European Parliament and of the Council of 23 July 2014 of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, OJ L 257, 28.8.2014, p. 73.

service provider established in another Member State for reasons that fall within the fields covered by that Regulation. In accordance with Article 14 of Regulation (EU) No 910/2014 "qualified trust services" can only be provided by EU-based trust service providers or by trust service providers established in a third country which has an international agreement with the EU on the recognition of trust services.

As of the withdrawal date, trust service providers established in the United Kingdom will be third country trust service providers for the purposes of Regulation (EU) No 910/2014. They will not benefit from Article 4 of Regulation (EU) No 910/2014. Additionally, trust services provided by trust service providers established in the United Kingdom will not be considered as "qualified trust services" in the EU.

2. ELECTRONIC IDENTIFICATION SCHEMES

In accordance with Article 6 of Regulation (EU) No 910/2014, when an electronic identification using an electronic identification means and authentication is required under national law or by administrative practice to access a service provided by a public sector body online in one Member State, the electronic identification means issued in another Member State shall be recognised in the first Member State for the purposes of cross-border authentication for that service online, provided that certain conditions set out in that Article are met: notably, that the electronic identification means issued under an electronic identification scheme included in the list published by the Commission pursuant to Article 9 of Regulation (EU) No 910/2014.

As of the withdrawal date, electronic identification schemes which may have been notified by the United Kingdom before the withdrawal date pursuant to Article 9 of Regulation (EU) No 910/2014 will no longer be recognised by EU-27 Member States pursuant to Article 6 of Regulation (EU) No 910/2014.

The website of the Commission on Trust Services and electronic identification (<https://ec.europa.eu/digital-single-market/en/policies/trust-services-and-eidentification>) provides general information concerning Regulation (EU) No 910/2014. These pages will be updated with further information, where necessary.

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