bitkom

Position Paper

September 2025

eIDAS Implementing Act: Qualified electronic ledgers

Summary

Bitkom highlights the need for greater precision and practicality in the draft Implementing Act on qualified electronic ledgers. Clear and consistent terminology, differentiated definitions, and the correction of technical inaccuracies are essential to avoid ambiguity. At the same time, requirements for supervision must remain workable in practice, particularly in situations where urgent security updates are needed. Overall, the framework should ensure legal clarity, technical accuracy, and operational feasibility for trust service providers.

Specific comments on the implementing regulation

Nr.	Article	Action	Justification/Recommendation
1	**Article 1**	Amend article 1	**Modify "Article 451" with "Article 45k". Typo in reference to eIDAS Regulation** **Modify "qualified distributed electronic ledgers" with "qualified electronic ledgers".**
2	**Annex "List of technical specifications and reference standards for qualified distributed electronic ledgers", 1(d)**	Amend 1(d)	**Insert a definition for "complete node" and a different one for "partial node".** The definition treats the two types of nodes in the same way. A complete node should be differentiated from an incomplete node, so that it is then easier to identify the relevant responsibilities in the regulatory sphere.

Nr.	Article	Action	Justification/Recommendation
3.	**Annex "List of technical specifications and reference standards for qualified distributed electronic ledgers",3(a) 6.3 REQ-6.3-04X**	Amend 3(a) 6.3 REQ-6.3-04X	**We suggest to modify the obligation to notify any changes to the SBs at least one month before implementing them.** In this requirement it is mandated that TSPs shall notify any changes to the SBs at least one month before implementing them. This would be impractical, because, for instance after a security incident (per NIS2), the security updates should be made as soon as possible and thus cannot be notified to the SBs one month in advance.
4	**Annex "List of technical specifications and reference standards for qualified distributed electronic ledgers", 3(a) 7.5 REQ-7.5-04 (b)**	Amend 3(a) 7.5 REQ-7.5-04 (b)	**Modify "SHA3-2562" with "SHA3-256". Typo in reference to sha type.**
5	**General (Implementing Regulation & Annex)**	Amend	In case strict accuracy for Proof of Existence of on-ledger records is required, the **electronic ledger service shall be combined with a (qualified) time stamp service conformant to ETSI EN 319 421.**

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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