

Position Paper

September 2025

eIDAS Implementing Act: Qualified trust service providers – requirements on compliance and security

Summary

Bitkom underlines the importance of keeping compliance and security requirements for qualified trust service providers proportionate and practical. Excessive or overly broad notification duties, redundant provisions, and unclear references risk creating legal uncertainty, administrative overload, and operational inefficiencies without adding supervisory value. Instead, notifications should focus only on substantive changes that genuinely impact compliance or security. Finally, any new obligations must be introduced with a reasonable transition period to allow providers to adapt effectively.

Specific comments on the implementing regulation

Nr.	Article	Action	Justification/Recommendation
1	Article 1, par. 1	Amend Article 1, par. 1	The obligation to notify supervisory bodies the changes to terms and conditions should be deleted. Terms and conditions are legal instruments that primarily regulate the contractual relationship with customers. They already contain non-derogable provisions derived from legislation and supervision frameworks, meaning that their substance is defined by law rather than by the

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			provider's unilateral choice. Moreover, T&Cs may vary frequently for purely commercial, administrative, or negotiated reasons that have no impact on the compliance or security of qualified trust services. Requiring notifications for every single change to the terms and conditions is excessive, creates operational burdens, and risks making processes rigid and inefficient. In addition, supervisory bodies would be flooded with notifications they may not even be structurally equipped to process. It is therefore essential to leave QTSPs the discretion to assess whether a change is actually relevant.
2	Article 1, par. 3	Amend Article 1, par. 3	Amend the article as follows: '3. the hosting of relevant technical components required for the provision of the qualified trust services, or to relevant other changes in technical services pertaining to these technical components' Requiring notifications for every single change in the hosting or technical components is excessive, creates operational rigidity, and risks overwhelming both providers and supervisory bodies with an unmanageable flow of information. Supervisory bodies may not be in a position to process such a volume of minor technical notifications, which would not contribute to stronger supervision. It is therefore essential to focus only on substantive changes with an actual impact on the qualified trust services. We therefore propose that only 'relevant changes of' technical components and related services be subject to notification.

Nr.	Article	Action	Justification/Recommendation
3	Article 1, par. 6	Delete Article 1, par. 6	The reference 'organisational arrangements or governance of the trust service provider' is too broad and generic, potentially covering any internal organisational adjustment, even when it has no impact on the provision of qualified trust services. QTSPs are already required to notify supervisory bodies of changes to <i>trusted roles</i> and other key functions, which sufficiently ensures oversight on governance aspects relevant to compliance and security. Extending the obligation to all organisational or governance changes would be disproportionate, duplicative , and would generate unnecessary administrative burden for both providers and supervisory bodies.
4	Article 1, par. 10	Delete Article 1, par. 10	This provision exceeds the mandate of the Implementing Act. As indicated in point (b) of Article 24, paragraph 2, QTSP shall employ staff and, if applicable, subcontractors who possess the necessary expertise, reliability, experience, and qualifications and who have received appropriate training regarding security and personal data protection rules.
5	Article 3, par. 4	Amend Article 3, par. 4	Delete "The review shall include an assessment of the effectiveness of the termination plan." Requiring that the review of the termination plan also includes an "assessment of the effectiveness" would in practice amount to performing full-scale tests of the plan. Such tests are highly onerous in terms of resources and may quickly become obsolete, as both the internal organisation of a QTSP and the third parties organisations can change significantly in a short period of time. This would create disproportionate burdens without guaranteeing added supervisory value.

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6	Article 3, par. 6	Clarify Article 3, par. 6	It is not clear what is meant by “appropriate insurance” given that such coverage may not exist in the insurance market and, furthermore, such an obligation may not necessarily achieve the objective of protecting users of trust services. In fact, some causes for termination of the service could occur due to events related to the corporate life of the QTSP. In such cases, the contract between the QTSP and the insurance company may no longer be in force and, as a result, the cover would no longer exist.
7	Article 4 & Annex “List of reference standards and specifications referred to in Article”	Delete Article 4	The provision in Article 4 is redundant and exceeds the mandate of the Implementing Act. Article 4 cannot be used to impose or extend compliance obligations with the service-specific requirements referred to in Article 24(2) eIDAS. Repeating this rule not only adds no substantive value but also generates confusion as to the scope and meaning of the presumption of compliance. Furthermore, the cross-reference to multiple implementing acts and annexes, each with different applicability dates, introduces legal uncertainty. It should be clarified that each implementing act remains subject to its own date of applicability, otherwise the provision risks creating confusion and unintended anticipations of obligations. Alternatively, it should be clearly stated that the principle of presumption of compliance applies, and that each implementing act mentioned in the Annex remains subject to its own applicability date, as expressly laid down therein.

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8	Article 5	Amend Article 5	A transitional period of at least 12 months should be introduced before the new requirements become mandatory. Qualified trust service providers need adequate time to adapt their processes, infrastructures, and compliance frameworks, and a 20-day period is not even sufficient to perform a proper gap analysis and implement the necessary changes. This is all the more necessary in light of Article 4 IA, which refers to a wide range of implementing acts and technical standards. A reasonable transition period is therefore essential to ensure both operational continuity and effective compliance.

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