

Implementing Regulation concerning QTSP Compliance

Please find below the comments of the European Signature Dialog (ESD). ESD stands as the pinnacle consortium of leading European Qualified Trust Service Providers (QTSPs). We are pleased to provide our contribution in relation to the implementing regulations of eIDAS 2 Regulation, in the spirit of supporting a clear, effective, and future-proof framework.

We should carefully reflect on whether it is truly appropriate to impose such extensive additional operational burdens on QTSPs. The risk is threefold. First, compliance risks turning into pure bureaucracy rather than strengthening qualified trust services. Second, by setting requirements that are excessively numerous or practically unimplementable, we risk reaching the equivalent of the Laffer curve: beyond a certain point, more rules no longer increase trust or security but instead reduce efficiency and discourage providers from operating. Third, an excessive burden could create unintended competitive distortions, favoring only the largest players while penalizing smaller providers and limiting innovation in the ecosystem. Moreover, supervisory bodies themselves may not be structurally equipped to handle the volume and granularity of notifications and documentation required under the draft text. Against this background, we have identified a number of provisions that should be adjusted to ensure proportionality, legal certainty, and operational feasibility.

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 1	Implementing Regulation	Article 5 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.	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, let alone implement the necessary changes. This is all the more necessary in light of Article 4, which refers to a wide range of implementing acts and technical standards. It is unrealistic to expect these references to become fully applicable and enforceable immediately after the entry into force of the Regulation. A reasonable transition period is therefore essential to ensure both operational continuity and effective compliance.	We recommend providing for an applicability postponement of at least 12 months in order to ensure legal certainty and give qualified trust service providers sufficient time to adapt.

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 2	Implementing Regulation	Article 1 Notifications to the supervisory body In notifications referred to in Article 24(2), point (a), of Regulation (EU) No 910/2014, qualified trust service providers shall cover at least changes relating to all of the following elements: 1) the service descriptions, policies, practice statements or associated terms and conditions;	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 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.	The requirement to notify supervisory bodies of changes to the associated terms and conditions should be deleted In the alternative, if the reference only relevant changes of the terms and conditions should be subject to notification, in order to capture substantive modifications without burdening providers or authorities with minor updates.

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QTSP Comp 3	Implementing Regulation	Article 1 Notifications to the supervisory body In notifications referred to in Article 24(2), point (a), of Regulation (EU) No 910/2014, qualified trust service providers shall cover at least changes relating to all of the following elements: [...] 3) the hosting of any technical components required for the provision of the qualified trust services, or to any 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.	Modify as follows. Article 1 Notifications to the supervisory body In notifications referred to in Article 24(2), point (a), of Regulation (EU) No 910/2014, qualified trust service providers shall cover at least changes relating to all of the following elements: [...] 3) the hosting of relevant any technical components required for the provision of the qualified trust services, or to relevant any other changes in technical services pertaining to these technical components;
QTSP Comp 4	Implementing Regulation	Article 1 Notifications to the supervisory body In notifications referred to in Article 24(2), point (a), of Regulation (EU) No 910/2014, qualified trust service providers shall cover at least changes relating to all of the following elements: [...] 6) organisational arrangements or governance of the trust service provider;	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.	Point (6) “the organisational arrangements or governance of the trust service provider” should be deleted.

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 5	Implementing Regulation	Article 1 Notifications to the supervisory body In notifications referred to in Article 24(2), point (a), of Regulation (EU) No 910/2014, qualified trust service providers shall cover at least changes relating to all of the following elements: [...] 10) third parties involved in the provision of the qualified trust services, including subcontractors or service providers, or to contractual terms with these third parties	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.	Point (10) should be deleted.
QTSP Comp 6	Implementing Regulation	Article 3 Termination plan [...] Qualified trust service providers shall review the termination plan, and any associated documents, at least every two years and as part of the implementation of any changes to the qualified trust service provider or to the qualified trust services it provides and update the plan accordingly. 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.	Delete “The review shall include an assessment of the effectiveness of the termination plan.”

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 7	Implementing Regulation	Article 3 Termination plan 6. Qualified trust service providers shall ensure maintenance of sufficient financial resources or obtain appropriate insurance to cover the costs required to effectively execute the termination plan, including in case of unanticipated termination.	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.	Correct / Clarify.
QTSP Comp 7	Implementing Regulation	Article 3 Termination plan	This plan is considered unrealistic in the event of a sudden failure of a particular QTSP. We propose the supervisory bodies to be notified in advance of the failure and to be responsible for implementing the plan in the public interest.	Adapt the text.

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 8	Implementing Regulation	Article 3 Termination plan 9. Qualified trust service providers shall ensure that the termination plan includes at least the following documentation: (a) procedures for the termination of qualified trust services; (b) procedures for and reports of regular review of the termination plan referred to in paragraph 4 of this Article; (c) procedures for and records of trainings on the termination plan; (d) audit reports relating to the termination plan; (e) termination arrangements with third parties involved in the provision of the qualified trust services that are to be terminated; (f) terms and conditions, practices and policy documents relating to the qualified trust services; (g) up-to-date documentation on the compliance with data protection requirements of Regulation (EU) 2016/679 and of applicable national law	The level of detail required under paragraph 9 risks transforming the termination plan into a bureaucratic repository of documents, rather than an operational tool aimed at ensuring continuity, reliability, and user protection in the event of termination of qualified trust services. First, it should be clarified that the listed elements are to be integrated within the termination plan itself, not necessarily maintained as additional or standalone documentation. Otherwise, there is a risk of duplicating information that is already present in policies, procedures, or compliance files. In particular, point (c) (“procedures for and records of trainings on the termination plan”) should be deleted. Training obligations are already part of the general governance and compliance framework of a provider. Requiring their documentation specifically in the termination plan goes beyond what is necessary for effective supervision, creates administrative overhead, and risks reducing the exercise to a mere box-ticking activity. Moreover, point (g) requiring “up-to-date documentation on the compliance with data protection requirements of Regulation (EU) 2016/679 and of applicable national law” does not belong in the termination plan. GDPR compliance is a horizontal obligation for all processing activities and is already covered by existing supervisory mechanisms. Including it here introduces unnecessary duplication and blurs the scope and purpose of the termination plan.	Review as follows: 9. Qualified trust service providers shall ensure that the termination plan includes at least: (a) procedures for the termination of qualified trust services; (b) procedures for regular review of the termination plan; (c) procedures concerning termination arrangements with third parties involved in the provision of the qualified trust services that are to be terminated.

	Legislative reference	Article	Comment	Proposed solution
QTSP Comp 9	Annex	Article 4 & Annex	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). 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.	We strongly recommend deleting Article 4. 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.

We are ready to assist decision makers and regulatory bodies in answering questions and concerns. In case you wish more information please write or call us:

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