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dated 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

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020.³ Until that date, EU law in its entirety applies to and in the United Kingdom.⁴

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,⁵ in the EU Customs Union, and in the VAT and excise duty area.

Moreover, as of the end of the transition period the United Kingdom will be a third country as regards the implementation and application of EU law in the EU Member States.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation as of the end of the transition period.

¹ A third country is a country not member of the EU.

² Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

³ The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.

⁴ Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

⁵ In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

Advice to stakeholders:

Trust service providers established in the United Kingdom, users of their services and public authorities of the Member States are in particular advised to assess the consequences of the end of the transition period in view of this notice.

After the end of the transition period, the EU rules in the field of electronic identification and trust services for electronic transactions, in particular Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market⁶, no longer apply to the United Kingdom. This has in particular the following consequences as of the end of the transition period:

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 service provider established in another Member State for reasons that fall within the fields covered by that Regulation. Only EU-based trust service providers benefit from the freedoms included in Article 4 of the Regulation. In accordance with Article 14 of Regulation (EU) No 910/2014, "qualified trust services" provided by trust service providers established in a third country are considered equivalent with those provided by Union providers only if such services are recognised under an international agreement between the EU and the third country in question.

As of the end of the transition period, 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 anymore 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 are to 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 is included in the list published by the Commission pursuant to Article 9 of Regulation (EU) No 910/2014.

As of the end of the transition period, the electronic identification scheme GOV.UK Verify, which has been notified by the United Kingdom on 2 May 2019 pursuant to

⁶ [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.

Article 9 of Regulation (EU) No 910/2014, will no longer be recognised by EU Member States pursuant to Article 6 of Regulation (EU) No 910/2014.

The website of the Commission on EU on electronic identification and trust services for electronic transactions (<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.

European Commission
Directorate-General for Communications Networks, Content and Technology