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Subject:	Commission draft implementing regulation (EU) .../... of ... 2021 setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the "once-only" principle in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council

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EUROPEAN  
COMMISSION

Brussels, **XXX**  
XXXX  
[...] (2021) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the "once-only" principle in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

## **setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the "once-only" principle in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012<sup>1</sup>, and in particular Article 14(9) thereof,

Whereas:

- (1) Article 14(1) of Regulation (EU) 2018/1724 requires the Commission, in cooperation with Member States, to establish a technical system for the exchange of evidence as required in online procedures listed in Annex II to that Regulation and in the procedures provided for in Directives 2005/36/EC<sup>2</sup>, 2006/123/EC<sup>3</sup>, 2014/24/EU<sup>4</sup> and 2014/25/EU<sup>5</sup> of the European Parliament and of the Council.
- (2) In order to reduce the costs of and the time necessary for establishing this ‘once-only’ technical system (OOTS), the architecture of the OOTS should rely on reusable solutions, be implementation technology neutral and accommodate different national solutions underpinning the functioning of databases. For example, the OOTS should be able to use the existing national procedure portals, data services or intermediary platforms, which have been created for national use.
- (3) One of such reusable solutions developed at Union level are eIDAS nodes, which, by enabling the communication with other nodes of the eIDAS network, can process the request for and the provision of the cross-border authentication of a user. The eIDAS nodes should allow evidence requesters to identify users requesting evidence to be

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<sup>1</sup> OJ L 295, 21.11.2018, p. 1.

<sup>2</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

<sup>3</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

<sup>4</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>5</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

exchanged through the OOTS so that evidence providers can match the identification data in the evidence requests to the identification data they hold.

- (4) To ensure the security of the cross-border electronic delivery services for the purposes of the OOTS, the Member States should ensure that such services comply with the requirements for electronic registered delivery services, laid down in Article 44 of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>6</sup>. To that effect, it is appropriate that the OOTS uses eDelivery Access Points, as eDelivery building blocks developed under the Connecting Europe Facility Programme<sup>7</sup> and continued under the Digital Europe Programme<sup>8</sup> that provide technical specifications and standards, as well as ancillary services, which allow to create a network of nodes for secure digital data exchange. Within that framework, Member States should be able to choose the provider(s) of their eDelivery software.
- (5) To ensure flexibility in the application of this Regulation, Member States should be able to decide to have either one or several eDelivery Access Points, as part of the OOTS. A Member State should therefore be able to deploy a single Access Point managing all OOTS-related eDelivery messaging to the evidence requesters or evidence providers through an intermediary platform, where applicable, or, alternatively, to deploy multiple Access Points at any hierarchical level or for specific domains or sectors or geographic levels of its public administration.
- (6) According to Union law, including Directives 2005/36/EC, 2006/123/EC, 2014/24/EU and 2014/25/EU and Regulation (EU) 2018/1724 certain administrative procedures are to be available to users online. As those procedures and the evidence required are not harmonised under Union law, common services should be established to enable the cross-border exchange of evidence required for these procedures through the OOTS.
- (7) In situations where there is no agreed evidence type that is harmonised across the Union and that all Member States can provide, an evidence broker should help determine which evidence types can be accepted from other Member States for a particular procedure. As the type of evidence that is used in the Member State that requests the evidence may not exist in other Member States, it should be possible to provide equivalent evidence that contains the same required information.
- (8) The evidence broker should be based on rule content provided by Member States and should provide an on-line mechanism for Member States to align and query their information requirements and evidence type sets. The evidence broker should allow Member States to manage and share information about rules relating to evidence types, in particular for standardised types of evidence that do not require a detailed substantial assessment.
- (9) In cases where integration is needed between the procedure portal and the data services and the common services, the exchange protocols and other technical design

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<sup>6</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

<sup>7</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129–171).

<sup>8</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the Digital Europe programme for the period 2021-2027 (COM/2018/434 final - 2018/0227 (COD)).

documents should be provided by the Commission in cooperation with the gateway coordination group.

- (10) In order to comply with Article 14 of Regulation (EU) 2018/1724, it should be possible to exchange through the OOTS structured evidence as well as unstructured evidence that can be exchanged in an automated fashion. To enable this exchange, a semantic repository should be developed by the Commission to provide access to and manage data models, metadata schemata and data formats for evidence that can be exchanged in an automated fashion. Member States should be free to determine when they convert unstructured pieces of evidence to a format that enables their automated exchange, and thus make them compliant with the relevant data models, metadata schemata and data formats stored in the semantic repository. However, in order to enhance the usefulness of the OOTS for its users and since the usage of data models and metadata schemata for both unstructured and structured evidence formats is generally highly recommended, the Commission should support Member States in their efforts to work towards this goal.
- (11) In the view of the foregoing, the semantic repository should be built gradually, as the number of pieces of evidence qualifying for an exchange through the OOTS increases. Member States should be given twelve months for the implementation of updates of the semantic repository.
- (12) To minimize the amount of data subject to exchange, in the case of structured evidence, if only a subset of data is requested in the evidence request, the evidence provider may enable automated filtering of the data so that only the requested data are exchanged.
- (13) Where Member States manage national registries and services that play the same or an equivalent role as the data service directory or the evidence broker, they should not be required to duplicate their work by contributing to the respective common services. However, in such a case they should ensure that their national services are interconnected with the common services so that they can be used by other Member States. Alternatively, those Member States should be able to copy the relevant data from the national registries or services to the data service directory or evidence broker.
- (14) In order to ensure that the principles of user centricity and user-friendliness, expressed in the 2017 Tallinn Declaration on eGovernment and the 2020 Berlin Declaration on Digital Society and Value-Based Digital Government, are met, users should be informed about the OOTS, its steps and the consequences of using the system. In addition, in line with the accessibility requirements set out in Annex I of Directive 2019/882, the OOTS should be accessible for persons with disabilities.
- (15) It is important for the evidence provider or intermediary platform, where applicable, to be able to assess whether the evidence request made by a user relates to evidence that this user is entitled to receive. The evidence provider or intermediary platform should receive the attributes exchanged using the electronic identification means notified in accordance with Regulation (EU) 910/2014 that allow identifying the user. In case the evidence provider or intermediary platform requests additional attributes for particular evidence types, such additional attributes should also be requested from the user by the evidence requester and provided to the evidence provider or intermediary platform as part of the evidence request.

- (16) In order to guarantee users that they retain control over their personal data at all times while using the OOTS in accordance with Article 14(3)(a) and (f), (4) and (5) of Regulation (EU) 2018/1724, this Regulation should ensure that users receive sufficient information to enable them to make an informed and explicit request to exchange evidence and that they can view the evidence in a separate and secure preview space before deciding whether to use it or not in the procedure.
- (17) To enable users to request evidence on behalf of a legal or natural person as required by some of the procedures listed in Article 14(1) of Regulation (EU) 2018/1724, the OOTS and this Regulation will in the future need to be adapted to rely on solutions developed for cross-border powers of representation and mandates and accepted by Member States. The OOTS and this Regulation will also need to be adapted to enable the exchange of evidence without explicit request by the user and without preview as provided by way of exemption in Article 14(4) and (5) of Regulation (EU) 2018/1724.
- (18) Considering that the establishment of the OOTS is a shared responsibility between the Commission and the Member States, the gateway coordination group should play a central role in the governance of the system. In view of the technical nature of its work and to ensure that protocols and technical design documents can be finalised, implemented with ease in existing national systems and further developed where necessary, the work of the gateway coordination group should be supported and prepared by experts coming together in one or several sub-groups thereof created in accordance with its rules of procedure. To ensure a quick reaction to any possible incidents and downtimes which may impact the functioning of the OOTS, the Commission and the Member States should establish a network of technical support contact points and provide them with the powers and sufficient human and financial resources to enable them to carry out their tasks.
- (19) To ensure an efficient functioning and maintenance of the OOTS, the responsibilities for its different components should be clearly distributed. The Commission, as the owner and operator of the common services, should be responsible for their maintenance, hosting and security. Each Member State should be responsible for ensuring maintenance and the security of those components of the OOTS that they own and for which they are responsible, such as eIDAS nodes, eDelivery Access Points or national registries, in accordance with the relevant Union and national law.
- (20) In order to ensure an appropriate protection of the users' personal data as required by Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>9</sup> this Regulation should specify the role of the Member States in relation to the personal data contained in the evidence that is exchanged through the OOTS.
- (21) Article 14(1) to (8) and (10) of Regulation (EU) 2018/1724 is to apply from 12 December 2023. Therefore, the requirements laid down in this Regulation should also apply from the same date.
- (22) The European Data Protection Supervisor was consulted on the measures laid down in this Regulation and provided its opinion on 6 May 2021.

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<sup>9</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119,4.5.2016, p.1).

(23) The measures provided for in this Regulation are in accordance with the opinion of the Single Digital Gateway Committee,

HAS ADOPTED THIS REGULATION:

## CHAPTER I General provisions

### *Article 1* *Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘once-only technical system’ (‘OOTS’) means the technical system for the cross-border automated exchange of evidence referred to in Article 14 of Regulation (EU) 2018/1724;
- (2) ‘evidence provider’ means a competent authority as referred to in Article 14(2) of Regulation (EU) 2018/1724;
- (3) ‘evidence requester’ means a competent authority responsible for one or more of the procedures referred to in Article 14(1) of Regulation (EU) 2018/1724;
- (4) ‘eDelivery Access Point’ means a communication component that is part of the eDelivery electronic delivery service based on technical specifications and standards such as the AS4 messaging protocol and ancillary services developed under the Connecting Europe Facility Programme and continued under the Digital Europe Programme;
- (5) ‘eIDAS node’ means a node as defined in point 1 of Article 2 of Commission Implementing Regulation (EU) 2015/1501<sup>10</sup> and complying with the technical and operational requirements laid down in and on the basis of that Regulation;
- (6) ‘intermediary platform’ means a technical solution through which evidence providers or evidence requesters from one Member State connect to the common services referred to in Article 4(1) and to evidence providers or evidence requesters from other Member States;
- (7) ‘data service directory’ means a registry containing the list of evidence providers, the evidence they provide and their descriptive elements;
- (8) ‘evidence broker’ means a service allowing an evidence requester to determine which evidence type from another Member States is equivalent to the evidence it requires for the purposes of a national procedure;
- (9) ‘semantic repository’ means a collection of semantic specifications, linked to the evidence broker and the data service directory, which stores and shares machine-readable definitions of names, data types and data elements associated with specific evidence types to ensure the mutual understanding and cross-lingual interpretation

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<sup>10</sup> Commission Implementing Regulation (EU) 2015/1501 of 8 September 2015 on the interoperability framework pursuant to Article 12(8) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 1).

for evidence providers, evidence requesters and users, when exchanging evidence through the OOTS;

- (10) ‘data service’ means a technical service through which an evidence provider handles the evidence requests and dispatches evidence;
- (11) ‘data model’ means an abstraction that organises elements of data, standardises how they relate to one another and specifies the entities, their attributes and the relationships between entities;
- (12) ‘preview space’ means a functionality accessible but separate from the procedure portal, enabling the temporary storage of evidence for the purposes of its preview by the user;
- (13) ‘structured evidence’ means any data or document in electronic format falling within the scope of Article 14 of Regulation (EU) 2018/1724, that is organised in predefined elements or fields that have a specific meaning and technical format allowing for processing by software systems;
- (14) ‘unstructured evidence’ means evidence in electronic format falling within the scope of Article 14 of Regulation (EU) 2018/1724, that is not organised in predefined elements or fields that have specific meaning and technical format but that can be mapped to at least the minimal attributes of the relevant data model as documented in the semantic repository to enable its identification and automated exchange;
- (15) ‘evidence type’ means a category of structured or unstructured evidence with a common purpose or content;
- (16) ‘incident’ means a situation where the OOTS is not performing, fails to transmit the evidence or transmits evidence that has not been requested, or where the evidence has changed during the transmission, as well as any security breach;
- (17) ‘procedure portal’ means a webpage or a mobile application where a user can access and complete an online procedure referred to in Article 14(1) of Regulation (EU) 2018/1724.

## *Article 2* *Structure of the OOTS*

The OOTS shall consist of the following:

- (a) the procedure portals of evidence requesters and the data services of evidence providers;
- (b) intermediary platforms, where relevant;
- (c) the preview spaces referred to in Article 14;
- (d) the national registries and services referred to in Article 8, where relevant;
- (e) eIDAS nodes for user authentication and identity matching;
- (f) eDelivery Access Points;
- (g) the common services referred to in Article 4(1);
- (h) the integration elements and interfaces required to connect the components referred to in points (a) to (g).

## CHAPTER II

### Services of the OOTS

#### *Article 3*

##### *eIDAS nodes and eDelivery Access Points*

1. Member States shall ensure that evidence requesters are connected to an eIDAS-node to perform user authentication pursuant to Article 12, either directly or through an intermediary platform.
2. Member States shall ensure that eDelivery Access Points are installed, configured and integrated in the procedure portals of evidence requesters, in the data services of evidence providers or in intermediary platforms, as the case may be.
3. Member States may choose the number of eDelivery Access Points they use for the OOTS.

#### *Article 4*

##### *Common services*

1. The Commission in cooperation with the Member States shall establish the following services of the OOTS for the shared use by all Member States (“common services”):
  - (a) the data service directory;
  - (b) the evidence broker;
  - (c) the semantic repository.
2. Member States shall ensure the integration between the procedure portals of evidence requesters and the data services of evidence providers, directly or through intermediary platforms, the national registries and services where applicable, and with the common services. The integration shall be based on a high-level architecture and technical design documents ensuring interoperability to be set out by the Commission in cooperation with the Member States in the framework of the gateway coordination group referred to in Article 29 of Regulation (EU) 2018/1724 or any sub-groups thereof created in accordance with the rules of procedure of that group. .
3. Member States shall ensure that only evidence requesters and evidence providers are connected, directly or through intermediary platforms, to the common services and can make use of the OOTS. Member States shall control the connections to the common services at regular intervals.

#### *Article 5*

##### *Data service directory*

1. Without prejudice to Article 8, Member States shall ensure that each evidence provider and each evidence type issued by an evidence provider are registered in the data service directory.
2. The evidence referred to in paragraph 1 shall be registered in accordance with the, data models, metadata schemata and data formats relevant for each evidence type as documented in the semantic repository.
3. The Member States shall ensure that each type of evidence registered in the data service directory is accompanied by:

- (a) the level of assurance of the electronic identification means notified by the Member States in accordance with Regulation (EU) 910/2014; and
- (b) where applicable, the additional attributes beyond the attributes exchanged using the electronic identification means notified in accordance with Regulation (EU) 910/2014 facilitating the authentication of the identity of the user or the identification of the relevant evidence provider,

required for its exchange through the OOTS.

4. The data service directory shall make a clear distinction between the additional attributes referred to in paragraph 3(b) and the attributes exchanged using the electronic identification means notified in accordance with Regulation (EU) 910/2014 referred to in paragraph 3(a).
5. The level of assurance and the additional attributes referred to in paragraph 3 shall not exceed the level of assurance and attributes required by the evidence provider or intermediary platform, where applicable, from a national user requesting this type of evidence directly from the evidence provider.
6. Member States shall ensure that the information in the data service directory is kept up to date.
7. The Commission shall provide Member States with a tool which will help them to verify the compliance of the evidence with the data models.

#### *Article 6 Evidence broker*

1. The evidence broker shall allow evidence requesters to determine which evidence type issued in another Member States corresponds to the evidence type required in the context of procedures for which they are competent.
2. To that effect, evidence providers or intermediary platforms where applicable shall provide the Commission with a listing of all evidence types issued by evidence providers and, for each of them, a name, description and indication of which facts or compliance with procedural requirements they prove.
3. On the basis of the information referred to in paragraph 2, the Commission, in cooperation with the Member States, shall draw up a common list of evidence types and the facts or compliance with procedural requirements they prove.

#### *Article 7 Semantic repository and data models*

1. The semantic repository shall provide access to data models, metadata schemata and data formats relevant for the different evidence types that can be requested on the basis of Article 14 of Regulation (EU) 2018/1724.
2. For each type of structured evidence, the semantic repository shall contain the following components:
  - (a) A representations of the data model with:
    - (1) a visual class diagram ; and

- (2) a textual description of all the entities of the data model, consisting of a definition and the list of the attributes of the entity. For each attribute, the expected type (e.g. Boolean, Identifier, Date), a definition, the cardinality and the optional usage of a code list is indicated. For each type of evidence, the repository will offer version control and keep track of a change log in between different versions;
  - (b) Distributions in .XSD or an equivalent format, complemented by other widely used serialisation formats, where feasible;
  - (c) Code lists to ensure the automated processing of evidences, available in a structured format.
3. For each type of evidence, the semantic repository shall offer version control and a change log to keep track of different versions.
4. The semantic repository shall contain a methodology for developing new data models for evidence types exchanged through the OOTS, consisting of examples and learning materials.
5. Schedules for updates and adaptations to the data models, metadata schemata and data formats shall be regularly announced and discussed in the gateway coordination group referred to in Article 29 of Regulation (EU) 2018/1724 or any sub-groups thereof created in accordance with the rules of procedure of that group. The evidence providers or intermediary platforms, where applicable, shall apply those updates and adaptations within twelve months from their publication in the semantic repository.

#### *Article 8*

#### *National registries and services*

Member States that have national registries or services that are equivalent to the data service directory or evidence broker shall choose to do one of the following:

- (a) allow other Member States to query their national registries or;
- (b) copy data from the national registries or services to the data service directory or evidence broker.

## **CHAPTER III**

### **Evidence requesters**

#### *Article 9*

#### *Explanation to users*

1. Evidence requesters shall ensure that their procedure portals contain an explanation about the OOTS and its features, including, in particular, the information that:
  - (a) the use of the OOTS is voluntary;
  - (b) users have the option to preview the evidence in the preview space referred to in Article 14 and decide whether or not to use it for the procedure;
  - (c) if the user decides not to use it for the procedure, the previewed evidence will be deleted automatically from that preview space.

2. The obligation to provide explanations referred to in paragraph 1 shall be without prejudice to the obligation to inform data subjects as required by Regulation (EU) 2016/679.

*Article 10*  
*Evidence selection*

1. Evidence requesters shall give users the possibility to request the types of evidence that would be acceptable under the applicable law in the same procedure by direct submission, provided that evidence providers make these types of evidence available through the OOTS.
2. If multiple pieces of evidence can be requested the evidence requester shall ensure that users can select all, a sub-set or a specific type of evidence.

*Article 11*  
*User authentication*

1. Evidence requesters shall rely on electronic identification means notified in accordance with Regulation (EU) 910/2014 for authenticating the identity of the users.
2. Once the user has selected the evidence to be exchanged through the OOTS, and based on the level of assurance of electronic identification means and, where applicable, the additional attributes referred to in Article 5(3)(a) and (b), the evidence requesters shall inform users about:
  - (a) the electronic identification means available for authenticating its identity for the purposes of the evidence exchange through the OOTS; and
  - (b) where applicable, any additional attributes that the user needs to provide.
3. Users shall be required to identify themselves only once, including when they request multiple pieces of evidence from different evidence providers in the same or different Member States.
4. In derogation to the previous paragraph, evidence requesters shall require users to identify and authenticate again for the purpose of requesting the exchange of one or several pieces of evidence for which the level of assurance of the electronic identification means required by the evidence providers as registered in the data service directory is higher than the assurance level of the electronic identification means used to access the procedural portal.

*Article 12*  
*Explicit request*

To enable users to select the evidence to be exchanged through the OOTS in an informed manner, the evidence requester shall provide the user with the following:

- (a) the name(s) of the evidence provider(s);
- (b) the evidence type(s) or data fields that will be exchanged.

*Article 13*  
*Evidence request*

1. The evidence requester shall ensure that an explicit request made by a user is transmitted to the evidence provider or intermediary platform, where applicable, together with the following information:
  - (a) the unique identifier of the request;
  - (b) the evidence type that is requested;
  - (c) date and time when the explicit request was made;
  - (d) identification of the procedure for which the evidence is required;
  - (e) name of the evidence requester and intermediary platform, where applicable;
  - (f) the attributes of the user exchanged using the electronic identification means notified in accordance with Regulation (EU) 910/2014;
  - (g) the level of assurance, as defined in Regulation (EU) 910/2014, of the electronic identification means used by the user;
  - (h) the additional attributes, referred to in Article 5(3)(b), provided by the user for the purpose of the request;
  - (i) the identification of the evidence provider as registered in the data service directory.
2. The evidence request shall make a clear distinction between the additional attributes referred to in paragraph 1(h) and the attributes referred to in paragraph 1(f).
3. The evidence requester shall ensure that the information listed in paragraph 1 is provided in an electronic format that enables its automatic exchange.

*Article 14*  
*Preview of evidence*

Member States shall ensure that the procedure portal of the evidence requester gives the user access to a preview space:

- (a) Which is a separate component to the procedure portal with a separate storage and data retention period;
- (b) To which only the user has access to preview the evidence until the user decides to use it in the procedure and give the evidence requester or intermediary platform permission to access the evidence for that purpose;
- (c) Which permanently deletes the evidence and any cached data when the user decides not to use the evidence for the procedure or when the user leaves the preview space or the procedure portal without explicitly approving the use of the evidence.

## CHAPTER IV

### Evidence providers

#### *Article 15*

##### *Role in the exchange of evidence*

1. Member States shall ensure that, for the purpose of an evidence exchange through the OOTS, evidence providers or intermediary platforms, where applicable, shall use application services allowing the following:
  - (a) to receive and interpret evidence requests delivered by an eDelivery Access Point, which shall be considered as the input to the data services;
  - (b) to retrieve any pieces of evidence matching the request, subject to successful authentication;
  - (c) to return to the evidence requester through an eDelivery Access Point evidence responses, or error reports in the situation referred to in Article 16(2).
2. If an evidence response is returned, it shall include the requested evidence, metadata that uniquely identifies the evidence, the evidence request, the evidence provider and the date and time at which the response was made.
3. If an error report is returned, it shall include metadata that uniquely identifies the evidence request, the date and time at which the error report was made and a description of the error that occurred.

#### *Article 16*

##### *Identity matching*

1. Evidence providers or intermediary platforms, where applicable, shall be responsible for ensuring that evidence is only exchanged through the OOTS if the attributes of the user exchanged using the electronic identification means notified in accordance with Regulation (EU) 910/2014 as set out in the evidence request referred to in Article 14(1)(e) unambiguously match the attributes held by them. The Member States are responsible for determining the criteria to assess when a match is considered unambiguous.
2. Where the process of identity matching does not result in an unambiguous match, the requested evidence shall not be exchanged. In such a situation:
  - (a) the user shall receive an automated message explaining that the evidence cannot be provided;
  - (b) an error message shall be sent to the evidence requester.

#### *Article 17*

##### *Responsibility for evidence entering an eDelivery Access Point*

Evidence providers shall be responsible for the quality and integrity of the evidence that they send to the eDelivery Access Points.

## **CHAPTER V**

### **Log system of the OOTS**

#### *Article 18* *Log system*

1. For each evidence request transmitted through the OOTS, the relevant evidence requesters, evidence providers or intermediary platforms where applicable shall log for a duration of 6 months at the least the following elements:
  - (a) The evidence request with the information referred to in Article 13(1);
  - (b) The information included in the evidence response or error report referred to in Article 15(2) and 15(3);
  - (c) The eDelivery event data related to the exchange of evidence requests, evidence responses and/or error reports.
2. For each piece of evidence exchanged through the OOTS, the relevant evidence requester or intermediary platform where applicable shall log for a duration of 6 months the decision of the user after previewing the evidence to approve or not the use of the piece of evidence for the procedure.
3. The Commission and, in situations referred to in Article 8(a), Member States shall log for a duration of 6 months all interactions with the common services referred to in Article 4(1).
4. The confidentiality, integrity and availability of the logs referred to in paragraphs 1-3 should be ensured through adequate security measures.
5. The relevant evidence requesters, evidence providers and intermediary platforms where applicable shall make available to each other the logs referred to in paragraphs 1 and 2 in case of potential incidents and for the purposes of audits and random checks of security performed in their respective areas of responsibility referred to in Article 23. The Commission and the Member States where applicable shall make available to the relevant evidence requesters, evidence providers and intermediary platforms where applicable the logs referred to in paragraph 3 for the same purposes.

## **CHAPTER VI**

### **Governance of the OOTS**

#### *Article 19* *Gateway coordination group*

The Commission, in cooperation with Member States in the framework of the gateway coordination group established by Article 29 of Regulation (EU) 2018/1724 or any sub-groups thereof created in accordance with the rules of procedure of that group, shall:

- (a) oversee the establishment and launch of the OOTS, including the implementation of the high-level architecture of the OOTS referred in Article 4(2);
- (b) set priorities for further developments and improvements to the OOTS;
- (c) determine an indicative schedule for regular updates and adaptations of the technical design documents;

- (d) determine criteria for conformity testing to ensure the correct functioning of the OOTS;
- (e) adopt risk management plans to identify risks, assess their potential impact and plan responses with appropriate technical and organisational measures in case of incidents.

#### *Article 20*

##### *Technical support contact points*

1. The Commission and each of the Member States shall designate a single contact point for technical support to ensure a coordinated development, operation and maintenance of the relevant components of the OOTS for which they are responsible pursuant to Chapter VII.
2. The single technical support contact points shall, in particular, each in its area of responsibility:
  - (a) provide expertise and advice to evidence providers and evidence requesters for all technical problems encountered in relation to the operation of the OOTS;
  - (b) investigate and solve any possible downtimes of the eDelivery Access Points, possible security breaches and other incidents.
3. The Commission and the Member States shall ensure that their respective technical support contact points are organised in a way which allows them to perform their tasks in all circumstances and that they are able to react at short notice.
4. The technical support contact points shall report any substantial incidents to the gateway coordination group and shall support their respective national coordinators in exercising their tasks related to the OOTS in the gateway coordination group.
5. The Commission and the Member States shall communicate the contact details of their respective technical support contact points to each other and shall inform each other immediately of any changes thereof.
6. The Commission shall provide a platform enabling the technical support contact points to communicate among themselves, report substantial incidents through an alert mechanism, consult on temporary or permanent measures following incidents and request assistance from other technical support contact points.

#### *Article 21*

##### *Cooperation with other governance structures*

The Commission shall inform the gateway coordination group about discussions and decisions of different governance structures established under Regulation (EU) No 910/2014, which are relevant for the functioning of the OOTS.

## **CHAPTER VI**

### **Responsibility for the maintenance, operation and security of the components of the OOTS**

#### *Article 22* *Responsibilities of the Commission*

The Commission shall be the owner of the common services and responsible for the following:

- (a) the development, availability, monitoring, updating, maintenance and hosting of the common services;
- (b) ensuring the security of the common services by preventing any unauthorised access, entry of data and consultation modification or deletion of data, and by detecting any security breaches.

#### *Article 23* *Responsibilities of the Member States*

With respect to the respective national components of the OOTS referred to in Article 2(2), points (a) to (f) and (h), each Member State shall be considered as their owner and responsible for the following:

- (a) their establishment, where applicable, and the development, availability, monitoring, updating, maintenance and hosting;
- (b) ensuring the security of those components by preventing any unauthorised access, entry of data and consultation, modification or deletion of data and by detecting any security breaches.

#### *Article 24* *Changes and updates*

1. The Commission shall inform the Member States of changes and updates to the common services.
2. Member States shall inform the Commission of changes and updates to the components under their responsibility that may have repercussions on the functioning of the OOTS.

#### *Article 25* *Assessment of the electronic systems*

1. The Commission and the Member States shall conduct regular assessments of the components of the OOTS for which they are responsible.
2. The Commission and the Member States shall inform each other of any activities that might result in a breach or a suspected breach of the security of the OOTS.

## CHAPTER VII

### Final provisions

#### *Article 26* *Testing of the OOTS*

1. The Commission and the Member States shall test the functioning of the OOTS and verify that it can function properly. Only when the tests yield positive results, the OOTS shall be made available for users.
2. The Commission in cooperation with Member States shall prepare a testing schedule and a set of indicators according to which the testing results can be measured and considered as positive.

#### *Article 27* *Processing of personal data*

In relation to the processing of personal data occurring in the components of the OOTS that they own pursuant to Article 23, Member States shall act as controllers as defined in Article 4, point 7, of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>11</sup>.

#### *Article 28* *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*.

It shall apply from 12 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula von der Leyen*

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<sup>11</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)(OJ L 119, 4.5.2016, p. 1).