Proposal for a
Regulation on
Electronic identification and trust services for
electronic transactions in the internal market
(COM(2012) 238 final)
{SWD(2012) 135 final}
{SWD(2012) 136 final}

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What is the scope of the proposed Regulation?

1. Mutual recognition of **electronic identification**

2. **Electronic trust services**:  
   - **Electronic signatures** interoperability and usability  
   - **Electronic seals** interoperability and usability  
   - Cross-border dimension of:  
     1. **Time stamping**,  
     2. **Electronic delivery service**,  
     3. **Electronic documents admissibility**,  
     4. **Website authentication**.
"Digital identity" vs electronic identification and trust services (eIDAS)

Digital identity

"economic" drive

Profiling

Personal data = digital currency

USER ENABLEMENT

VS

eIDAS

"trust-building" drive

Trusted assertions/credentials

Personal data = private asset

USER EMPOWERMENT
What are electronic trust services in practice?

Example: Submitting a tax declaration (1)

1. Website authentication => users (persons or companies) need to check if the website they enter is really linked to the tax authority.

2. Electronic identification => users may need to identify (or authenticate) themselves using, for instance, an eID means.

3. E-signature/e-seal => users may need to confirm the content and authenticity of the tax declaration, via an electronic signature (natural person)/ electronic seal (legal person).
What are electronic trust services in practice?

Example: Submitting a tax declaration (2)

4. E-delivery and time stamping =>
   • The proof of timely submission of the tax declaration may be ensured via a time stamping.
   • The tax authority may send a formal acknowledgment of receipt of the submission through a secure channel (electronic delivery system) which will also time stamp to confirm the time of receipt

5. Preservation => The tax declaration and the acknowledgment of receipt require to be stored and preserved to be presented to third parties in the future with the certainty that they will be legally valid.
How does it work for mutual recognition of eID?

• A EU Member State:

1. May ‘notify’ the ‘national’ electronic identification scheme(s) used at home for access to its public services

2. Must recognise ‘notified’ eIDs of other Member States for cross-border access to its online services when its national laws mandate e-identification

3. Must provide a free online authentication facility for its 'notified' eID(s)

4. Is liable for unambiguous identification of persons and for authentication;

5. May allow the private sector to use ‘notified’ eID
What is foreseen for electronic trust services?

Common Principles:

• Technological neutrality
• Mutual recognition of «qualified» electronic trust services (including non EU countries)
• Strengthens and harmonises national supervision of qualified trust service providers and trust services
• Reinforces data protection + obligation for data minimisation
• Uses secondary legislation to ensure flexibility vis-à-vis technological developments and best practice
What is foreseen for electronic trust services?

eSignature

- Builds on existing eSignature infrastructure and clarifies concepts related to eSig. (natural persons)
- Introduces eSeals (legal persons)
- Allows for full reference to standards
- Clarifies validation of qualified eSignatures
- Ensures long term preservation
- Allows «server / remote» and «mobile» signing
What is not covered?

• The proposal does not:
  • Require Member States to have an eID scheme
  • Address «soft ID»
  • NB. «Notified» eIDs are not necessarily ID cards
  • Envisage any kind of "EU database"
  • Create an "EU eID"
  • Require prior authorisation to start a qualified service or foresee an accreditation of qualified service
  • Address persons’ roles or attributes
  • Address the format of e-documents
  • Address the establishment of proof
Who will benefit from the proposal?

13 million EU citizens work in another EU country

21 millions of SMEs of which more than 40% have cross-border activities

Governments will reduce their costs and increase efficiency
Why will it make a difference? (1/2)

- Creates confidence in electronic trust services:
  - Effective state supervision
  - Systematic usage of "trusted lists" (i.e. directories of qualified services and providers)
  - *De facto* «trustmark» for EU qualified services
- Easy eSignature:
  - Harmonisation power of Regulation
  - Full eSig specification via secondary legislation + standards
- Related trust services:
  - Address clear market needs: eSeals, eDelivery, eDocuments, …
  - Harmonise national legislation: time stamping, eDelivery
  - eDocument admissibility: « big bang » for de-materialisation
  - Website authentication is an implicit expectation of the citizens
Why will it make a difference?  

- Comprehensive “toolbox” of trust building instruments
  - One single legislation across EU

- Foster eID usage (“world premiere”):
  - Leverage eID cards and mobile ID infrastructure
  - Reliable eID for cross border eBusiness and eGov services
  - Private sector is invited to build on «notified» eIDs
  - Leverage Large Scale Pilot project STORK
For further information and feedback


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