Overview of Regulation on Electronic identification and trust services for electronic transactions in the internal market (eIDAS)

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1. Policy context
2. Challenges: examples
3. Objectives
4. Scope of the clusters: eID and Trust Services
5. Current status
6. Expected benefits
1. Policy context

- Actions 8 and 83 of the Digital Agenda propose a revision of the eSignature Directive with a view to provide a legal framework for cross-border recognition and interoperability of secure eAuthentication systems.

- European Action Plan 2011-2015 on eGOV in action 37 declares that Member States should apply and roll out the eID solutions, based on the results of STORK and other eID-related projects.
1. Policy context

eIDAS – Key legal aspects

- **Art 114 TFEU** on internal market as the legal basis
- **One Regulation** directly applicable in the 28 MS
- **28 implementing acts and 1 delegated act** to possibly specify further aspects of the Regulation:
  - eID: 4 implementing acts
  - eTS: 24 implementing acts and 1 delegated act
2. Current challenges

- Current EU legal framework only for e-signatures

- **No comprehensive EU cross-border and cross-sector** framework for the interoperability of e-identification, authentication, signatures and related trust services
2. Current challenges (1) – examples

Elisa, a Belgian student

Who wants to enrol online to a University in Italy will not be able because his Belgian eID WILL NOT BE RECOGNISED
2. Current challenges (2) - examples

- A SME based in Hungary wants to participate electronically to a public call for tenders launched by the Portuguese administration.

- However, because of specific national requirements and interoperability problems the electronic signature is denied.
2. Current challenges (3) - examples

- An international company based in France wants to sign contracts electronically with a counterpart based in Latvia.
- What about the legal requirements for trust services such as electronic seals, electronic documents, time stamping?
- Technically possible? YES!
- Legally?
3. Regulation: Main objectives

- Strengthen EU Single Market by boosting **TRUST** and **CONVENIENCE** in **secure** and **seamless cross-border** electronic transactions
3. Regulation: Main objectives

**E-Transactions workflow**

**Website authentication:** check if the website you enter is really linked to the tax authority.

**E-registered delivery:** Tax authority sends acknowledgement of receipt.

**Preservation:** storage of the tax declaration and acknowledgment of receipt.

**eID:** identify (or authenticate) yourself using, for instance, an eID means.

**Time stamp:** Proof of submission of the tax declaration in due time.

**E-signature/ e-seal:** Signing or Sealing the tax declaration.

**Creation of the tax declaration**
4. Scope. 2 major clusters

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 registered delivery service,
     3. Electronic documents admissibility,
     4. Website authentication.
4. Cluster 1: Mutual recognition and acceptance of eID

**eIDAS – Mutual recognition of eIDs**

**Mandatory recognition of electronic identification**

<table>
<thead>
<tr>
<th>Voluntary notification of eID schemes</th>
<th>&quot;Cooperation and interoperability&quot; mechanism</th>
<th>Liability rules</th>
<th>Assurance Levels: &quot;high&quot; and &quot;substantial&quot; (and &quot;low&quot;)</th>
<th>Interoperability framework</th>
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<tbody>
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<td></td>
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<td>Access to authentication capabilities: free of charge for public sector bodies &amp; according to national rules for private sector relying parties</td>
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4. Cluster 1. Why will it make a difference?

Foster eID usage ("world premiere"): 

- Leverage eID cards and mobile ID infrastructure
- Reliable eID to allow cross border eBusiness and enable eGov services
- Private sector is invited to build on «notified» eID schemes
- Leverage results Large Scale Pilot project STORK

Timeframe

- **Implementing acts** in one year time
- One year from the date of application of the implementing acts publication of the list of notified eIDs by the EC
- Mutual recognition apply from 3 years as from the date of application of the implementing acts (around 2018)
4. Cluster 2. eIDAS – Trust services

**Horizontal principles:** Liability; Supervision; International aspects; Security requirements; data protection; Qualified services; Prior authorisation; trusted lists; EU trust mark

- Electronic signatures, including validation and preservation services
- Electronic seals, including validation and preservation services
- Time stamping
- Electronic registered delivery service
- Website authentication
4. Cluster 2. Electronic trust services: eSignature

- Only for natural persons
- Recognises interoperability eSig formats
- Conformity of QSSCD (smartcards) shall be certified
- eSeals: to authenticate document or digital asset of legal person, e.g. software code, servers
- Clarifies qualified validation services of qualified eSignatures and long term preservation services
- Allows remote signature «server» and «mobile» signing
4. Cluster 2. Other Trust services

- **Electronic time stamps**: legal effect and requirements

- **Qualified registered eDelivery services**
  - Legal admissibility of data sent and received
  - Presumption of **integrity** of **accuracy of the date and time** for data sent and received

- **e-Document**
  - "legal" admissibility

- **Website authentication**
  - Only establishes legal existence of qualified website authentication certificates (and the profile)
5. Current status

- **Entry into force of the Regulation**
- **Voluntary recognition eIDs**
- **Date of application of rules for trust services**
- **Mandatory recognition of eIDs**
6. 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
Thank you!