eIDAS Regulation (EU) 910/2014

eIDAS implementation − State of Play

CA-Day
19 September 2016

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eIDAS – The Regulation in a nutshell

2 MAIN CHAPTERS SUBJECT TO DIFFERENT RULES AND REQUIREMENTS

Chapter II: Mutual recognition of e-identification means	Chapter III: Electronic trust services
	- Electronic signatures
	- Electronic seals
	- Time stamping
	- Electronic registered delivery service
	- Website authentication

+ Chapter IV: Electronic Documents

The eIDAS Regulation provides for eID & TS:

Technological neutrality
Non-discrimination
Interoperability
Cross-border recognition
Legal certainty
Security
Liability

eIDAS Regulation: scope and main principles

eIDAS Regulation

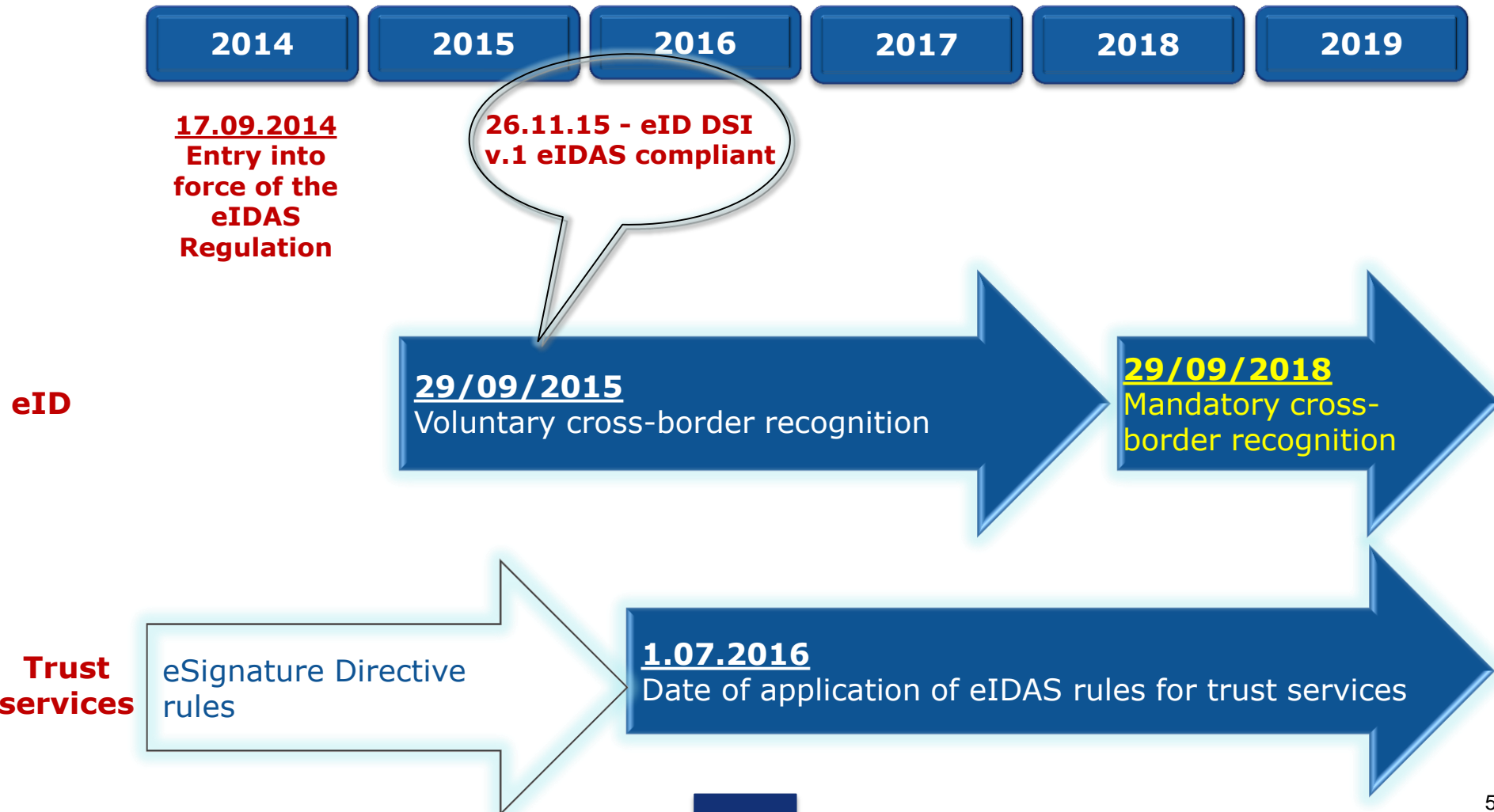| eID		Trust Services		(eDocuments)
Notification of schemes	Assurance levels – low, substantial, high	Closed list at EU level	Non-discrimination and legal value	Non-discrimination
Mutual recognition	Public sector	Qualified and nonqualified	Supervision – conformity assessment	Shall not be denied legal effect

Timeline

| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |

17.09.2014 Entry into force of the eIDAS Regulation

26.11.15 - eID DSI v.1 eIDAS compliant

eID

29/09/2015 Voluntary cross-border recognition

29/09/2018 Mandatory cross-border recognition

Trust services

eSignature Directive rules

1.07.2016 Date of application of eIDAS rules for trust services

The eIDAS Legal Framework

	Legal Act	Reference	Adoption date	Entry into force
	eIDAS Regulation	910/2014	23.07.2014	17.09.2014 (1.07.2016 - application provisions on TS)
eID	ID on procedural arrangements for MS cooperation on eID (art. 12.7)	2015/296	24.02.2015	17.03.2015
	IR on interoperability framework (art. 12.8) *Corrigendum C(2015) 8550 of 4.02.2016*	2015/1501	8.09.2015	29.09.2015
	IR assurance levels for electronic identification means (art. 8.3)	2015/1502	8.09.2015	29.09.2015
	ID on circumstances, formats and procedures of notification (art. 9.5)	2015/1984	3.11.2015	5.11.2015 (notified to Ms)
Trust services	IR on EU Trust Mark for Qualified Trust Services (art.23.3)	2015/806	22.05.2015	12.06.2015
	ID on technical specifications and formats relating to trusted lists (art. 22.5)	2015/1505	8.09.2015	29.09.2015
	ID on formats of advanced electronic signatures and seals (art. 27.5 & 37.5)	2015/1506	8.09.2015	29.09.2015
	ID on standards for the security assessment of qualified signature and seal creation devices (art. 30.3 & 39.2)	**2016/650**	**25.04.2016**	**05.2016**

COMMISSION IMPLEMENTING DECISION ON STANDARDS FOR THE CERTIFICATION OF QSCDS - (EU) 2016/650

Key principles

- eIDAS Certification of QSCDs:
  - Common Criteria certification where protection profiles are available (smart cards)
  - Lack of protection profiles for remote signature QSCDs (HSM) ➔ Alternative certification process
  - When protection profiles are published by standardisation bodies:
    - ➢ assessment of compliance with eIDAS by the Commission
    - ➢ Revision of CID (upon comitology procedure)

➔ Ensures security and compliance to eIDAS of QSCDs

➔ Ensures timely access to the market of QSCDs building upon innovative technologies

COMMISSION IMPLEMENTING DECISION ON STANDARDS FOR THE CERTIFICATION OF QSCDS - (EU) 2016/650

Key elements

- Legal basis – Article 30(3) and 39(2) of the eIDAS Regulation
- <u>Mandatory standards</u> for the certification of QSCDs where the creation data is held in an entirely but not necessarily exclusively user-managed environment:
  - ➢ ISO/IEC 15408 and
  - ➢ ISO/IEC 18045:2008 and
  - ➢ EN 419 211 – parts 1 to 6
- <u>Alternative process</u> (article 30(3)(b) of the Regulation) for the certification of QSCDs where a QTSP manages the creation data on behalf of a signatory or of a creator of a seal

Principles applicable to secondary acts

Adoption of secondary legislation for which no obligation for adoption is set in the eIDAS Regulation would take into account the following principles:

- **Framework consistency**
- **Stakeholders / market needs**
- **Favouring a non-regulatory / co-regulatory approach first**
- **Developments under other Regulatory frameworks**
- **Availability and adequacy of standards & technical specifications**

COMMISSION IMPLEMENTING DECISION ON TRUSTED LISTS - (EU) 2015/1505

Key principles

eIDAS Trusted Lists:

- **Has a constitutive effect for QTSP and QTS**
- Ensure continuity with the existing TLs established under the Service Directive.
- **Ensure legal certainty wrt QTS**.
- Foster **cross border recognition of qualified trust services** by facilitating a.o. the validation of e-signatures and e-seals.
- Allow citizens, businesses and public administrations to easily **verify nature and status of a trust service**.

The EU Trust Mark for Qualified Trust Services – CIR (EU) 2015/806

- Frequently asked questions
- User manual
- Downloadable files

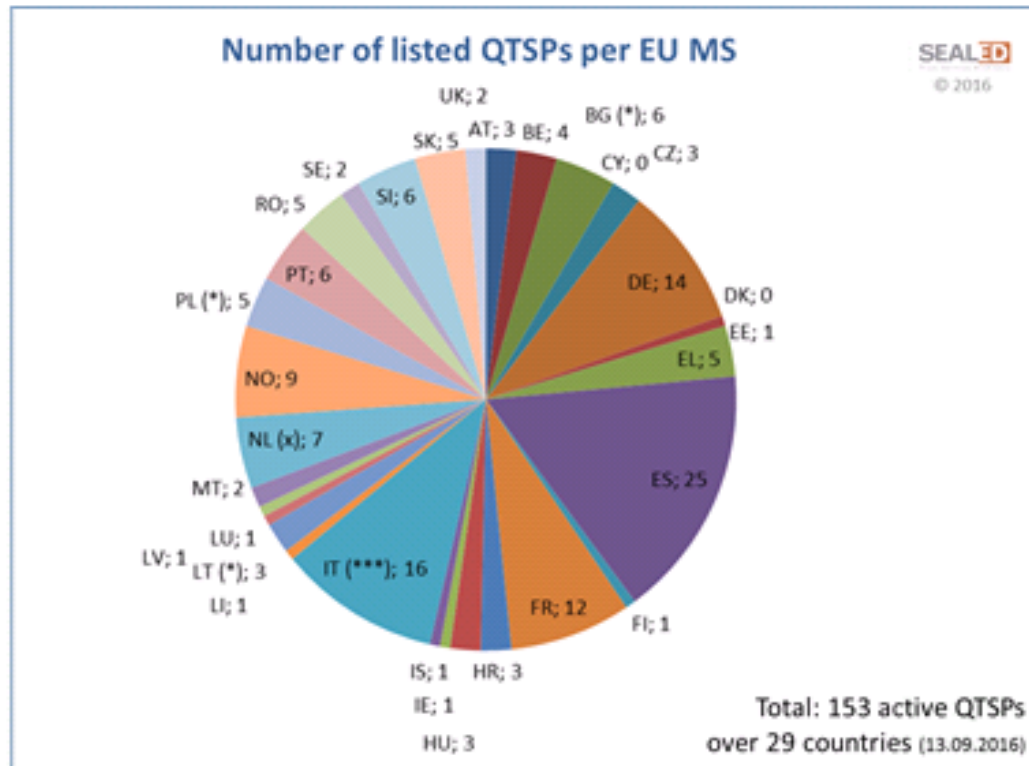europa.eu/digital-single-market/trust-services-and-eid

eIDAS requirements with regard to CABs & CARs

Art. 3.18

- *'conformity assessment body' means a body defined in point 13 of Article 2 of Regulation (EC) No 765/2008, which is accredited in accordance with that Regulation as competent to carry out conformity assessment of a qualified trust service provider and the qualified trust services it provides;*
  - ➢ **No specific requirements on accreditation basis for CABs (e.g. ISO/IEC 17065, 17021, 27006, etc.), provided**
  - ➢ **Accreditation explicitly confirms the competence of accredited CABs to carry out audit of QTSPs/QTSs (… as defined in eIDAS Regulation)**

Art.20.1

- *' […] The purpose of the audit shall be to confirm that the qualified trust service providers and the qualified trust services provided by them fulfil the requirements laid down in this Regulation. […]'*
  - ➢ **The conformity assessment scheme for which the competence of the CAB is accredited to audit QTSPs/QTSs must be such that it confirms the audited QTSP/QTS fulfil the requirements laid down in eIDAS**
  - ➢ **The CAR resulting from a QTSP/QTS audit by a CAB accredited in accordance with eIDAS must confirm QTSP/QTS fulfil the requirements laid down in eIDAS *(and not one or more specific standards "only")***

Number of listed QTSPs per EU MS

Total: 153 active QTSPs over 29 countries (13.09.2016)

(*) Some of the TSP listed as active CA/QC service providers, with status "granted", has been taken over by another TSP (CA/QC).
(***) From the 29 QTSPs listed as active CA/QC(eSig) service providers, 13 QTSPs have been taken over by another CA/QC(eSig) QTSP
(x) From the 9 QTSPs listed as active ("granted") CA/QC(eSig) service providers, two QTSPs have been taken over by another "granted" CA/QC(eSig) QTSP.

Source: "Trusted Lists" – 13.09.2016 (O.Delos – Sealed)

Where does eIDAS have an impact?

UMM&DS - *Uniform User Management and Digital Signatures*
eHGI - *eHealth Governance Initiative*
ECI - *European Citizens' Initiative*
ESSN - *European Social Security Number*

SUP - *Directive on single-member private limited liability companies*
PSD2 – *Revised Directive on Payment Services*
AML4 - *4th Anti-Money Laundering Directive*

Promoting eIDAS Regulatory fitness in other sector specific legislations

- *__Better Regulation Toolbox__ (Tool 23: ICT assessment, the digital economy and society) – explicit reference to eIDAS*

- *Close __bilateral cooperation__ with other DGs on specific regulatory initiatives*

   Examples relevant to banking and financial sectors:
   - **Cooperation with JUST on supporting the transposition of the __AMLD4 Directive__ at national level, as well as on the recent __proposal to amend AMLD4__ (of 5/7/16), in order to ensure consistency with eIDAS.**

   - **with FISMA and the European Banking Authority (EBA) on the role of notified eID and trust services to meet the requirements under the __PSD2__:**

   - **→__Green paper__ *(of 10/12/15)* on retail financial services and related public consultation - eIDAS featured with respect to the cross border benefits of e-signature and eID.**

     →__EBA discussion paper__ *(of 8/12/15)* on strong customer authentication and secure communication under PSD2 - eIDAS is presented as a possible solution

     →__EBA Consultation Paper__ *(of 12/8/16)* on draft regulatory technical standards on strong customer authentication and common and secure communication

EBA Consultation Paper
Draft regulatory technical standards on strong customer authentication and common and secure communication

Article 20

Identification

*1. For the purpose of identification, payment service providers shall rely on **Qualified certificates for website authentication as per article 3(39) of Regulation (EU) No 910/2014**.*

2. For the purpose of this Regulation, the registration number as stated in the official records according to in Annex IV (C) of Regulation (EU) No 910/2014 shall be the authorization number of the account servicing payment service provider or the payment service provider issuing card-based payment instruments, and the account information service providers and payment initiation service providers available in the public register of the home Member State defined in Article 14 of Directive (EU) 2015/2366.

EBA Consultation Paper
Identification between AISP/PISP/ASPS

Option 1 → website certificates issued by a qualified trust service provider under an eIDAS policy

Option 2 → website certificates issued by a general Certificate Authority

Option 3 → bilaterally agreed certificates (discarded)

With regards to identification between PSPs, do you agree that website certificates issued by a qualified trust service provider under an e-IDAS policy would be suitable and allow for the use of all common types of devices (such as computers, tablets and mobile phones) for carrying out different payment services ?

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EU e-Government Action Plan 2016-2020. Accelerating the digital transformation of government (COM(2016) 179 final)

Underlying principles:

Digital by Default	Once only principle	Inclusiveness and accessibility	Openness and transparency	Cross-border by default	Interoperability by default	Trustworthiness and Security

References to eIDAS: Policy priority 1 (*"Modernise public administration with ICT, using key digital enablers"*) *- actions:*

- *"Further efforts by <u>all administrations</u> are needed to **accelerate the take up** of electronic identification and trust services for electronic transactions in the internal market [...] actions to **accelerate cross-border and cross-sector use of eID** (including mobile ID) in **digitally enabled sectors** (such as banking, finance, eCommerce and sharing economy) and in the <u>public sector</u> namely on the European e-Justice Portal. The Commission will also explore the need to **facilitate the usage of remote identification and secure authentication in the retail financial services**"*

- *"<u>The Commission</u> will gradually introduce the **'digital by default'** principle when interacting online with external stakeholders, **using eIDAS services** (in 2018), eInvoicing (in 2018) and eProcurement (in 2019)."*

Communication on Priorities of ICT Standardisation for the Digital Single Market
(COM(2016) 176 final)

Sets a comprehensive strategic and political approach to standardisation for 5 priority ICT areas: **5G communications, cloud computing, the internet of things (IoT), (big) data technologies and cybersecurity**.

Action in the area of **Cybersecurity** (section 3.1.4)**:**

"*The Commission will:*

- *Invite ESOs and other SDOs and relevant stakeholders to develop standards by the end of 2018 **that support global interoperability and seamless trustworthy authentication across objects, devices and natural and legal persons** based on comparable trust models. This work should be based on technical standards **aligned with the eIDAS regulatory framework**.*"

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Online Platforms and the Digital Single Market Opportunities and Challenges for Europe (COM(2016)288)

Reference to eIDAS:

IMPLEMENTING MAIN PRINCIPLES FOR PLATFORM DEVELOPMENT IN THE EU:

iii) Fostering trust, transparency and ensuring fairness

- *"In order to empower consumers and to safeguard principles of competition, consumer protection and data protection, the Commission **will further promote interoperability actions, including through issuing principles and guidance on eID interoperability** at the latest by 2017. The aim will be to encourage online platforms to recognise other eID means — **in particular those notified under the eIDAS Regulation** — that offer the same reassurance as their own".*

Stakeholder engagement - eIDAS Observatory

Purpose

- *Help **facilitate the use** of cross-border electronic identification and trust services*

- *Foster **transparency and accountability** by identifying market hurdles and good practices, promoting knowledge-sharing and developing initiatives for innovation*

- *Contribute to the **enhancement of trust and security** of digital transactions thus to the building of the Digital Single Market*

- *Act as a **virtual network** of stakeholders to exchange ideas and good practices as well as recommend actions and initiatives to ease the uptake of eID and trust services*

Launch

- Officially launched **by VP Ansip** during the event "A new leap in the eIDAS journey: new trust services for a Digital Single Market" on 30 June 2016

For further information and feedback

Web page on eIDAS
http://ec.europa.eu/digital-agenda/en/trust-services-and-eid

eIDAS Observatory
https://ec.europa.eu/futurium/en/eidas-observatory

Text of eIDAS Regulation in all languages
http://europa.eu/!ux73KG

Connecting Europe Facility – Catalogue of Building Blocks
https://ec.europa.eu/cefdigital

eIDAS twitter account
@EU_eIDAS