



*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}

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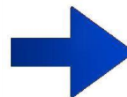
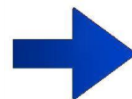
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# Proposal for an eIDAS Regulation

- **Policy context:**
  - **No comprehensive EU cross-border and cross-sector framework for eIDAS services**
  - **Legal framework only for e-signatures**
  - **No EU legal framework for mutual recognition of e-identification**

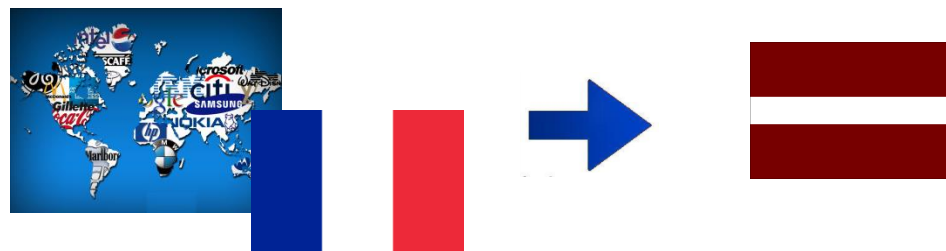
# Current problems (1) - examples

- An 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.



# Current problems (2) - 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?



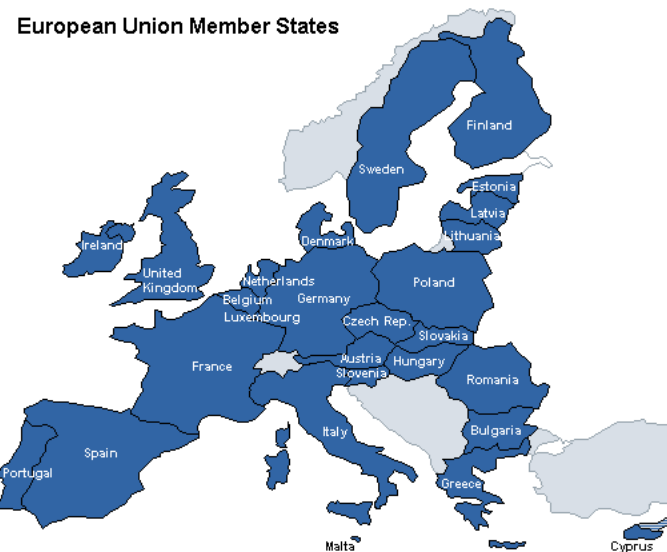
# What is the proposal's ambition?

- Strengthen EU Single Market by boosting TRUST and CONVENIENCE in secure and seamless cross-border electronic transactions



# How?

1. By ensuring that people and businesses can **use and leverage across borders their national eIDs** to access at least public services in other EU countries.



# How?

2. **By removing the barriers to the internal market for e-Signatures and related online trust services across borders**



*i.e. by ensuring that **trust services** have the **same legal value** as in traditional paper based processes.*



# 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.**



# 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**

# Why will it make a difference?

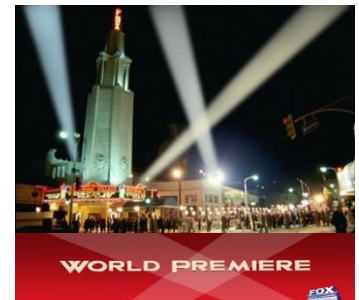
(1/2)

- **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?

(2/2)

- **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



# Questions?