eIDAS Regulation (EU) 910/2014

Boosting trust in the Digital Single Market: the role of eIDAS Regulation

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Why a Digital Single Market Strategy?

Making better use of the opportunities offered by digital technologies

Digital has fundamentally changed entire economic sectors

National barriers prevent a true Single Market

Legislation needs to keep up with markets

The EU needs a coordinated response to digital challenges and opportunities
<table>
<thead>
<tr>
<th>eID</th>
<th>Electronic signatures</th>
<th>Electronic seals</th>
</tr>
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<tbody>
<tr>
<td>Electronic time stamps</td>
<td>Electronic registered delivery services</td>
<td>Website authentication</td>
</tr>
<tr>
<td>Electronic documents</td>
<td>Validation</td>
<td>Preservation</td>
</tr>
</tbody>
</table>
eIDAS: boosting trust & supporting businesses!
The eIDAS Regulation provides for eID & TS:

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

2014

17.09.2014
Entry into force of the eIDAS Regulation

2015

26.11.15 - eID DSI v.1 eIDAS compliant

2016

29/09/2015
Voluntary cross-border recognition

2017

29/09/2018
Mandatory cross-border recognition

Trust services

eSignature Directive rules

2014

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2016

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2017

29/09/2018
Mandatory cross-border recognition

1.07.2016
Date of application of eIDAS rules for trust services
eIDAS: Key principles for eID

The Regulation does not impose the use of eID

**Cooperation** between Member States

**Sovereignty of MS** to use or introduce means for eID

**Interoperability** framework

Principle of **reciprocity** relying on **defined levels of assurance**

Mandatory **cross-border recognition** only to access public services

**Full autonomy for private sector**
Countries with nationally supported eID schemes

Nearly all Member States (will) have a nationally supported eID scheme in place

Preliminary data from the ongoing CEF eID Stakeholder Analysis Report by Deloitte

- Countries with eID schemes:
  AT, BE, DE, DK, EE, ES, FI, HR, HU, IT, IS, LT, LU, LV, MT, NL, NO, PT, RO, SE, SK, TR, UK
- Countries setting-up national eID schemes:
  BG, CY, CZ, EL, FR, SI
- Countries to be confirmed:
  IE, PL

Information provided by MSs (as of 1 January 2016):
- eID cards in 15 MSs (6 planned), other eID means in 24 MSs
- 25 MSs having either an eID card or other eID means
**Member States Cooperation in eID - (EU)2015/296**

**Key principles of the Cooperation**
- Member States have the **obligation to cooperate**
- Main focus on achieving **interoperability** and **security**
- Common language

**Elements of the Cooperation**
- **Points of single contact** – exchange of information
- **Peer review**
  - Voluntary participation
  - Each Member State bears its own costs
  - Confidentiality of information obtained
  - Avoiding conflict of interest
- **Exchange of information, experience and good practices**
- **Request of information on interoperability and security**
- **Cooperation Network** - MS are members, meetings chaired by the COM
  - adopt guidance on the scope of peer review and its arrangements
  - adopt opinions on developments relating to the interoperability framework
  - examine relevant developments in the eID sector

**Principles**

1. **Technological neutrality**

2. **High level requirements** – further specifications being defined with MSs

3. **Open source technical specifications and Reference implementation** available from Commission

4. Option for MSs to directly implement the technical specifications provided **interoperability** is guaranteed

5. **Disproportionate requirements** on other MSs flowing from an implementation are **not permitted**

6. **The architecture is de-centralised**. The nodes or middleware components provide the interface translation between the different national solutions and does not impact them

7. **Continuous development of technical specifications in cooperation with MS.** Cooperation Network ensures policy governance on specs (via formal "opinions")
Levels of Assurance - *(EU) 2015/1502*

Inspiration from ISO 29115 and STORK QAA:
- Practical experience gained during STORK pilot
- Outcome-based approach in ISO 29115

Need for a **new set of criteria/procedures**:  
- STORK too normative  
- ISO 29115 does not take into account existing practice in MSs

Setting out **criteria** instead of **specifications**

**Principles**

- eIDs within MSs are **mapped** against **outcome based criteria** to determine which of the 3 LoA is applicable for both natural and legal persons
- The **mapping** is subject to **peer review by other MSs** to ensure understanding and consistency
- Only applicable to **schemes notified to the Commission** for cross border use
- The **criteria** cover IPV, the electronic means, issuance, authentication and information security management
Levels of Assurance - (EU) 2015/1502

Elements of Levels of Assurance

<table>
<thead>
<tr>
<th>Enrolment</th>
<th>eID means management</th>
<th>Authentication</th>
<th>Management, organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• application</td>
<td>• design</td>
<td>• requirements for confirming an identity to a relying party</td>
<td>• Information Security Management (ISM),</td>
</tr>
<tr>
<td>• registration</td>
<td>• issuance</td>
<td></td>
<td>• record keeping</td>
</tr>
<tr>
<td>• identity proofing</td>
<td>• suspension</td>
<td></td>
<td>• facilities and staff,</td>
</tr>
<tr>
<td></td>
<td>• renewal and replacement</td>
<td></td>
<td>• controls,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Compliance and audit</td>
</tr>
</tbody>
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An example of differences between LoA: identity proofing

<table>
<thead>
<tr>
<th>Physical appearance at registration (including remote or at earlier stage)</th>
<th>Level high: substantial plus</th>
<th>Level substantial: low plus</th>
<th>Level low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Not required</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Verification of identity evidence</td>
<td>Verified possession of valid identity evidence (like photo/bio)</td>
<td>Based on recognised evidence checked to be genuine</td>
<td>No direct verification of identity evidence assumed to be genuine</td>
</tr>
</tbody>
</table>
Customer initiates enrolment procedure

Customer accesses bank website → website authentication ensures that website belongs to bank

Customer Due Diligence/Business Relationship

Depend on bank/national applicable rules on CDD/KYC

How cross-border eID/authentication works

1. Identity verification
2. Notified eID under eIDAS →
3. Minimum data set:
   - current family name
   - current first name
   - date of birth
   - unique identifier
4. Additional attributes:
   - first and family name at birth
   - place of birth
   - current address
   - gender
5. 6. 7. 8.
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 FISMA and the European Banking Authority (EBA) on the role of notified eID and trust services to meet the requirements under the **PSD2**:
  - [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
  - [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.

- 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.

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 all administrations 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 public sector 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"

• "The Commission 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)."
In the pipeline:

- **Mapping Study on eID and CDD/KYC – to be launched in January 2017**
  - Assess the current regulatory and supervisory framework for customer due diligence (CDD)
  - Provide a mapping of the existing on-boarding practices for new customers across a number of banks across the EU with a focus on all related identification and authentication aspects of the entities (legal or natural persons) going through the on-boarding process
  - Recommend how to facilitate the transition to fully digital and portable CDD/KYC across borders leveraging in particular the eID means and trust services under eIDAS and operationally being rolled out under the Connecting Europe Facility programme.

- **eBanking CEF Building Block - 2017**
  - Operational activity to promote the cross-border use the eID means based on eIDAS-compatible Digital Service Infrastructure (DSI) components developed under the Connecting Europe Facility programme
  - Work towards portability of KYC by connecting attributes required for bank on-boarding of customers with the eID infrastructure and link these attributes to identities which can be asserted with the appropriate level of assurance under the eIDAS regulation.

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

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