# eIDAS Regulation (EU) 910/2014

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

**18 January 2017**
**Venice (IT)**

Andrea SERVIDA
Acting Director
DG CONNECT – H "Digital Society, Trust & Cybersecurity"
European Commission
andrea.servida@ec.europa.eu

# Why a Digital Single Market Strategy?

*Making better use of the opportunities offered by digital technologies*

*Digital has fundamentally changed entire economic sectors*

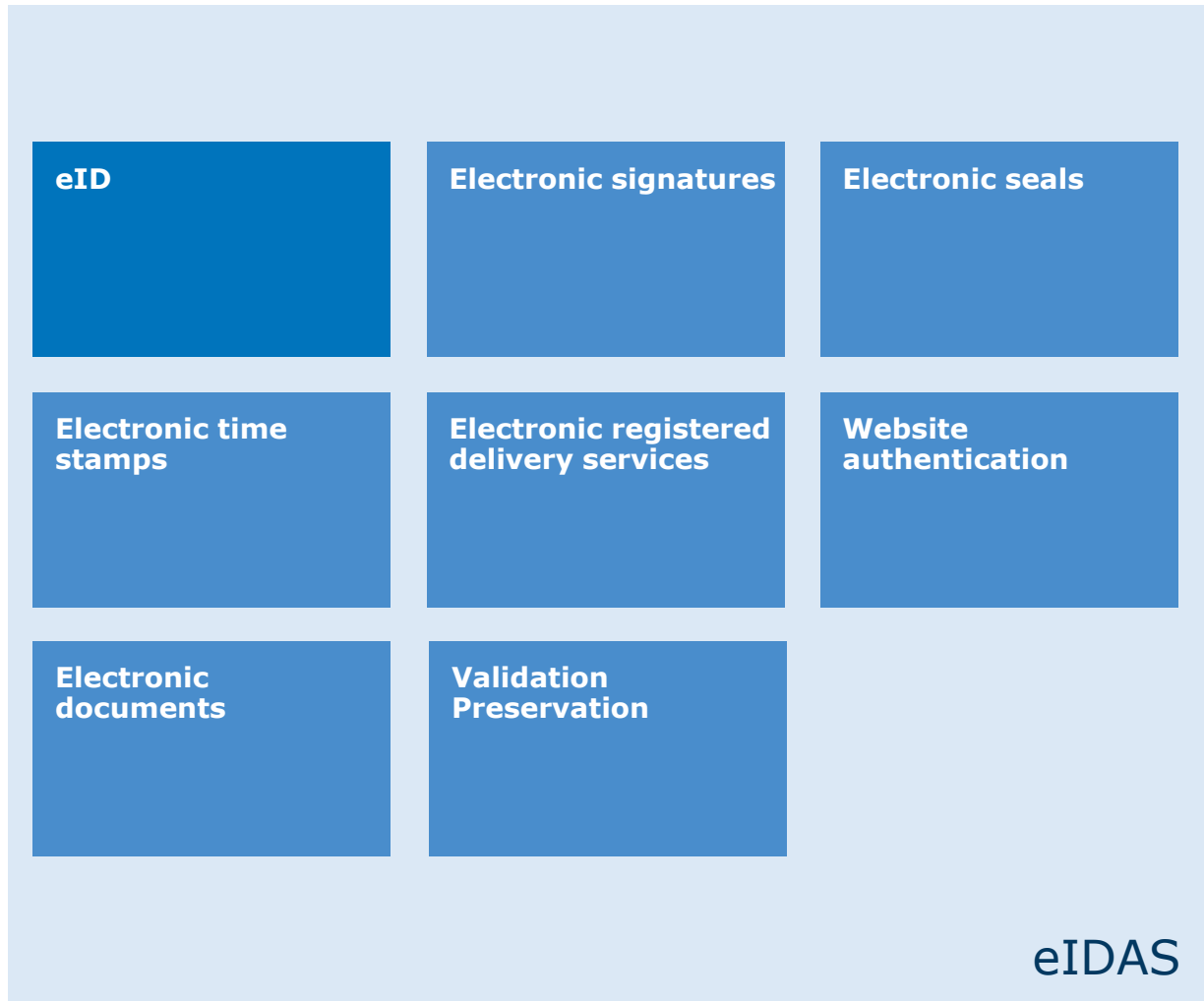*National barriers prevent a true Single Market*

*Legislation needs to keep up with markets*

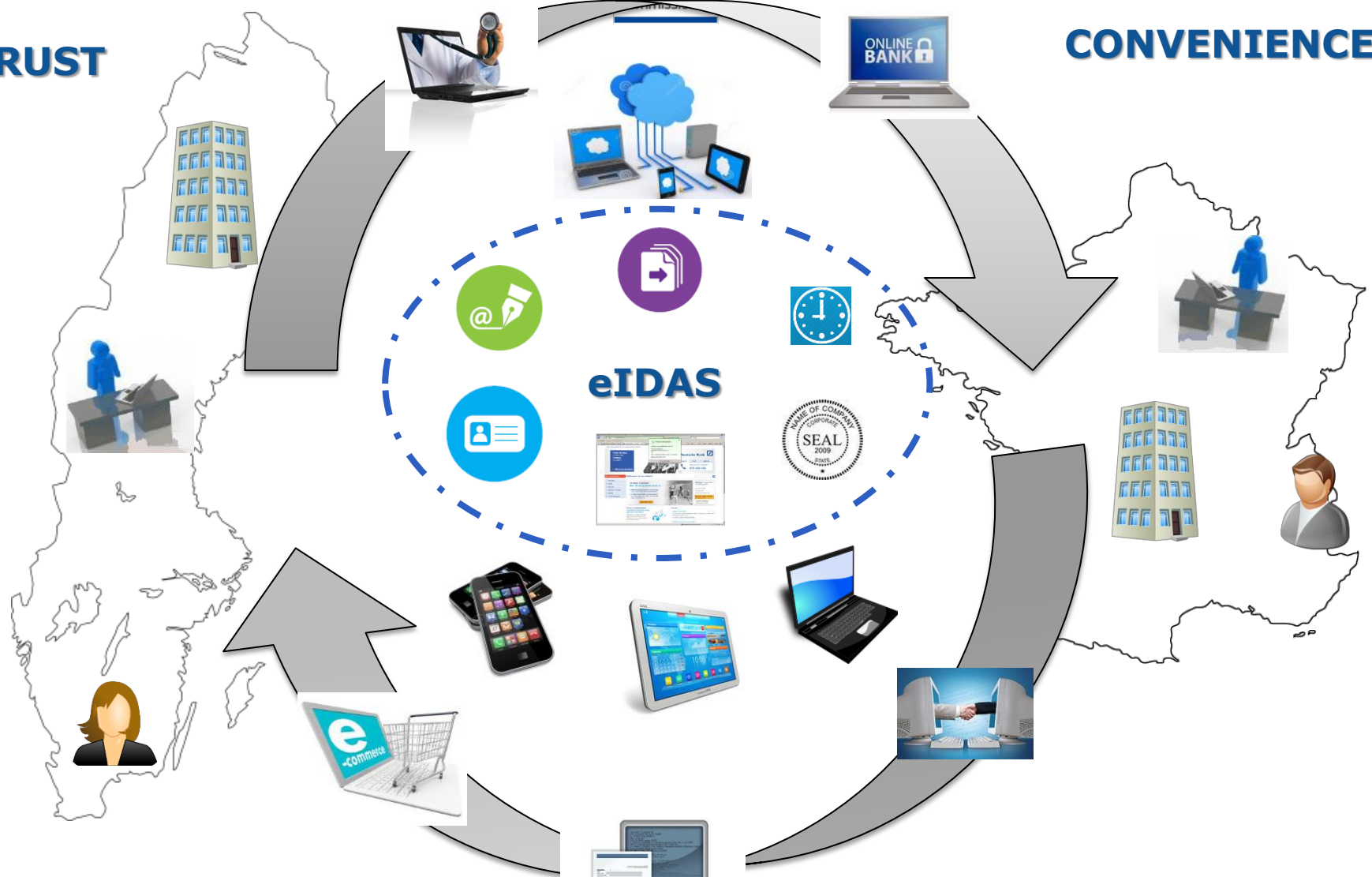*The EU needs a coordinated response to digital challenges and opportunities*

# eIDAS

| | | |
|---|---|---|
| **eID** | **Electronic signatures** | **Electronic seals** |
| **Electronic time stamps** | **Electronic registered delivery services** | **Website authentication** |
| **Electronic documents** | **Validation Preservation** | |

eIDAS

eIDAS: boosting trust & supporting businesses!

TRUST

CONVENIENCE

eIDAS

CROSS-BORDER

SEAMLESS

4

# 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 | 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
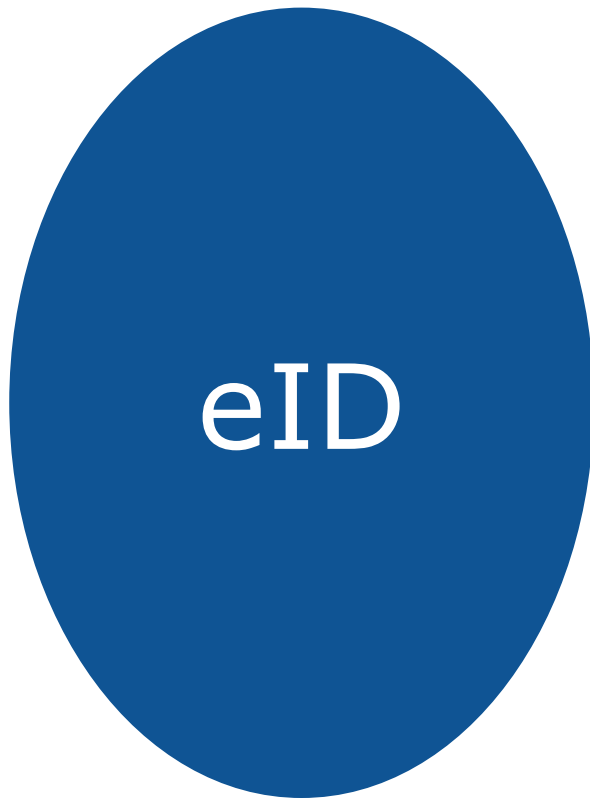
**29/09/2018** Mandatory cross-border recognition

**Trust services**

eSignature Directive rules

**1.07.2016** Date of application of eIDAS rules for trust services

# eIDAS: Key principles for eID

**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**

**The Regulation does not impose the use of eID**

European Commission

# 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**
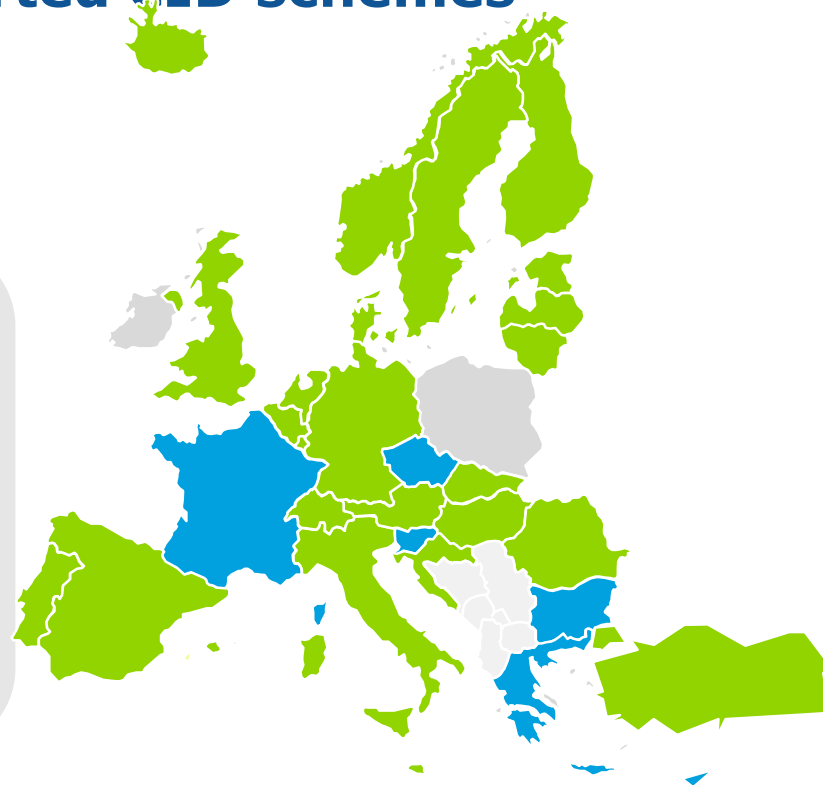
Information provided by MSs (as of 1 January 2016):

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
- **Tasks of the Cooperation Network** – some examples
  - 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

# Interoperability Framework - *(EU)2015/1501, Corrigendum C(2015)8550*

**Principles**

**Technological neutrality**

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

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

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

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

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

**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
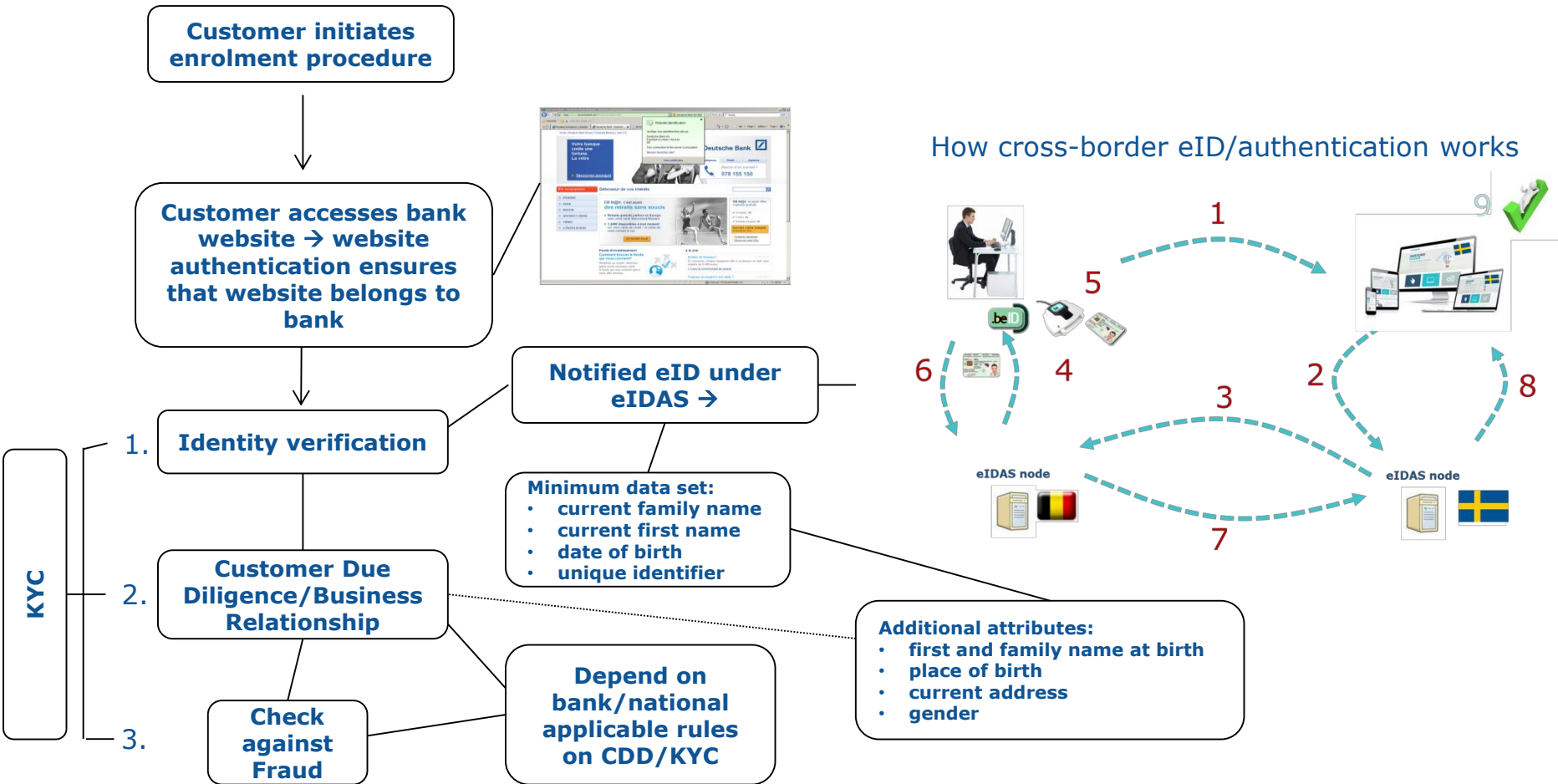
# Levels of Assurance - (EU) 2015/1502

## Elements of Levels of Assurance

| Enrolment | eID means management | Authentication | Management, organisation |
|---|---|---|---|
| •application<br>•registration<br>•identity proofing | •design<br>•issuance<br>•suspension<br>•renewal and replacement | •requirements for confirming an identity to a relying party | •Information Security Management (ISM),<br>•record keeping<br>•facilities and staff,<br>•controls,<br>•Compliance and audit |

## An example of differences between LoA: *identity proofing*

|  | Level high: substantial plus | Level substantial: low plus | Level low |
|---|---|---|---|
| **Physical appearance at registration (including remote or at earlier stage)** | *Required* | *Not required* | *Not required* |
| **Verification of identity evidence** | *Verified possession of valid identity evidence (like photo/bio)* | *Based on recognised evidence checked to be genuine* | *No direct verification of identity evidence assumed to be genuine* |

13

# Digital on-boarding

**Customer initiates enrolment procedure**

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

1. **Identity verification**

**Notified eID under eIDAS →**

**Minimum data set:**
- current family name
- current first name
- date of birth
- unique identifier

**KYC**

2. **Customer Due Diligence/Business Relationship**

3. **Check against Fraud**

**Depend on bank/national applicable rules on CDD/KYC**

**Additional attributes:**
- first and family name at birth
- place of birth
- current address
- gender

How cross-border eID/authentication works

1
5
6
4
3
2
8
7
9

eIDAS node

eIDAS node

# 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.**

# 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)."*

16

# 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.

## 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