Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED

25-27 March 2015

eIDAS Regulation

By

Alessandra Sbordoni
Legal Officer, eIDAS Task Force
European Commission

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eIDAS Regulation


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Alessandra SBORDONI
DG CONNECT, European Commission
Legal officer eIDAS Task Force
Alessandra.sbordoni@ec.europa.eu
eIDAS breaks new ground

Provides **legal certainty** and **fosters the usage** of eID means for on line access ("world première") → never regulated at EU level before

Addresses **all the stages** of a generic e-transaction, from the authentication of a web site to preservation

Provides the legal framework for a comprehensive "**toolbox**" of mechanisms and services to boost trust and confidence in electronic transactions
eIDAS – Key legal aspects

- Art 114 TFEU on internal market as the legal basis → Free movement of products and services
- One single legislation for eID and trust services → directly applicable in the 28 MS
- Technological neutrality
- Functional equivalence → non-discrimination “electronic = paper”
- Transparency and accountability
The eIDAS Regulation

**Mutual recognition of e-identification means**

**Electronic trust services:**
- Electronic signatures
- Electronic seals
- Time stamping
- Electronic registered delivery service
- Website authentication.

**Electronics documents**
Submit the tax declaration. 

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

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

**Creation of the tax declaration**

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

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

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

**E-registered delivery:** Tax authority sends acknowledgement of receipt.
e-transaction's workflow – a concrete example: Submitting a tax declaration (1)

1. **Website authentication** => users (persons or companies) need to check if the website they enter is really linked to the tax authority.

2. **Electronic identification** => users need to identify (or authenticate) themselves using, for instance, an eID means.

3. **E-signature/e-seal** => users may need to confirm the content and authenticity of the tax declaration, via an electronic signature (natural person)/ electronic seal (legal person).
e-transaction's workflow – a concrete example: Submitting a tax declaration (2)

4. **e-delivery** and **time stamping** =>
   - The proof of timely submission of the tax declaration may be ensured via a time stamping.
   - The tax authority may send a formal acknowledgment of receipt of the submission through a secure channel (electronic delivery system) which will also **time stamp** to confirm the time of receipt.

5. **Preservation** => The tax declaration and the acknowledgment of receipt require to be stored and preserved to be presented to third parties in the future with the certainty that they will be legally valid.
Mandatory recognition of electronic identification

Voluntary notification of eID schemes
Cooperation and interoperability mechanism
Liability
Assurance Levels: high and substantial (and "low")
Interop. FW
authentication free of charge for public sector bodies
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
eIDAS – Key principles

The Regulation does not impose the use of eID and trust services

Key principles on eID
- Mandatory cross-border recognition only to access public services – Full autonomy for private sector
- Principle of reciprocity relying on defined levels of assurance
- Interoperability framework
- Cooperation between Member States

Key principles on trust services
- Non-discrimination in Courts of electronic trust services vis-à-vis their paper equivalent
- Specific legal effects associated to qualified trust services
- Non-mandatory technical standards ensuring presumption of compliance ➔ Technological neutrality
eIDAS – Timeline of implementation

- **17.09.2014** - Entry into force of the Regulation
- **18.09.2015** - Voluntary recognition eIDs
- **1.07.2016** - Date of application of rules for trust services:
- **18.09.2018** - Mandatory recognition of eIDs
eIDAS - What is the ambition?

Strengthen EU Single Market by boosting **TRUST** and **CONVENIENCE** in secure and seamless cross-border electronic transactions
Why a EU e-transaction legislation?

Address the challenges at national level to develop an EU interoperable e-transaction legislation

→ Cross border dimension of eIDAS
Why eIDAS targets cross-border dimension?

• **Insufficient scope** (only covered e-signatures) and imperfect harmonisation of the **e-signatures Directive 1999/93/EC**
  - outdated standards and unclear supervision obligations
  - cross-border interoperability problems, and distortions in the internal market.

• **Fragmentation of the market**: different rules apply to service providers depending on which Member States they serve.
Why eIDAS targets cross-border dimension?

- Challenges at national level
  - Electronic identification schemes and means were deployed and developed in Member States' public sector environment
  - New trust services emerged in national markets (e-seals, time stamps, e-registered delivery) or international environment (website authentication)
Why eIDAS targets cross-border dimension?

- Lack of cross-border technical interoperability
- Lack of common legal understanding
- National market silos

→ no cross-border recognition of eIDs and difficulties in provisioning pan-European trust services
International dimension

Development of a sustainable international cooperation → best practice to foster cross-border e-commerce

- Legal interoperability → compatible frameworks (cybercrime, data protection etc.)

- International standardisation → removal of technical barriers
For further information and feedback

Web page on eIDAS

Impact assessment

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

eIDAS functional mailbox
CNECT-TF-eIDAS-LT@ec.europa.eu

EU_eIDAS