



eIDAS Trust Services

6 months on after the switch-over

19 December 2016, Brussels

Highlights

An eIDAS Trust Services Workshop was organised in Brussels, Belgium, on 19 December 2016, to present the state of play six months after the new rules for trust services under the eIDAS Regulation entered into effect on 1 July 2016.

Some of the main topics for discussion at the event included:

- How well have Member States managed to comply with the new rules?
- Are there obstacles that still need to be overcome?
- What about trust service providers? Are they on the right path to seize the opportunities brought by the new framework?

By providing a platform for sharing experience, best practices, business cases and success stories, the workshop represented an excellent opportunity to take stock of the changes introduced by eIDAS in the EU trust services landscape and to discuss how best to leverage the opportunities offered by the Regulation.

The event brought together representatives of the Member States, Supervisory Bodies, Conformity Assessment Bodies (CABs), National Accreditation Bodies (NABs), Certification Bodies (under Art. 30 of eIDAS Regulation), Trust Service Providers (TSPs), ENISA and Standardisation Bodies - ETSI (CEN).

This is a summary of the main points that participants in the event identified about the obstacles and opportunities in the implementation and uptake of eIDAS, with a particular focus on trust services and including recommendations for future actions.

Main messages

- [eIDAS](#) aims to provide higher security, increased convenience and better transparency to electronic interactions, thereby making Europe an attractive location for business.
- The [eIDAS Observatory](#) aims to help facilitate the use of [cross-border eIDs](#) and [trust services](#) and to foster transparency and accountability by identifying market hurdles and promoting best practices.
- eIDAS is a world premiere. The EU is the first and only region to have the required policy, regulation, rules, technology and interoperability infrastructure.

- Standards were identified by stakeholders as a key element. In order for the market to work, there is a need to put the relevant standards in place as quickly as possible. Stakeholders feel that eIDAS requirements do not map directly to standards. Some work has been conducted in this area, but more is needed.
- Six months after the switch-over to the new regime for trust services under eIDAS, new markets are opening and creating new business opportunities, as a result of which many new companies, actors and ideas are emerging, aiming to provide new services, e.g. short-term certificates, remote identification (based on video) and blockchain.
- There is a need for consistency between European and national requirements for TSPs and for real transparency in the competition for electronic trust services, in order for end users to have complete trust in qualified services. Consistency has also to be ensured with other legislations. This is currently being done and successful cases of alignment include the [Commission's revision of AML4](#) and the [draft Regulatory Technical Standards under PSD2](#) which are being revised by the European Banking Authority.
- Three main challenges – among others – have been identified: interoperability, homogeneity and adhesion.
- The successful implementation of the eIDAS Regulation requires a significant mix of technical and legal expertise, and therefore stakeholders need to put together multi-disciplinary teams.
- Some Member States have an issue with accepting CABs from other Member States. This goes against the spirit of the Regulation and is something that needs to be addressed. A [functional mailbox](#) has been set up by the European Commission where NABs can notify the CABs accredited according to eIDAS Regulation so that a list will be publicly available. This [mailbox](#) can be used for all notifications related to electronic trust services under eIDAS.
- Participants pointed out the importance of having a common, rules-based approach to ensure the success of eIDAS. To this end, it was suggested that the EU should provide clear guidelines for the accreditation of CABs. CABs should be engaged in drafting guidelines and technical rules, given their experience in compliance assessment and knowledge of the organisations involved.
- The process of CAB accreditation currently takes six to eight months. An effort should be made to find ways to speed up this process.
- Communication is key. Communication activities aimed at increasing awareness about eIDAS and its benefits should be targeted at both public and private stakeholders and conducted at national, EU and international levels. The latter would help to achieve more global recognition, which is an important element. There is a need to share best practices and experience. [Questions and answers](#) on electronic trust services under eIDAS are available on-line. Local public administrations should be the driving force in pushing for the adoption and dissemination of trust services, given their closeness to citizens and to businesses. The [eIDAS Observatory](#) should be leveraged to promote communication efforts.
- It was pointed out that there are currently no specific penalties for the incorrect use of the EU Trust Mark or its use by unauthorised entities. Nonetheless, it should be borne in mind that in line with Article 16 of eIDAS, Member States should lay down rules on penalties to infringements of the Regulation, which also includes the incorrect use of the EU Trust Mark. Enforcement is part of the role of supervisory bodies in line with Article 17.2(b) of eIDAS. A [user manual](#) together with [frequently asked questions](#) on the EU trust mark are available [on-line](#).

- Consumers may sometimes have difficulty in recognising various labels, such as the EU trust mark logo, but there is nevertheless a general understanding of the benefits that labels provide.
- It is important that there is proper recognition that Trusted Lists (TLs) are a legal tool with a constitutive value not an informational tool as it was the case before 1 July 2016. Users rely on the legal value of the services they buy. TLs are an important element to build trust in society, between citizens and businesses and to provide transparency in the market. In the context of the [Connecting Europe Facility Programme](#) (CEF), under the [CEF eSignature Building Block](#) (BB), the European Commission maintains a [TL manager](#) which enables the creation, editing and maintenance of a Trusted List in a standard, machine-readable format and which is currently being updated to ensure a better readability and linkage with the EU trust mark. Under the same eSignature BB, the [Digital Signature Services](#) (DSS) software library is provided for the creation and validation of e-signatures. A signature conformance checker is available for the 3 main signature formats. While signature verification is not everything – once it has been achieved, it means that interoperability is not far off.
- It was suggested that the EU should prepare guidelines for supervisory bodies on how to use EU Trusted Lists and develop a strategy for the dissemination of these guidelines.
- There are 232 listed (active) TSPs in the TLs of over 30 countries and 155 listed QTSPs in 29 countries.
- TSPs are moving towards qualification and QTSPs represent a huge opportunity to boost the Digital Single Market and to increase cross-border electronic transactions. With the DSM and technologies, we are converging to give new opportunities. However, it takes time. We need to have one Digital Single Market (DSM) not 28 Digital Markets. eIDAS is bringing us one step closer to the DSM and TSPs are moving outside their home countries, so the market is opening up. Clarity is a crucial element – the clearer the context becomes, the bigger the market will be.
- Participants pointed out that while some supervisory bodies conduct conformity assessment directly against eIDAS, it would nevertheless be beneficial to see some conformity assessment criteria, linked to eIDAS, against which assessments could be conducted.
- eIDAS has established a centralised model of trust. It is impossible to create the necessary minimum level of trust without supervision. Supervision and conformity assessment require resources on the part of TSPs, CABs and supervisory bodies, so investment and trust creation will go hand in hand.
- It would be beneficial to have a single structure for companies to notify about security breaches, allowing officials to take swift remedial action. Member States have the discretion to set their national notification authority. It is recommended that there be a single point of contact. Notifications should include information needed to determine any cross-border impact.
- It was noted that, in order to promote eDelivery, there is a need for uniform requirements, implementing rules and standards, as there are no binding standards for trusted electronic registered delivery services under Art. 44. Vagueness in the eIDAS Regulation has resulted in different requirements in conformity assessment and barriers for market entry for QTSPs, resulting in market distortions and uncertainty. A solution would be to create a level playing field using implementing acts and standards, and to promote dissemination and incentivise usage. However, it was pointed out that secondary legislation is possible when standards are available. In addition to availability and adequacy of

standards & technical specifications, 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.
- In the context of eDelivery, the Commission, under the Connecting Europe Facility Programme, has developed the [CEF eDelivery building block](#) which provides for technical specifications, services and grants for the implementation of eDelivery services in the EU – aligned with eIDAS Regulation.
- The main obstacles to eDelivery are legal and related to referencing and standards. The CEF and eIDAS could motivate governments to work together to find solutions.

Looking ahead

- In order to go forward and accelerate the uptake of electronic trust services, we will need to make further efforts to convince all actors of their value and, to this end, the [eIDAS Observatory](#) should be used by all stakeholders to share our experiences, best practices but also the remaining blocking factors that need to be overcome.
- Efforts will be continued to ensure consistency with other legislations, as well as between European and national requirements.
- The European Commission will assess the expressed need to prepare guidelines for supervisory bodies on how to use EU Trusted Lists and to develop a strategy for the dissemination of these guidelines.
- In line with the [eGovernment Action Plan](#), the European Commission will endeavour to "gradually introduce the 'digital by default' principle when interacting online with external stakeholders, using eIDAS services (in 2018)".