

Trust services/eID in Japan and EU

eIDAS 2.0 legal perspective

Wednesday 15 November 2023

Why eIDAS 1?

- Building trust in online environment
 - Legal certainty for trust building blocks
 - eID means (for online identification/authentication)
 - (Qualified) trust services
 - Less legal fragmentation in EU
 - More interoperability
 - More convenience
- ... as a common foundation for secure & seamless cross-border eTransactions

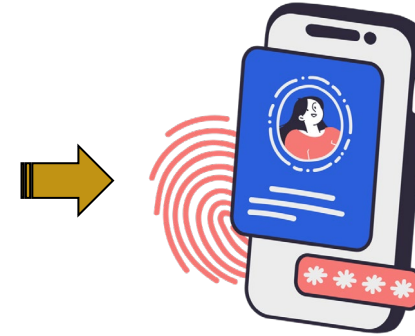


- **eID means**

- Not available to all EU citizens, at least @ LoA high
- Heterogeneous means (as many as MS or even more) requiring heavy interoperability framework (eIDAS nodes)
- No real cross-border use

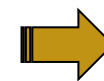
- **(Qualified) trust services**

- Legal certainty but no implementation certainty
 - no IAs have been adopted so far on QTS
- Lack of harmonisation / guidances @ supervision
- Missing types of services (eArchiving, remote management of QSCD, Electronic attestations)



EUID Wallet

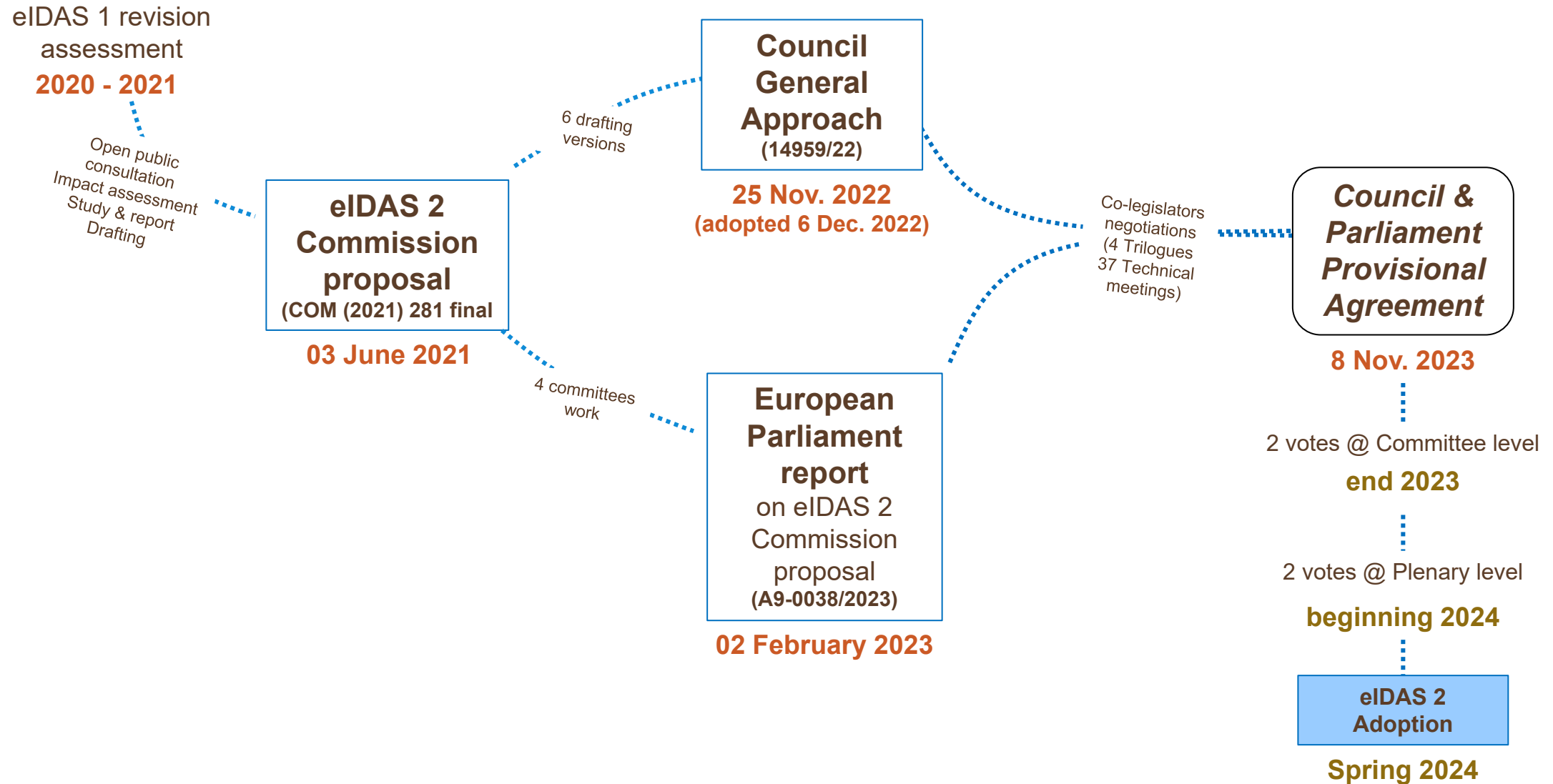
- eID means LoA high
- User centric & control
- Common set of standards
- Designed for X-border use
- Online authentication
- Creation of QESig
- Attestations of attributes
- Bridge to onboard on & use of (Q)TS



Improved framework

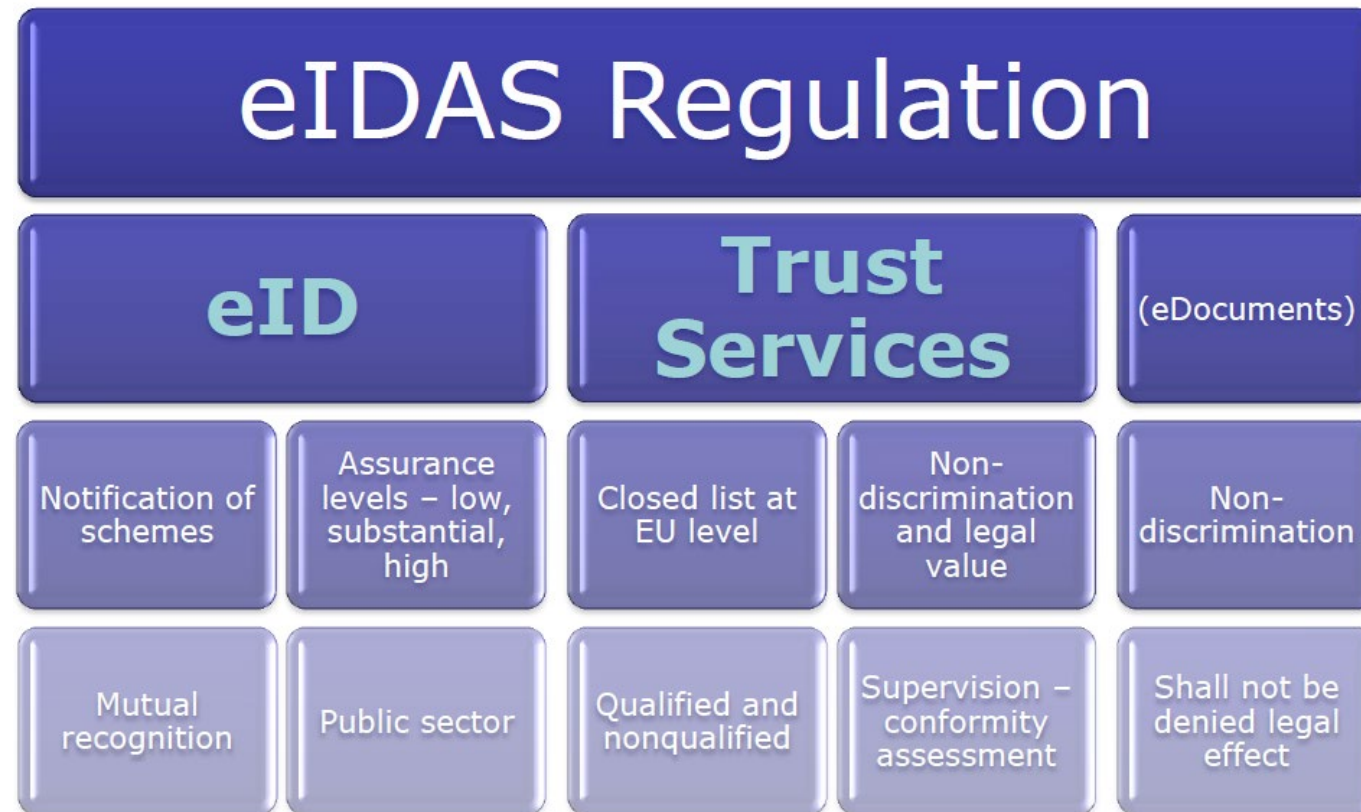
- More implementation certainty via mandatory adoption of Implementing acts (40+)
- More guidance on supervision tasks
- 4 new types of QTS
 - eArchiving, eLedger, management of remote QSCD, qualified electronic attestations of attributes

From eIDAS 1 to eIDAS 2 ... a long journey



Bird's eye overview – eIDAS 1 Regulation

- electronic **I**dentification and **A**uthentication **S**ervices
- Published 28/08/2014 – Applicable as of 1/7/2016



Bird's eye overview – eIDAS 2 Regulation

- Regulation amending Reg. (EU) 910/2014 as regards establishing a framework for a European Digital Identity
- Revision started in 2020 – EC proposal June 2021 – Adoption as of Spring 2024

eIDAS 2 establishing a framework for EUDI

EUDI Wallet

eID means LoA high

Certified

Common standards

Open source

QESig/QESeal

Registered Relying Parties

eID

Notification of schemes

Assurance levels – low, substantial, high

Mutual recognition

Public sector

Trust Services

Closed list at EU level

Qualified and nonqualified

Non-discrimination and legal value

Supervision – conformity assessment

(eDocuments)

Non-discrimination

Shall not be denied legal effect

+ Fast changing legal environment

- GDPR
- NIS2 Directive
- Cybersecurity Act (CSA)
- Cyber Resilience act (CRA)
- DMA, DSA
- Sectorial
 - PSD2
 - mDL
 - AML
 - ...

Source: European Commission

- Free use for all citizens
 - Provided by Member States
 - All EU citizens may use it for free on a voluntary basis
- Accepted throughout the Union
 - Recognised by private & public service providers (relying parties)
 - For all transactions requiring authentication
- Secure and privacy oriented
 - Citizens can control and protect their identity, personal data and digital assets
- Wallet of functionalities
 - eID means LoA high (identification & authentication to services)
 - Creation of QESig
 - Store & present attestations of attributes (e.g. mDL, diplomas, etc.)
 - Privacy dashboard
- Many different Wallets but one common set of specifications & standards
- Designed for X-border use and bridge to onboard on & use of (Q)TS
- Commission reference implementation and minimum viable product
- Open source



Four Large Scale Pilots



8 countries: 6 public and 15 private entities

PAYMENTS



20 countries : 56 public and 80+ private entities

MOBILE DRIVING LICENSE

ACCESS GOV SERVICES

OPEN BANK ACCOUNT

HEALTH

CONTRACTS

SIM REGISTRATION



19 countries : 18 public and 40+ private entities

PAYMENTS

TRAVEL

ORGANISATION ID



23 countries: 36 public and 40+ private entities

EDUCATION

SOCIAL SECURITY

Budget >90 Million (50% EU contribution), >250 Participants, 11 use cases, co-funded under the Digital Europe Programme

Source: European Commission



What are the Pilots testing with the EU Digital Identity Wallet?



ACCESS GOV SERVICES

Access digital public services (nationally and across borders) by using your wallet to securely identify and authenticate yourself.



MOBILE DRIVING LICENCES

Request a digital version of your driving license. Then always have it ready to share in your wallet.



EDUCATION

Never lose the university diploma you worked so hard for again. Easily store and share your most important education credentials.



HEALTH

Keep your health close at hand. Identify yourself at your pharmacist's and claim your needed prescriptions with just your wallet.



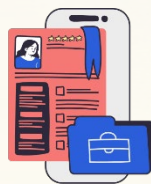
TRAVEL

Store and share key travel documents in your wallet. Prove who you are when booking a hotel online, and then easily check-in once you get there.



ACCESS SOCIAL SECURITY

Keep tabs on your social security information and use your wallet to access the social security benefits you are entitled to.



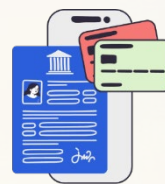
ORGANISATION ID

Use your wallet to prove who you work for when meeting new and potential clients.



REGISTER SIM

Registering a new SIM card just got easier. Your wallet lets you quickly identify yourself.



OPEN A BANK ACCOUNT

No need to track down to a bank branch. Verify your identity when opening a new bank account with just your wallet.



PAYMENTS

Make your online transactions easier. Use your wallet to identify yourself and authorise payments.



CONTRACTS

Your wallet makes business flow. Sign contracts with just your wallet.

Source: European Commission

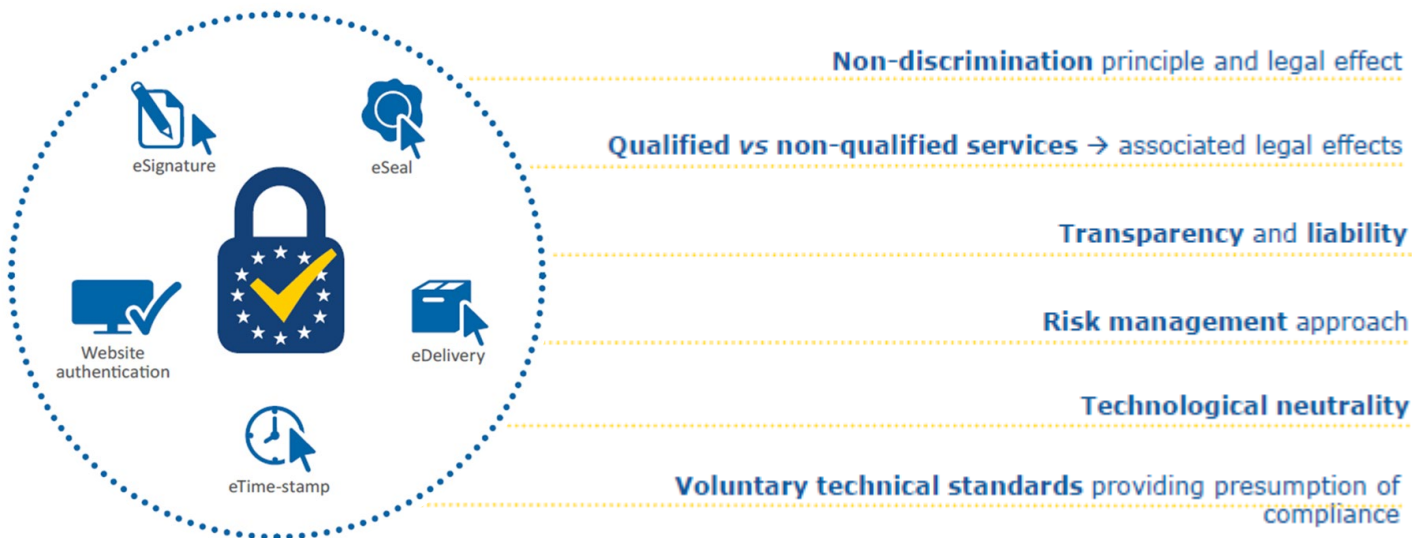


eIDAS Regulation – Key legal aspects on trust services

- Regulation key elements

- Art 114 TFEU on internal market as the legal basis
 - Free movement of products and services
- Directly applicable in all EU Member States
- 28 implementing acts and 1 delegated act to further specify the technical aspects of the Regulation
- Date of application for trust services: 01 July 2016

- Trust services key principles



eIDAS 2

- unchanged
- unchanged
- Mandatory adoption of 40+ implementing acts
- Spring 2024

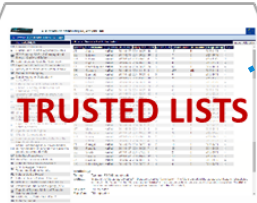
→ Leveraging on NIS2 Directive

→ Few cases of mandatory specifications / standards

eIDAS 1 Pyramid of Trust (services)



EU trust mark for QTS
may only be used by QTSP



Constitutive list to state who is **qualified** TSP and for what **qualified** trust service

SUPERVISORY REGIME

Initiation

(initial assessment by eIDAS accredited CAB)

Termination

QTSP & QTS they provide

Ad-hoc audits (at any time)

Regular Assessments (at least every 24m by eIDAS accredited CAB)

- Pre-authorisation for QTSP
- Life-cycle supervision
- informal compiled list of eIDAS accredited CABs (30+)
(EA → NAB → “de facto” accreditation scheme ISO/IEC 17065 + EN 319 403 + eIDAS)

Reg. (EU) No 910/2014

+ few **implementing acts** on (Q)TS

- CIR (EU) 2015/806 on EU Trust Mark,
- CID (EU) 2015/1505 on trusted lists,
- CID (EU) 2015/1506 on AdES formats,
- CID (EU) 2016/650 on QSCD assessment

QTSP & QTS RELATED eIDAS PROVISIONS

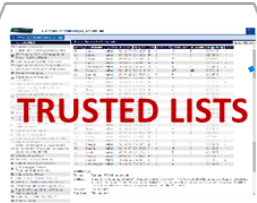
BEST PRACTICES & STANDARDS

ETSI, CEN/CENELEC, ISO/IEC, etc.

eIDAS 2 Pyramid of Trust (services)



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Constitutive list to state who is **qualified** TSP and for what **qualified** trust service

Four new types of QTS

- Management of rQSCD
- Qualified eArchiving
- Qualified eLedgers
- Qualified electronic attestations of attributes

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More guidance via more implementing acts

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Mandatory adoption of implementing acts

- 40+ within 12 months)
- Empowerment not limited to point to standards but to establish specifications if necessary

QTSP & QTS RELATED eIDAS PROVISIONS

BEST PRACTICES & STANDARDS

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ETSI, CEN/CENELEC, ISO/IEC, etc.

Incl. mandatory specifications / standards instead of presumption of compliance

Closed list of 9 types



- Provision of QC for eSignatures → QESig
- Provision of QC for eSeals → QESeal
- Provision of QC for website auth^o
- Qualified validation of QESig →
- Qualified validation of QESeal
- Qualified preservation of QESig →
- Qualified preservation of QESeal
- Provision of qualified time stamps →
- Qualified electronic registered delivery services →

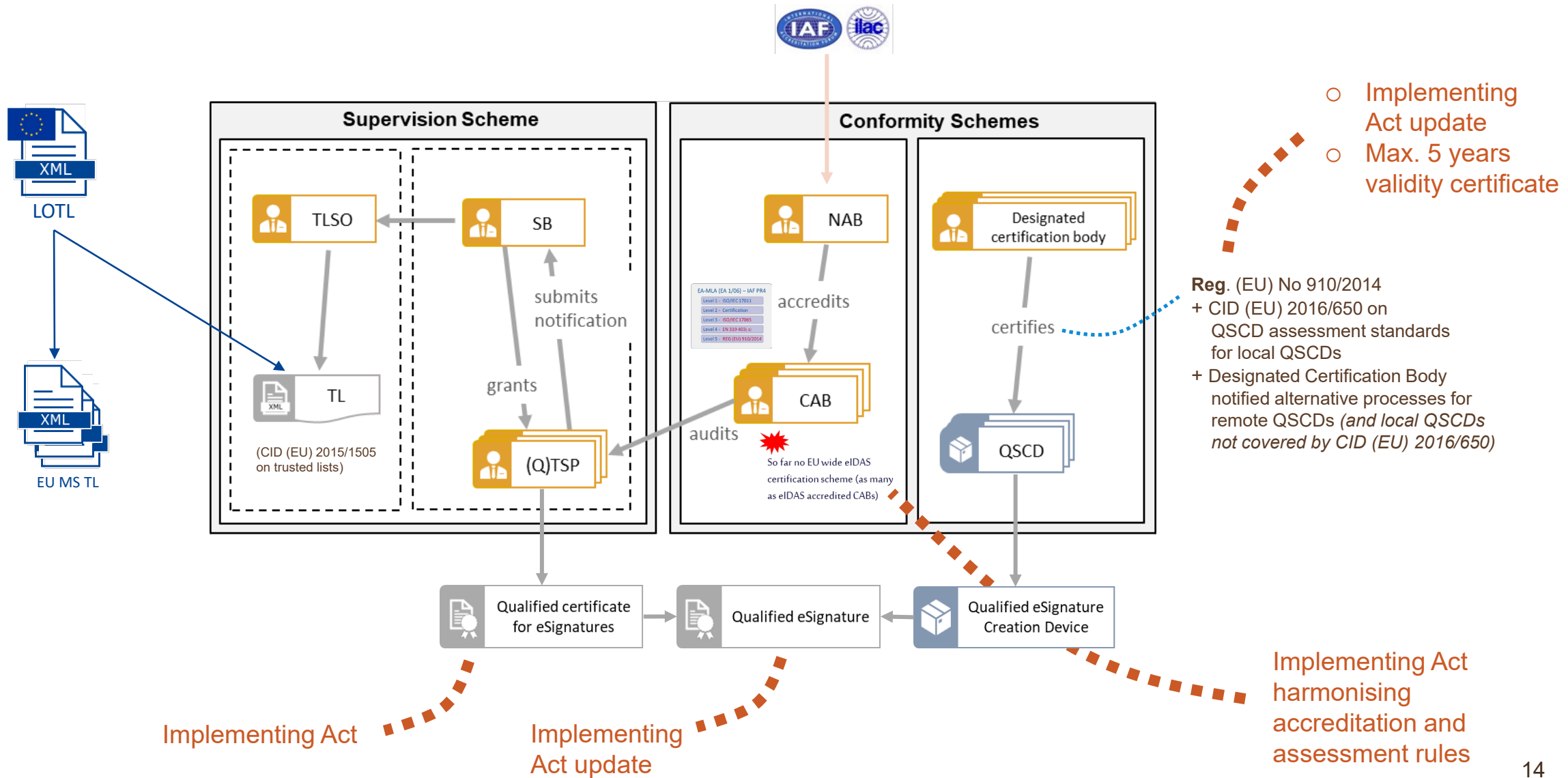
... 4 new types of QTS

New in eIDAS2

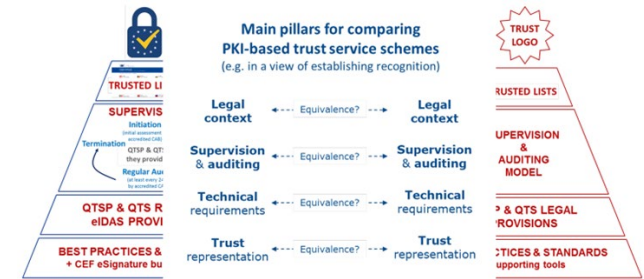
- Qualified electronic archiving** → Presumption of their integrity and of their origin for the duration of the preservation period by the QTSP
- Remote-management of QSCD**
- Qualified electronic ledgers** → Presumption of unique and accurate sequential chronological ordering and of integrity of data records
- Qualified electronic attestations of attributes (QEAs)** → Same legal effect as lawfully issued attestations in paper form.

→ Introduction of non-qualified version will have significant impact on the market as every provider of eArchiving, eLedger & any type of EAA shall be considered as a TSP (e.g. subject to NIS2)

Very few changes on Trust Services Supervision schemes



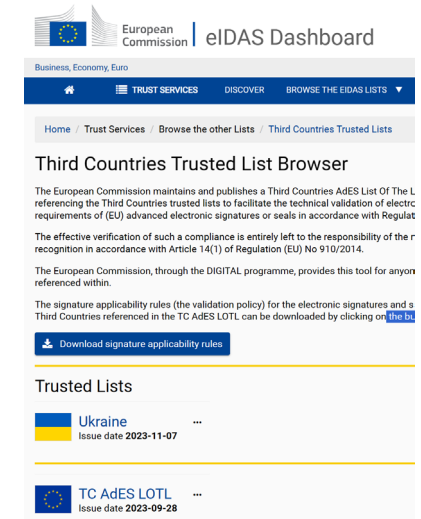
- Art. 14 international (mutual recognition)
 - Implementation
 - eIDAS 1: International (Trade) agreement as only mechanism
 - eIDAS 2
 - International (Trade) agreement **or Implementing Decision**
 - Trusted List as a pre-requisite tool of the MRA execution



Source: ETS TR 103 684

- EU List of the Lists as authentication tool towards 3rd countries
- Trusted Lists of (mutually) recognised 3rd country TSP/TS
- 3rd Country TSP/TS must meet eIDAS requirements

- AdES LOTL to facilitate recognition of AdESig / AdESeal including from 3rd Countries (e.g. UA)



Questions – Contact



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