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TRUST SERVICES LANDSCAPE IN EU FROM SUPERVISORY LENS

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AGENDA

- Presentation of **FESA**
- General presentation of the **eIDAS regulation**
- Overview of **eIDAS trust services**
- **Benefits** of the eIDAS regulation
- **The way forward**

PRESENTATION OF FESA

FESA - THE FORUM OF EUROPEAN SUPERVISORY AUTHORITIES

- *“The scope of FESA is to support the cooperation, information and assistance among the members and to facilitate the exchange of views and agreement on good practices.*
- *FESA members meet regularly at least two times a year, exchange information and discuss matters of cooperation between supervisory authorities.”*

<https://www.fesa.eu/>

FESA – SOME FACTS

- Created in **2002**
- **22 supervisory bodies** from the **European Union**
- Supervisory bodies from **EEA/EFTA** and **outside of the EU**
- Associate members : **European Commission, ENISA, CEN, ETSI**
- Current **board** : **Farley Wazir – NL (chair)**, Vaidotas Ramonas – LT (secretary), Lisa Allemand - FR (secretary)

GENERAL PRESENTATION OF THE EIDAS REGULATION

PURPOSE OF THE EIDAS REGULATION

*“This Regulation seeks to **enhance trust in electronic transactions** in the internal market by providing a common foundation for **secure electronic interaction between citizens, businesses and public authorities**, thereby increasing the **effectiveness of public and private online services, electronic business and electronic commerce** in the Union.”*

(Recital 2)

SUBJECT MATTER OF THE EIDAS REGULATION

“ [...]this Regulation : [...]

- *lays down rules for trust services, in particular for electronic transactions; and*
- *establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic registered delivery services and certificate services for website authentication.”*

(Article 1)

INTERNAL MARKET PRINCIPLE

*“ 1. There shall be **no restriction** on the provision of **trust services in the territory of a Member State** by a **trust service provider established in another Member State** for reasons that fall within the fields covered by this Regulation.*

*2. Products and trust services that **comply with this Regulation** shall be permitted to **circulate freely in the internal market.**”*

(Article 4)

OVERVIEW OF EIDAS TRUST SERVICES

OVERVIEW OF TRUST SERVICES COVERED BY THE EIDAS REGULATION

- Electronic **certificate issuance** (for electronic **signatures**, electronic **seals**, **website authentication**)
- Electronic **timestamping**
- **Validation** of electronic **signatures** and electronic **seals**
- **Preservation** of electronic **signatures** and electronic **seals**
- **Registered electronic delivery**

QUALIFIED TRUST SERVICES

KEY PRINCIPLES

- **Specific requirements** and **strong legal effects** associated to qualified trust services and trust service providers
- **Audit** by an accredited **Conformity Assessment Body (CAB)** at least every **24 months**
- Decision to grant the **qualified status** by a national **Supervisory Body (SB)**
- Publication in a **Trusted List (TL)** :
<https://webgate.ec.europa.eu/tl-browser/#/>

QUALIFIED TRUST SERVICES FIGURES

- **154** qualified TSPs for electronic **certificate issuance**
- **97** qualified TSPs for electronic **timestamping**
- **14** qualified TSPs for **validation** of electronic signatures or seals
- **12** qualified TSPs for **preservation** of electronic signatures and seals
- **15** qualified TSPs for **registered electronic delivery**

BENEFITS OF THE EIDAS REGULATION

THE MISSING PIECES OF THE FORMER E-SIGNATURE DIRECTIVE

- **Interoperability** standards for the recognition of electronic **signatures & seals in public services**
- Legal framework for **timestamping** services
- Legal framework for the much needed electronic **signature/seal validation and preservation** services
- Official recognition (and requirements) for **remote signing**
- Official recognition of the **legal effect of electronic documents**

THE FOUNDATIONS OF TRUST

- **Common security requirements** for qualified trust service providers and qualified trust services
- Explicit **conformity assessment scheme** for qualified trust services and publication of the **Trusted List**
- Attribution of **strong powers** to the **supervisory bodies**, and creation of a framework for **mutual assistance**
- Harmonized **certification scheme** for qualified electronic **signature/seal creation devices**

A FIRST STEP TOWARDS A REAL EUROPEAN ECOSYSTEM OF TRUST

- **Free circulation** of trust services and **mutual recognition** of their legal effects help to create a **competitive environment** for trust service providers at the European level and facilitate the development of **cross-border interactions**.
- Conditions are favorable both for the rise of **European trust champions** and for the development of a “**real**” **digital single market and innovative public services**.

THE WAY FORWARD

WAYS OF IMPROVEMENT ARE ALWAYS POSSIBLE

- The return of experience has helped underlining **several ways of improvement**
- While eIDAS is a regulation, there is still **room for interpretation** of several requirements
- Furthermore, some requirements are still **up to national rules or legislation**, which hinders in practice the cross-border use of trust services

THE LEGAL FRAMEWORK SHOULD BE SUPPORTED BY STANDARDS FOR...

- **Accreditation of CABs** performing the conformity assessment of QTSPs
- **Remote identification** for certificate delivery or registered electronic delivery
- Signature creation devices used to create **remote signatures**
- **Validation** of qualified electronic **signatures and seals**

TRUST MUST RELY ON AN UP-TO-DATE APPROACH OF SECURITY

- Continuous management of the **security over the lifecycle** of electronic **signatures/seal creation devices**
- Improvement of information and **vulnerability sharing by** signature/seal creation **device manufacturers**
- **Certification scheme** for other critical products used by trust service providers (which could fall under the **Cyber Act**)

AS A CONCLUSION...

- **The eIDAS regulation is a massive step** for the development of **trust in electronic transactions** among the Union...
 - ...But we need to ensure a **continuous improvement of the regulatory framework and its implementation in Member states**, up-to-date with the needs of the ecosystem and the reality of cybersecurity.
- ➔ The **review of the eIDAS regulation** should create the conditions for this continuous improvement.