



# Feedback on the Revision of the eIDAS Regulation – European Digital Identity (EUid)

INCEPTION IMPACT ASSESSMENT - ARES(2020)3899583

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## Introduction

This main goal of the present report is to provide the feedback of the author on the European Commission's planned revision of the eIDAS Regulation – European Digital Identity (EUid)

The feedback provided in this report exclusively aims to

- support the industry's market growth
- promote adoption and effectiveness of trust services through usability
- boost interoperability among different countries
- promote innovation
- assure quality and security to the users

The content of this document is the result of the author's experiences, matured on 10+ years in the field of Digital Identity management and Electronic Trust Services

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## General considerations

Digital Transformation is profoundly changing everybody's daily life, both on the working than business side, reinventing the way people communicate and interact with others. EU Commission President Ursula von der Leyen stressed, in her political guidelines, the need for Europe to lead the transition to a healthy planet and a new digital world.

Moreover, the COVID-19 crisis has strengthened the importance of digital transformation and its tools. Until a few months ago, they were still considered as “nice to have” to significantly increase productivity, improve the customer experience, ensure security and lower transaction costs. The COVID-19 pandemic has moved Digital Transformation to the top of business agendas in 2020 and has proven essential at a time when people have been largely unable to leave their homes and to travel. The technology has played a key role in maintaining business continuity while reducing exposure to the virus and adhering to the social distancing guidance put in place by public health officials.

Digital Transformation was finally considered as necessary to assure business continuity for companies and organizations of any kind and size.

In this economic and social scenario, digital identity (digID) has become the critical enabler of digital transformation. The need to establish individual identities uniquely, accurately, quickly and securely is not limited to individuals but extends to legal entities (both in public rather than in private sector), machines and devices.

In the same way, interoperability is clearly crucial for Europe that planned to have a digital single market but recently had to fight against lockdown.

Regulation 910/2014 (eIDAS) represented a fundamental step in the promotion of a digital single market, digitalization is happening at different speeds in EU countries. This could be a risk in the next few years, creating entrenchment among the EU countries with “the facto” several digital islands instead of a unique market.

Options outlined in the Inception Impact Assessment are not mutually exclusive and should be combined in order to achieve a satisfactory outcome - for example a gradual adoption seems the most reasonable choice implementing the options in different stages.

Regarding Option 1, the recommendation is to create specific guidelines on identification including fully remote processes. Furthermore, it is evident that technology neutrality is desirable and possible in theory, but in practice it constitutes a real obstacle in a cross-border usage of digital identity. To effectively boost interoperability, maybe could be helpful to reduce the emphasis on technology neutrality in favour of more uniformity and alignment in implementations, especially if

such uniformity is based on recognized international standards and specifications that can be adopted by the stakeholders with a reasonable effort and can also be audited and verified by Conformity Assessment Bodies (CAB).

According to the writer, Option 2 consists of a legislative intervention as ambitious than powerful. The introduction of new trust services for identification, authentication and for the provision of attributes, credentials and attestations and allowing the provision of identification for devices constitutes in my vision the right path in the construction of a common “playground” with the same rules, guarantees and security for every EU citizen. This introduction could benefit from the trending technologies that are arising recently, for example the usage of biometric recognition. Of course, the contribution of the private sector would be fundamental also in the regulatory phase, so it would be strongly recommended that the EU Commission organizes and leads technical workshops in which private specialists would be engaged in the definition of the new trust services and related standards. Once defined the new services, the provisions of the General Data Protection Regulation should be still respected.

Option 3 represents an interesting reinforcement of Digital Identity usage. A fully harmonized and common eID framework covering the EU would be a radical change from the actual situation, characterized by several different identity schemes, toward a unique common standard. On the other hand, this option hides several tricks and dangers, such as the direct competition with the private sector that the introduction of the European Digital Identity scheme (EUid) would create, a situation that is unlikely to yield better solutions and services for the citizens and more generically the users. By the way, it makes sense to postpone Option 3 after the proper implementation of Option 1 and 2.

## Conclusions

The lesson learnt from Covid-19 pandemic is that Digital Transformation is crucial and has become necessary to guarantee the business continuity of companies and organizations of any kind and size.

In this scenario, Digital Identity plays the role of the enabler, due to the need to establish individual identities uniquely, accurately, quickly and securely to perform whatever digital transaction.

To lay the foundations for Digital Transformation, the update of Regulation 910/2014 is a necessary step, that on the other hand will constitute a significant impact for Member States, EU citizens, stakeholders and service providers.

To truly create a Digital Single Market, the introduction of new trust services for identification, authentication and for the provision of attributes, credentials and attestations become the best solution to promote the cross-border usage of eID, limiting the growing risk that every Member State adopt a national based authentication scheme turning to a “digital island”. To properly implement this, would be necessary the organization by the EU Commission of technical workshops, to collect as much as possible feedback from the market and from the involved stakeholders. In this way, experts from the different Member states and belonging to different sectors and stakeholders (public institutions, private companies and service providers, research institutions, conformity assessment bodies, universities, etc.) could create new norms and standards to define an harmonized and cross-border framework for these “new services”.

In my opinion, the right strategy could be the sequential implementation of the options included in the inception impact assessment, considering the three options as three different phases of a single program with the same goal: enhancing digital identity usage in an interoperable and cross-border way.

Each Option constitutes a more significant challenge, so should be implemented after a deep analysis (object of specific workshops) of the precursor to provide a first important feedback. The implementation of Option 3 is surely the most complicated, so it should be defined only after a successful implementation of Options 1 and 2.