

United Internet welcomes the opportunity to comment on the evaluation of the eIDAS Regulation. WEB.DE, GMX and 1&1 are the first European providers to be certified by TÜViT and the Federal Network Agency in accordance with the eIDAS Regulation and thus offer electronic delivery services as qualified trust service providers.

We fully support the EU-wide standards introduced by the eIDAS Regulation for the unique identification of all participants and the digital signing of electronic cross-border data transmission. The EU has thus created the basis for Europe-wide, legally valid electronic communication and secure electronic identification. The introduction of eIDAS as a successful European instrument has helped to promote trust and acceptance in legally secure communication within Europe and to increase availability and use.

WEB.DE, GMX and 1&1 have mastered the successful implementation of qualified trust services in compliance with European standards and national legislation, but also see a need for improvement in practice. The upcoming evaluation should therefore be used to identify and improve weaknesses in the current regulation with the aim of further increasing the use of and demand for secure and trustworthy online identification and authentication.

In our view, the evaluation should take into account the following requirements in particular:

1. Mandatory interoperability:

The mandatory introduction and guarantee of interoperability between providers in the area of the qualified trust service for enrolment and mail services is essential. In the future, the regulation must ensure a mandatory regulation on interoperability and not leave this to pure market mechanisms.

Furthermore, it would be welcome to extend these requirements to the non-qualified services.

The regulation correctly mentions cross-border interoperability and the recognition of qualified certificates as preconditions for the cross-border recognition of qualified electronic signatures and specifies which requirements a certified service must fulfil in terms of data transport or electronic signatures. At the same time, however, it does not specify which access requirements the participants must have for data exchange via two eIDAS services. In practice, this leads to very different market requirements within the EU member states.

This interpretability within the eIDAS Regulation leads to different requirements and application of different standards of conformity (e.g. substantial vs. high), market access barriers for trust service providers and different barriers for products in the EU Member States. In particular, market entry barriers are of great concern, as member states with a lower standard do not accept harmonisation at a higher level. This in turn creates incentives for providers to establish themselves in the member states with lower standards and the market shifts to these states. Providers who are subject to a higher standard are thus no longer competitive in the European environment.

Requirements:

- Harmonisation of national rules regarding identification with European standards.
- Creation of a binding description of interoperability in the area of delivery services.

- Equal regulations / acceptance for all identification procedures at national and European level (e.g. for VideoIdent and BankIdent).
- Implementation of an overarching supervisory body that ensures compatibility and interaction between the various supervisory authorities and review bodies and ensures equivalence for the creation of a level playing field at European level.
- Adopt implementing acts to ensure the implementation of uniform conditions.
- Creation of added value, genuine communication solutions, in the context of which a response can also be made when documents are delivered in the same process.

2. Promote national policy-making and harmonisation

A prerequisite for legally secure communication at European level is harmonisation at national level. The existence of different national standards (e.g. De-Mail vs. ePostbrief vs. beA vs. service portals) reduces the acceptance and use of trust services and slows down digitisation and thus the use of trust services in Europe.

In Germany, for example, various systems are currently used for trustworthy digital data exchange, such as De-Mail, the special electronic lawyer's mailbox (beA) or the electronic court and administrative mailbox (EGVP) - the systems are largely sealed off from each other and thus do not enable communication with each other. This leads to an unnecessarily complicated situation for the consumer and unnecessarily increases the barriers to the use of eIDAS-certified services.

Requirements:

- Implemented standards must be implemented and applied at national level.
- Dissolving national digital parochialism: harmonising national and European standards (De-Mail - eIDAS)
- "EGVP/OSCI").
- Use of existing standards for eGovernment, ERV and other mandatory electronic communication.

■ Use cases: Use of different products on the basis of a uniform standard.