

## **Feedback on the roadmap for the evaluation of the eIDAS**

### **Regulation**

Bundesdruckerei GmbH would like to contribute to the successful creation of a future-proof legal framework to support an EU-wide, trustworthy and secure system for identities and trust services in the digital space. Accordingly, with reference to the three "policy options" set out in the EU Commission's roadmap, we propose that the following three points be taken into account:

#### **1) Hardware security modules as a technical basis for EU-wide secure digital applications**

The eIDAS Regulation should be further developed to create a usable, secure and interoperable digital identity for public and private online interactions in the European Union. Revisions aimed at improving the coherence, consistency and interoperability of the existing eIDAS framework, for example through guidelines on liability principles to promote the use of eIDs in the private sector, should be pursued in accordance with this (see Policy Option 1). The Regulation should also be amended to simplify the notification procedures for Member States. In addition, Bundesdruckerei suggests establishing common rules for the use of hardware security modules (either in the form of Universal Integrated Circuit Cards (eUICCs), also known as eSIM, or embedded secure elements, also known as eSEs). Modern smartphones are equipped with these modules, which are perfectly suited to support digital applications, e. g. for digital identities in a secure and trustworthy way. The aim should be to establish a union-wide technical minimum standard for hardware security modules that harmonizes basic security mechanisms while giving Member States discretion with the implementation of country-specific solutions. Therefore, Bundesdruckerei urgently recommends to standardize the access of eSE and eSIM and to oblige Original Equipment Manufacturers (OEMs), respectively the Mobile Network Operators (MNOs) to open their hardware security modules for third parties. This uniform standard would be a big step for digital sovereignty within the European digital single market demonstrating the security and trustworthiness of mobile ID solutions, while helping to make the topic more transparent and comprehensible for citizens and service providers alike. In this context, the OPTIMOS 2.0 project initiated by the German Federal Ministry for Economic Affairs and Energy is a promising approach that could be used throughout the EU, as it creates the basis for reliable, unambiguous identification and

authentication in the digital world while complying with the highest security and data protection standards. It also creates - irrespective of the future shape of EU-wide digital identity management - the preconditions for further digital applications.

## **2) Strengthening and expanding national eID usage**

Bundesdruckerei welcomes the broadest possible use of national eIDs. The extension of national eIDs to the private sector should thus be pursued as fast as possible (see Policy Option 2). More private use cases in a wide range of services can generally strengthen the use of national eIDs. In this context, the use of national eIDs can be further promoted through incentives that encourage a wider voluntary acceptance of national eIDs by companies. Mandatory use in some areas could also be envisaged. In this regard, the Payment Services Directive 2 is a strong example of how the tools from the eIDAS Regulation can be effectively integrated into legislation. A pan-European interoperable approach on the basis of OPTIMOS 2.0 could also create a new market for European sovereign and trusted mobile applications, ranging from government documents and credentials to private sector applications such as high-priced tickets or access and vehicle keys.

## **3) Strengthening the state design of national eIDs**

The eIDAS Regulation provides for mutual recognition of notified identification instruments existing in the Member States and thus already provides for a common European eID ecosystem by creating interoperability between national systems (see Policy Option 3). The additional introduction of a European eID (with its extremely high legal and technical complexity) would probably slow down the ongoing process of the eIDAS Regulation and would not address the lack of use cases. Bundesdruckerei therefore recommends that the concrete design of the national eID systems should continue to be left exclusively to the Member States which must assume liability for the authenticity of an identity and validate the national eID.

## **Conclusion**

The combination of Options 1 and 2 offers the opportunity to make the best of the EU standards already developed by CEN and ETSI in Mandate 460 binding by means of Implementing Acts and to significantly improve the integration between eIDAS eID services under Part II and the trust services under Part III. The Member States'

uptake of the optimised eIDAS Regulation should then be made mandatory for special sectors, for example social and tax services.

The window of opportunity for saving European digital sovereignty is very small and a practical implementation of the "better eIDAS" to enable the digital single market and seamless public services should be completed in 2021.