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INCEPTION IMPACT ASSESSMENT: REVISION OF THE EIDAS REGULATION – EUROPEAN DIGITAL IDENTITY (EUID): COMMENTS BY 1&1

1&1 welcomes the opportunity to respond to the Commission's consultation on the revision of the eIDAS Regulation | European Digital Identity (EUID).

WEB.DE, GMX and 1&1 have been the first European companies for electronic delivery Services certified by TÜViT and the German Federal Network Agency (Bundesnetzagentur) under the eIDAS Regulation. WEB.DE, GMX and 1&1 have managed to successfully implement qualified trust services, taking into account European standards and national legislation. 1&1 is also a founding member of netID1.

We fully support EU-wide standards introduced by the eIDAS Regulation for unique identification and digital signatures of electronic cross-border data transmissions. The introduction of EU-wide standards for a clear identification has contributed significantly to create the basis for Europe-wide, legally valid electronic communications and secure electronic identification.

However there is also a need for improvement, especially as the potential of electronic identification and authentication under eIDAS remains underexploited:

I. MEASURES SHOULD BE TAKEN PARTICULARLY WITH REGARD TO

- **WIDENING THE SCOPE:** We agree with the Commission's assessment that the uptake of these eID means is limited and the potential is not being fully exploited. In particular the restriction to the public sector restricts the scope for a daily use. A European online ID can only work when encouraging wider use. Since no European country can achieve this scope on its own, a successful European identity system can only be fit for the future if it becomes practical and thus a game changer through daily use. We therefore support the view expressed by the Commission that a single trusted European ID that can be used both for public and private digital services, could boost the digitalization of the Single Market and provide a convenient single-sign-on possibility. In this context it should be noted that technical interoperability is the

¹ netID is a European login standard provided by the European netID Foundation. It was founded by ProSiebenSat1 Media SE, the Media Group RTL Germany and United Internet with its brands 1&1, WEB.DE and GMX. NetID aims to establish a European alternative to US login providers with netID as a Single Sign-on (SSO). netID enables users to organise their data and consents provided to use internet services (opt-ins) transparently and in compliance with data protection regulations in a so-called Privacy Centre (<https://netid.de/>)

prerequisite for a European-wide success. It is therefore particularly important not to commit to unilateral technical solutions in advance (e.g. SAML or blockchain), but rather to ensure technical interoperability. Therefore, and in order to leverage digital identities across the EU Single Market, we highly recommend the Commission to endorse the OpenID Connect Standard besides SAML.

- **MANDATORY INTRODUCTION OF EIDAS AS A SINGLE-SIGN-ON (SSO):** The eIDAS Regulation should set the course and ensure that citizens can participate in the European digital market with a European digital identity rather than having to use non-European IDs as offered e.g. by large US platforms | GAFAs (used as an acronym for dominant platforms with significant network effects acting as gatekeepers). Therefore the eIDAS Regulation must support the mandatory introduction of a European Single Sign-on (SSO) regime as an alternative to the US platforms. In our opinion the success of eIDAS depends on the user-friendliness and a broad coverage. This leads to two main benefits: on the one hand, authentication by an eIDAS certified service would ensure a high level of protection of personal data and minimise (abusive) use of personal data by providers outside the EU. On the other hand, an EU-wide internal market solution would support the availability and further development of services based on an increasing demand. eIDAS, set up as described above, could therefore help to adapt the market situation and weaken the market power of market-controlling services. In order to ensure that the European ID system prevails and becomes relevant to the user, it is necessary to expand its daily use by including possible applications for identification and/or authentication at all levels of trust. In other words, in order to promote the use of new trust services, use cases that do not require verified identities must also be supported and offered. The presence of a verified identity (substantial or high) shall not be a prerequisite for the user's access to this trust service.
- **PROMOTE HARMONISATION | MANDATORY INTEROPERABILITY:** To ensure wide reach, existing SSO standards which are already in conformity with eIDAS should be included. The eIDAS regulation should define and complement standards to ensure interoperability in consideration of different levels of security. A co-existence of different (even national) standards (e.g. de-mail vs. e-mail vs. Bea vs. service portals) would reduce the acceptance and use of trust services thus the use of trust services in Europe. Although the regulation correctly identifies cross-border interoperability and recognition of qualified certificates as a prerequisite for cross-border recognition of qualified electronic signatures and specifies the requirements that must be met in terms of data transport or electronic signature, it currently does not specify the access requirements for participants to exchange data between two eIDAS services. In practice, this leads to different market conditions within the EU Member States. This interpretability leads to different requirements and the application of different standards of conformity (e.g. substantial vs. high), leading to market entry barriers for trusted service providers and additional barriers for products within the EU Member States

II. ASSESMENT OF OBJECTIVES AND POLICY OPTIONS

- **BASELINE SCENARIO**: **This option is not suitable** to exploit the potential of electronic identification and authentication under eIDAS. This option should therefore be excluded.
- **OPTION 1** (reinforced baseline scenario): We evaluated **this option as insufficient**. Instead, we support additional incentives to accelerate the supply of eID schemes. However, additional implementing acts and guidelines do not give enough attention of a common binding and future-proof framework. In particular this applies to the private sector, where guidelines will probably not prevent the existence of stand-alone solutions.
- **OPTION 2**: The extension of the eIDAS framework to the private sector and an extension of the catalogue of trust services **would be useful** to ensure that the European ID system prevails and that they become relevant to the user. For this it is necessary to extend the daily use by providing a scope for identification and/or authentication at all levels of trust, as well as mandatory use in all services that offer users login with one or more of the services of GAFAs. Here, an open and federal system for all providers (**provider model**) could play a key role in making different account providers available under one brand and standard. Bringing together European private and public suppliers under a single, open standard with a single logo (example an EC card, that can be used all over Europe) would help to overcome the “rivalry” of different private and public providers, as each system would be certified and connected in accordance with the overarching standard. Thus users would have the freedom to choose providers.
- **OPTION 3**: **This option in conjunction with option 2 would be the most appropriate** to address the problems of the current eIDAS regime identified by the Commission in the impact assessment. The introduction of a complementary European Digital Identity scheme (EUid) would contribute to establish a system that is relevant to all European users.