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NOTE

from: Presidency
to: Delegations
No. Cion prop.: 10977/12 TELECOM 122 MI 411 DATAPROTECT 73 CODEC 1576
Subject: Proposal for a Regulation of the European Parliament and of the Council on
electronic identification and trust services for electronic transactions in the
internal market
- Information from the Presidency

Following four informal trialogues in late 2013 and early 2014, the European Parliament and the Council reached an agreement on the proposal for a regulation on electronic identification and trust services. The regulation lays down conditions for mutual recognition of electronic identification, sets general rules for trust services and provides a legal framework for electronic signatures, seals and time stamps, electronic documents as well as electronic registered delivery services and certificate services for website authentication. The regulation provides a common foundation for secure electronic interaction between businesses, citizens and public authorities. It seeks to increase the effectiveness of public and private online services, electronic business and electronic commerce in the EU and to enhance trust in electronic transactions in the internal market.

Mutual recognition of electronic identification

The new rules require Member States to recognise, under certain conditions, means of electronic identification of natural and legal persons falling under another member state's electronic identification scheme which has been notified to the Commission. It is up to the Member States to choose whether they want to notify all, some or none of the electronic identification schemes used at national level to access at least public online services or specific services.

These rules only cover cross-border aspects of electronic identification, and issuing means of electronic identification remains a national prerogative.

Timeline for mutual recognition

Those Member states which so wish may join the scheme for recognising each others' notified e-identification means as soon as the necessary implementing acts are in place. This is expected to take place in mid-2015. The mandatory mutual recognition is expected to kick off in mid-2018.

From e-signature to trust services

Until now, there were EU provisions only on electronic signatures, laid down in the 1999 e-signature directive, which will be repealed with effect from July 2016. In addition to enhancing and expanding these provisions, the new regulation also introduces, for the first time, EU-wide rules concerning trust services, such as the creation and verification of electronic time stamps and electronic registered delivery services, or the creation and validation of certificates for website authentication. Trust services which comply with the regulation can circulate freely within the single market. In addition, an EU trust mark will be created to identify trust services which meet certain strict requirements. The use of the trust mark will be voluntary.

Next steps

The text is currently undergoing the legal-linguistic revision by quality advisors of both institutions. To enter into force, it still needs to be formally approved by the Parliament, whose final vote in plenary is expected to take place in July, and the Council, which is due to take its decision after the vote in Parliament.