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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 3 June 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: SEC(2021) 229 final

Subject: REGULATORY SCRUTINY BOARD OPINION
REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the evaluation of Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS)

Delegations will find attached document SEC(2021) 229 final.

Encl.: SEC(2021) 229 final



EUROPEAN COMMISSION

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SEC(2021) 229 final

REGULATORY SCRUTINY BOARD OPINION

**Report from the Commission to the European Parliament and the Council
on the evaluation of Regulation (EU) No 910/2014 on electronic
identification and trust services for electronic transactions in the internal
market (eIDAS)**

{COM(2021) 290 final}
{SWD(2021) 130 final}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
RSB

Opinion

Title: Evaluation / Regulation (EU 910/2014) on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation)

Overall opinion: POSITIVE

(A) Policy context

In an increasingly digitalised society, the possibility to use secure electronic identification and trust services (e.g. electronic signatures) gains importance. The Regulation on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) has two objectives:

- to ensure that people and businesses can use their national electronic identification schemes (eIDs) to access public services in other EU countries; and
- to create a European internal market for electronic trust services by ensuring that they will work across borders and have the same legal status as paper-based processes.

This evaluation assesses if the Regulation is still fit for purpose. It attempts to take account of the 2020 strategy on shaping Europe's digital future, the response to the COVID-19 pandemic, and technological and market developments.

(B) Summary of findings

The Board notes the useful additional information provided in advance of the meeting and commitments to make changes to the report.

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following aspects:

- (1) The report does not make sufficiently clear what success was supposed to look like by now and what have been the main driving factors behind the observed limited uptake of eID schemes.**
- (2) The report does not sufficiently assess the continued relevance of the Regulation in the context of evolving user needs and technological and market developments.**

This opinion concerns a draft evaluation which may differ from the final version.

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(C) What to improve

(1) The report should clarify what the Regulation was expected to have achieved by now, to provide a clearer point of comparison against which to judge the current situation. The report should better distinguish between the reasons behind the limited uptake of eID schemes and the development of the trust services market. It should clarify whether it has been due to deficiencies in the design of the Regulation, insufficient Member State implementation or other factors. It should better explain what role security and liability concerns play. The report should elaborate on the situation across Member States, and explain why a significant number of them have chosen not to notify national eID schemes under the eIDAS Regulation.

(2) The report should deepen the analysis of the continued relevance of the Regulation in view of evolving user needs and technological and market developments. The report should be clearer on the actual and potential demand for cross-border eID and how it may differ across different user segments (e.g. public services, (semi-)regulated sectors, pure private online transactions). It should clarify to what extent eIDAS versus pure market-led schemes could play a role in meeting these demands.

(3) The report should draw clearer conclusions on how future proof the Regulation has been and how far its design and implementation has been able to accommodate fast-paced technological progress in digital ID technologies and changing user needs.

(4) The report should better assess the coherence between the eIDAS Regulation and the General Data Protection Regulation (GDPR). It should better analyse the extent to which the eIDAS Regulation complies with the GDPR's "privacy by design" and "privacy by default" requirements, in particular for potential use of the electronic identification by the private sector.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must take these recommendations into account before launching the interservice consultation.

Full title	Evaluation of the Regulation (EU 910/2014) on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation)
Reference number	PLAN/2020/85518
Submitted to RSB on	18 February 2021
Date of RSB meeting	17 March 2021