

POSITION PAPER



ESBG Response to the European Commission consultation on the European Digital Identity (EUid)

ESBG (European Savings and Retail Banking Group)

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ESBG Response to the European Commission consultation on the European Digital Identity (EUid)

The European Savings and Retail Banking Group (ESBG) welcomes the objective to facilitate the cross-border use of electronic identification based on eIDAS, a fundamental requirement to build the Digital Single Market. ESBG believes that an optimal implementation of e-ID solutions in Europe can only be reached by directly involving the relevant industries, ensuring the participation of the private sector at par with the public sector. However, ESBG Members would not see the need for EU regulators to develop a dedicated e-ID scheme for the financial sector.

ESBG considers the current regulatory, supervisory, and technological fragmentation of cross-border electronic identities (e-ID) across member states as very disadvantageous for the EU, both in terms of operational and regulatory requirements. Additionally, the identification requirements of European consumers in digital channels differ vastly between member states, especially due to the different interpretation, implementation, and application of for instance AML-requirements and PSD2 by both legislators and supervisors. This has created a fragmented and ineffective market environment across the EU, with consequences on European citizens and corporations.

eIDAS Regulation is generally a more effective tool than actions taken at national level, when it comes to regulating trust services. Therefore, eIDAS Regulation should not be repealed. Rather, the scope of the eIDAS Regulation should be extended to provide a level playing field for the private economic actors operating in the field of electronic identification. Policymaker would improve the implementation of eIDAS Regulation by:

- introducing new private sector digital identity trust services for identification, authentication and provision of attributes;
- introducing an obligation for the public sector to recognise attributes, credentials, and attestations issued in electronic form by trust service providers and public authorities registered as authoritative sources.

The current availability and offer of electronic trust services in the EU is not sufficient. Additional trust services should be regulated at EU level, such as electronic identification and authentication, and provision of trusted attributes linked to a verified identity (e.g. proof-of-age, credentials, KYC).

The use of electronic trust services is currently limited by factors such as lack of awareness, lack of availability of relevant services, accessibility barriers for persons with disabilities, lack of harmonisation of different legal requirement in different countries, absence of technical compatibility between services using timestamps and seals.

At the same time, it is important to build on already existing knowledge and best practices, rather than requiring the development of new solutions from scratch. For instance, in some parts of Europe, already existing efficient solutions and well established routines at a national level should be protected and taken into account by the regulator.

In order to improve the implementation of the eIDAS Regulation, ESBG would recommend that:

- The public sector should accept e-signature equal in all governmental processes as equal to written signature.
- eID providers of private sector should be accepted in public sector processes according to their trust level.



The provision of interoperable e-identity tools will boost cross-border transactions, paving the road for a Single Digital Market in the EU. High acceptance rates and technical neutrality will be key in determining the success of European e-IDs. ESBG members believe that, in order to enhance a full cross-border use of electronic identification, the following limiting factors should be overcome: the lack of availability of relevant public services, and the accessibility barriers to the service for persons with disabilities.

Therefore, ESBG members believe that it is important for the EU to empower its financial institutions with the abilities to identify customers through digital means. In fact, by leveraging all the verified data they already manage, banks have already proven to be reliable e-ID providers for a wide variety of purposes including for government purposes. If banks could offer e-ID schemes to access banking services online or act as identity provider for others as part of a federation of identity providers or under a scheme, for instance where required by their customers or by a public authority this could further strengthen the internal market through increased cross-border mobility.

ESBG would support an EUid solution, subject to the following necessary conditions:

- EUid respects the actual eIDAS levels of assurance;
- EUid is not mandatory;
- EUid is not exclusive.

Deadline for responses

2 October 2020.



3 General questions about electronic trust services

The eIDAS Regulation aimed to create a European internal market for electronic trust services - namely electronic signatures, electronic seals, time stamp, electronic delivery service and website authentication - by ensuring that they will work across borders and have the same legal status as traditional paper based processes.

14. Have you ever used electronic trust services (e.g. eSignature, eSeal or Timestamp)?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I don't know

15. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The availability and offer of electronic trust services in the EU is sufficient					X	
The eIDAS Regulation needs to be strengthened as a response to the COVID-19 crisis					X	
Providing the same legal effect to electronic trust services (e.g. qualified e-signature is equivalent to handwritten one) helped increase their take-up	X					
I feel more comfortable and confident to use electronic trust services now compared to five years ago			X			
Public administrations should roll out more public services, making better use of electric trust services in their contact with citizens and businesses	X					

16. Do you think that additional trust services should be regulated at EU level?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No



	I don't know
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17. If yes, please specify the additional trust services:

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4 Specific questions on electronic identity (eID)

To answer these more specific questions would require a certain knowledge of the eIDAS Regulation.

18. Would you like to answer more specific questions about rules on eID under the eIDAS Regulation and the future digital identity?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

19. Are you replying as:

<input type="checkbox"/>	End-user of eID (e.g. citizen, company)
<input type="checkbox"/>	Provider of online services (public sector)
<input type="checkbox"/>	Provider of online services (private sector)
<input type="checkbox"/>	Provider of Identity and Authentication solutions and / or technologies and IT solutions in this area (e.g. software, hardware, services)
<input type="checkbox"/>	Think tank, research, academic institution or individual expert
<input checked="" type="checkbox"/>	Trade/business/professional association or other interest representation organisation
<input type="checkbox"/>	Public policy maker
<input type="checkbox"/>	Non-governmental organisation
<input type="checkbox"/>	Other

If other, please specify

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20. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The number of online public services to be accessed in a cross-border context by using one of the published national eID schemes has considerably increased due to eIDAS				X		



The eIDAS Regulation provides an adequate legal framework for cross-border electronic identification in Europe.			X			
The eIDAS legal framework for cross-border electronic identification in Europe should be strengthened as a response to the COVID-19 crisis.			X			
The scope of the eIDAS Regulation should be extended to provide a level playing field for the private economic actors operating in the field of electronic identification.	X					
The interoperability framework established by the eIDAS is optimal and supports sufficiently the mutual recognition of the eID schemes.				X		

21. Do you agree that the use of electronic identification to access online public services across borders contributes to:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
Enhancing user friendliness						X
Saving time						X
Saving money						X
The simplification of the administrative procedure						X
An increase of service quality						X



An increase of service security						X
The protection of personal data						X
The better access to services in another EU country						X
An increase of the certainty on the authenticity of the users' identity						X
Enhancing clarity on the liability of the provider of the electronic identity						X
The access to services to a larger group of users thanks to the uptake of eID						X

22. In your opinion, are there currently any factors limiting the cross-border use of electronic identification?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I don't know

23. What are the factors limiting the cross-border use of electronic identification?

<input type="checkbox"/>	Lack of awareness
<input type="checkbox"/>	No need for it / Not relevant
<input type="checkbox"/>	Limited number of notified eID schemes
<input checked="" type="checkbox"/>	Lack of availability of relevant public services
<input type="checkbox"/>	Lack of trust
<input type="checkbox"/>	Preference for paper-based solutions or face-to-face interactions
<input type="checkbox"/>	Too expensive
<input checked="" type="checkbox"/>	Too complicated / not user-friendly / accessibility barriers for persons with disabilities
<input type="checkbox"/>	Privacy concerns
<input type="checkbox"/>	Legal obstacles (example: face-to-face interaction required by national legislation)
<input checked="" type="checkbox"/>	Limited scope of eID schemes notified under the eIDAS Regulation (governmentally issued/recognised eIDs only)
<input checked="" type="checkbox"/>	Suboptimal interoperability framework
<input type="checkbox"/>	Other



If other, please specify

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24. To what extent do you agree that the eIDAS Regulation has achieved its objectives with regard to electronic identification?

The objectives were: to enhance trust in electronic transactions in the internal market by providing a common foundation for secure and seamless electronic interaction between citizens, businesses and public authorities, thereby increasing the effectiveness of public online services in the EU.

The Regulation ensures that individuals and businesses can use their own national electronic identification schemes (eIDs) to authenticate when accessing public online services in other EU Member States, by establishing interoperability and enforcing mutual legal recognition of notified schemes.

	Strongly agree
	Agree
X	Neither agree nor disagree
	Disagree
	Strongly disagree
	I don't know/no opinion

25. Please elaborate on how the eIDAS Regulation has/not achieved its objectives with regard to electronic identification.

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26. In your opinion, should the eIDAS Regulation or its implementation be improved?

X	Yes
	No
	I don't know

27. Which of the following corrective actions should be taken?

28.

	Adopting guidelines to improve legal coherence and consistence
	Further harmonisation through requirements established in secondary legislation (implementing acts), standardisation and the introduction of certification to the advantage of particularly convenient and secure solutions
	A shift from voluntary to mandatory notification of national eID schemes
	An obligation for Member States to make authentication available to the private sector
X	Introduction of new private sector digital identity trust services for identification, authentication and provision of attributes
X	Introduction of an obligation for the public sector to recognise attributes, credentials and attestations issued in electronic form by trust service providers and public authorities registered as authoritative sources



	Introduction of an obligation for the private sector to recognise trusted digital identities: eIDs notified under eIDAS and trust services for identification, authentication and provision of attributes
	Provision of identification for non-human entities (e.g AI agents, IoT devices)

29. In your opinion, should there be a single and universally accepted European digital identity scheme, complementary to the national publicly issued electronic identities, allowing for a simple, trusted and secure possibility for citizens to identify themselves online?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I don't know

30. Which possible advantages of such single and uniform European digital identity scheme are important to you?

<input checked="" type="checkbox"/>	Trust (government sponsored)
<input checked="" type="checkbox"/>	Universal acceptance
<input checked="" type="checkbox"/>	User convenience
<input checked="" type="checkbox"/>	Better control of personal data
<input type="checkbox"/>	Increased online security
<input type="checkbox"/>	Cost saving thanks to economies of scale
<input type="checkbox"/>	Other

31. Please specify and/or set-out other possible advantages:

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32. Which possible disadvantages of such single and uniform European digital identity scheme are you concerned of?

<input type="checkbox"/>	Complexity of set-up and Governance
<input checked="" type="checkbox"/>	Lack of flexibility to adapt to technological developments and changing user needs
<input type="checkbox"/>	Overlap with existing solutions
<input checked="" type="checkbox"/>	Discouragement of innovation and investments into alternative eID solutions
<input type="checkbox"/>	State surveillance concerns
<input checked="" type="checkbox"/>	Set up and operational costs
<input checked="" type="checkbox"/>	Other

33. Please specify and/or set-out other possible disadvantages:

<ul style="list-style-type: none"> • Complexity of set-up and Governance. • Overlap with existing solutions. • Lack of initial interoperability with private solutions. • Increasing cybersecurity oversight needs for the public sector authorities in charge of managing the EUid. • Difficulty to meet customer experience of private digital identity solutions.



Please share any additional statements, documents, position papers concerning eID under the eIDAS framework and the future of digital identity.

The maximum file size is 1 MB Only files of the type pdf, txt, doc, docx, odt, rtf are allowed



5 Specific questions on trust services

To answer these more specific questions would require a certain knowledge of the eIDAS Regulation.

34. Would you like to answer more specific questions about trust services and the eIDAS Regulation?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

35. Are you replying as:

<input type="checkbox"/>	User of electronic trust services (e.g. citizen, company, public or private service provider)
<input type="checkbox"/>	Provider of electronic trust services
<input type="checkbox"/>	Supplier of technologies and IT solutions for electronic trust services (e.g. software, hardware, services)
<input type="checkbox"/>	Think tank, research, academic institution or individual expert
<input checked="" type="checkbox"/>	Trade/business/professional association or other interest representation organisation
<input type="checkbox"/>	Public policy maker
<input type="checkbox"/>	Supervisory body
<input type="checkbox"/>	Conformity assessment body
<input type="checkbox"/>	Non-governmental organisation
<input type="checkbox"/>	Other

If other, please specify

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36. Which of the following trust services are relevant to you?

The selected trust services will trigger separate questions for each trust service regulate under eIDAS.

<input checked="" type="checkbox"/>	Electronic signature
<input checked="" type="checkbox"/>	Electronic seal
<input checked="" type="checkbox"/>	Electronic timestamp
<input checked="" type="checkbox"/>	Electronic registered delivery service
<input checked="" type="checkbox"/>	Website authentication

37. To what extent do you agree or disagree with the following statements?



	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation increased the availability of electronic trust services in the EU				X		
The level and scope of governance and supervision of electronic trust services established under the eIDAS Regulation are adequate to ensure harmonisation at EU level.				X		
The eIDAS Regulation has put in place conditions conducive to trust services based on decentralised solutions (including through distributed ledger technologies).			X			
The legal effect provided to trust services by the eIDAS Regulation (e.g. qualified e-signature is equivalent to handwritten one) helped increase their admissibility in legal proceedings.						X
The cross-border legal effect provided to trust services by the eIDAS Regulation helped increase their take-up.					X	
The assessment procedure for becoming a qualified trust service provider is adequate				X		
The eIDAS Regulation is a more effective tool to regulate trust services than actions taken at national level	X					
The provisions of the eIDAS Regulation on trust services have enhanced trust in electronic transactions.			X			



Repealing the eIDAS Regulation would have negative consequences for trust services in Europe.	X					
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38. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation has increased the availability of electronic signature in the EU.		X				
The availability of electronic signature in the EU should be extended as a result of the COVID-19 crisis				X		
The use of electronic signature has increased in Europe for the last 3 years.				X		
The eIDAS regulatory framework creates a level playing field for electronic signature in Europe.				X		
The eIDAS Regulation does not hinder technological developments in the electronic signature market.	X					
Citizens, businesses and public administrations in Europe can effectively benefit from the advantages of electronic signature.	X					
The eIDAS Regulation has ensured interoperability of electronic signature.			X			

39. To what extent do you agree or disagree with the following statements?



	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation has increased the availability of electronic seal in the EU.	X					
The availability of electronic seal in the EU should be extended as a result of the COVID-19 crisis				X		
The use of electronic seal has increased in Europe for the last 3 years.		X				
The eIDAS regulatory framework creates a level playing field for electronic seal in Europe.	X					
The eIDAS Regulation does not hinder technological developments in the electronic seal market.	X					
Citizens, businesses and public administrations in Europe can effectively benefit from the advantages of electronic seal	X					
The eIDAS Regulation has ensured interoperability of electronic seal			X			

40. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation has increased the availability of electronic timestamp in the EU.	X					



The availability of electronic timestamp in the EU should be extended as a result of the COVID-19 crisis			X			
The use of electronic timestamp has increased in Europe for the last 3 years.			X			
The eIDAS regulatory framework creates a level playing field for electronic timestamp in Europe.				X		
The eIDAS Regulation does not hinder technological developments in the electronic timestamp market.	X					
Citizens, businesses and public administrations in Europe can effectively benefit from the advantages of electronic timestamp.	X					
The eIDAS Regulation has ensured interoperability of electronic timestamp.			X			

41. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation has increased the availability of electronic registered delivery service in the EU.						X
The availability of electronic registered delivery service in the EU should be extended as a result of the COVID-19 crisis						X
The use of electronic registered delivery service has increased in Europe for the last 3 years.						X
The eIDAS regulatory framework creates a level playing field for electronic						X



registered delivery service in Europe.						
The eIDAS Regulation does not hinder technological developments in the electronic registered delivery service market.						X
Citizens, businesses and public administrations in Europe can effectively benefit from the advantages of electronic registered delivery service.						X
The eIDAS Regulation has ensured interoperability of electronic registered delivery service.						X

42. To what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
The eIDAS Regulation has increased the availability of website authentication in the EU.	X					
The availability of website authentication in the EU should be extended as a result of the COVID-19 crisis				X		
The use of website authentication has increased in Europe for the last 3 years.		X				
The eIDAS regulatory framework creates a level playing field for website authentication in Europe	X					
The eIDAS Regulation does not hinder technological developments in the website authentication market	X					



Citizens, businesses and public administrations in Europe can effectively benefit from the advantages of website authentication.	X					
The eIDAS Regulation has ensured interoperability of website authentication			X			

43. Please specify which additional trust services should be regulated at EU level:

X	Electronic identification and authentication
X	Provision of trusted attributes (uniquely linked to a verified identity – e.g. proof-of-age, credentials – professional qualifications, entitlements – Know-Your-Customer)
	eArchiving
	Delegated management of signature keys
	Operation of distributed ledgers storing electronic evidences
	Operation of identity hubs storing personal data of behalf of the users
	Other
	No need for additional trust services, the current scope is sufficient

If other, please specify:

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44. Do you agree that the use of trust services established by the eIDAS Regulation contributes to:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I don't know/ no reply
Enhancing user friendliness		X				
Saving time		X				
Saving money		X				
The simplification of the administrative procedure		X				
An increase of service quality		X				
An increase of service security		X				



The protection of personal data		X				
Ensuring legal certainty		X				

45. Do you think the legal effect provided to electronic documents by the eIDAS Regulation has effectively increased their take-up and admissibility in legal proceedings?

	Strongly agree
	Agree
	Neither agree nor disagree
	Disagree
	Strongly disagree
X	I don't know/no opinion

46. In your opinion, are there any factors limiting the use of electronic trust services?

X	Yes
	No
	I don't know

47. What are the factors limiting the use of electronic trust services?

X	Lack of awareness
	No need for it / Not relevant
X	Lack of availability of relevant services
	Lack of trust or fraud concerns
	Preference for paper-based solutions or face-to-face interactions
	Too expensive
X	Too complicated / not user-friendly / accessibility barriers for persons with disabilities
	Privacy concerns
	Not enough legal certainty
X	Other

If Other, please specify:

<ul style="list-style-type: none"> - Obstacles due to different legal requirements in different countries - No technical compatibility between services using timestamps and seals
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48. To what extent do you agree that the eIDAS Regulation has achieved its objectives with regard to electronic trust services?

The objectives were: to seeks to enhance trust in electronic transactions in the internal market by providing a common foundation for secure and seamless electronic interaction between citizens, businesses and public authorities, thereby increasing the effectiveness of public and private online services, electronic business and electronic commerce in the EU.



The Regulation ensures the development of a European internal market for electronic Trust Services (electronic signatures, electronic seals, time stamps, electronic delivery services and website authentication) recognised across borders with the same legal status as traditional paper based processes

	Strongly agree
	Agree
X	Neither agree nor disagree
	Disagree
	Strongly disagree
	I don't know/no opinion

49. Please elaborate how the eIDAS Regulation has/not achieved its objectives with regard to electronic trust services.

Do not hesitate to elaborate on your previous answers.

50. How could the eIDAS Regulation or its implementation be improved with regard to trust services?

- The public sector should accept e-signature equal in all governmental processes as equal to written signature.
- eID providers of private sector should be accepted in public sector processes according to their trust level.

Please share any additional statements, documents, position papers regarding trust services and eIDAS

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About ESBG (European Savings and Retail Banking Group)

The European Savings and Retail Banking Group (ESBG) represents the locally focused European banking sector, helping savings and retail banks in 21 European countries strengthen their unique approach that focuses on providing service to local communities and boosting SMEs. An advocate for a proportionate approach to banking rules, ESBG unites at EU level some 885 banks, which together employ 656,000 people driven to innovate at 48,900 outlets. ESBG members have total assets of €5.3 trillion, provide €1 trillion in corporate loans, including to SMEs, and serve 150 million Europeans seeking retail banking services. ESBG members commit to further unleash the promise of sustainable, responsible 21st century banking. Learn more at www.wsbi-esbg.org.



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