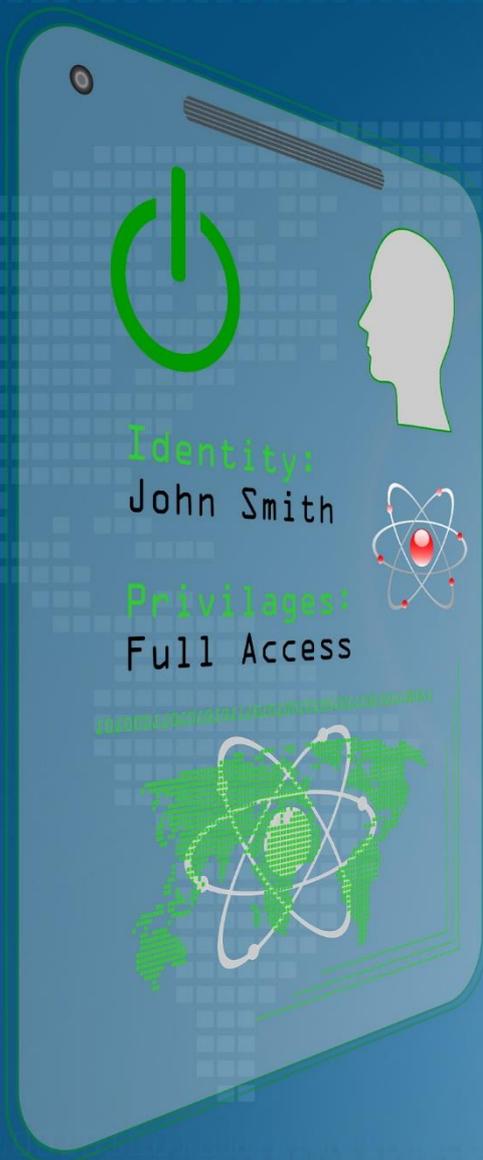


Position on the proposal for regulation establishing a framework for a European Digital Identity



PostEurop[•]

ABOUT POSTEUROP

POSTEUROP is the association which represents European public postal operators. It is committed to supporting and developing a sustainable and competitive European postal communication market accessible to all customers and ensuring a modern and affordable universal service. Our Members represent **2 million employees** across Europe and deliver to **800 million customers daily** through over 175,000 counters.

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CONTEXT

PostEurop took note of the publication of the proposal for a regulation revising **the Regulation (EU) No 910/2014 (eIDAS)** as regards establishing a framework for a European Digital Identity¹.

This revision aims at extending the electronic identification framework to the private sector and promoting trusted identities for all Europeans.

PostEurop's Members will be directly impacted by this proposal:

- as postal operators (and sometimes banks) are considered as « Relying Parties »² in the text proposed by the Commission;
- as market players providing trust services such as electronic registered delivery services, digital identities, etc.

1. General comments on the legislative process

PostEurop takes note of the publication of the legislative text and the discussion around technical specifications taking place in parallel to define the common « ToolBox » as well as the future Implementing Acts of the Regulation. This Toolbox will comprise technical architecture, standards and guidelines for best practices and ultimately grant interoperability among different Member States' wallets, and the Commission plans to have it ready by September 2022.

However, this situation leads to a high level of uncertainty because most technical specifications are needed to understand the text and its impact on "Relying Parties" and market players.

PostEurop's recommendations

- The legislative process transparency principles should be applied to the "technical" discussions on the Toolbox and Implementing Acts, because they are key to the whole eIDAS framework.
- Postal operators due to their dual nature (as Identity/Trust Service Providers and Relying Parties) can actively contribute to the EU debate on the Regulation itself but also on the Toolbox.

2. Comments on the EU ID Wallet framework

We welcome the introduction of the proposed **European Digital Identity Wallet (EU ID Wallet)** and we strongly believe it will be a key enabler to speed up the digitalisation of processes and transactions involving citizens, governments, and businesses. However, to make it happen it is important to clarify some relevant issues.

We think that the EU ID Wallets should be built on existing eIDAS-compliant national digital identity systems, thereby ensuring a level playing field and preserving both the investments already made and the existing ecosystem. The EU ID Wallet should be considered as a technological enabler which contains digital identity means and electronic attestations of attributes. It should not be a digital identity scheme itself.

Then, we agree on the need to have a high security level for the EU ID Wallet technological infrastructure, but we cannot support the proposal that the notified ID means inside the wallet must be limited to a level of assurance high. The notified ID means inside the EU ID Wallet should meet the requirements of all the assurance levels provided for in the Article 8 (low, substantial and high), responding to the different requirements of trust defined by Relying Parties. Only in that way a widespread use of the ID Wallet by citizens and Relying Parties can be ensured.

PostEurop's recommendations

- While being certified and notified by a Member State, the EU ID Wallet should not be a digital identity scheme itself.
- The EU ID Wallet should be built on existing eIDAS-compliant national digital identity systems.
- The notified ID means inside the EU ID Wallet can have different levels of assurance according to Article 8, not only the assurance level high.

¹ [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation \(EU\) No 910/2014 as regards establishing a framework for a European Digital Identity \(COM/2021/281 final\)](#)

² According to the Regulation 'relying party' means a natural or legal person that relies upon an electronic identification or a trust service

3. Comments on the framework and roles of “Relying Parties”

The new Article 12b of the Commission proposal foresees an obligation for several private sectors including postal, banking and financial services to accept the EU ID Wallet in cases where strong user authentication is required for online identification or by contractual obligation. Besides, “Very Large Online Platforms” as defined in the Digital Services Act will also have to accept EU ID wallets when requiring online identification to access online services. The aim is to achieve the widest possible use of the EU ID Wallet.

Regarding private sectors other than Very Large Online Platforms, we believe the proposed text lays down a broad mandatory requirement without concrete references to relevant use cases for citizens, even if limited to cases of strong authentication for online identification. Moreover, the proposal does not consider the investments already made by these sectors to ensure strong authentication solutions (i.e. the SCA for secure payment transactions). If provisions in the proposal remain unchanged, there is a serious risk:

- (i) to create a burden for private sector companies with unnecessary efforts, high uncertainty and costs;
- (ii) to compromise the significant investments already made by private sectors (like those of the banking industry);
- (iii) to let emerge discrimination among Member States, i.e. where one provider in Member State A requires the use of an EU ID wallet for a given service, while another provider in Member State B does not require it, even though the service is the same.

A uniform, targeted introduction of the E-ID system into the private sector requires clear framework conditions such as specifying in which cases a company is subject to that obligation; sufficient transition periods depending on the number of users; and a strict limitation of the Regulation to use cases that are really relevant.

Therefore, PostEurop cannot support the proposed mandatory obligation for Relying Parties to accept the use of EU ID wallets for online authentication in its current broad and undefined form.

The Wallet issuer should become fully responsible for any misuse of the customer Identity theft or for the authenticity of the attributes. It has to be clearly stated in the EU ID Wallet regulation and there is also a need to establish clear rules on how to handle liability management of these new wallet in the daily operations.

PostEurop’s recommendations

- Article 12b should be significantly revised: the obligations on Relying Parties should be clearly explained and kept to what is really necessary.
- There should be realistic implementation/transition periods of at least 18 months after the introduction of the EU ID Wallets in Member States.
- The text should clearly state that Relying Parties are not liable for any misuse of the digital identity or for the failed authenticity of the attribute data.

4. Comments on the framework for electronic attestation of attributes

We believe the section 9 on electronic attestation of attributes lacks essential information to understand the framework properly. For example, in article 45d it is not clear under which circumstances designated intermediaries can be used to verify the authenticity of attributes, or when it must to be done against the relevant authentic source. Hence, it remains unclear who has to provide the required possibilities for electronic access to the “public sources”, for instance in the case of federal states or nation states. Rather, it is necessary to specify exactly how the reliability of the sources can be generated and permanently guaranteed.

We also wonder why Article 45f (4) requires that “providers of qualified electronic attestation of attributes’ services shall provide such services under a separate legal entity”. This requirement would result in an additional burden for providers of this trust service without any real reason. The obligation to keep all personal data relating to the provision of electronic attestation of attributes services logically and physically separate from any other data held, and the obligation not to combine data are sufficient to reach the goal of protecting such data without any additional and undue burden.

PostEurop's recommendations

- Clarification is needed with regard to electronic attestation of attributes for example in terms of framework conditions, processes, sources, role of intermediaries, etc.
- The sources of the qualified attributes should be public to ensure more transparency and security. A system comparable to the European Trusted Lists could be put in place.
- The obligation to provide qualified electronic attestation of attributes services under a separate legal entity should be reconsidered.

5. Comments on the framework for electronic registered delivery services

The revision of the Regulation proposed by the Commission insists on the establishment of a harmonised legal framework to facilitate cross-border recognition for electronic registered delivery services. We support this initiative.

We also believe that the revision of the framework is an opportunity to clarify the difference in terms of legal effect between qualified and non-qualified electronic registered delivery services. Indeed, the legal effect of qualified electronic registered delivery services is comparable to the effect of traditional registered letters. Non-qualified electronic registered delivery services do not have the same legal effect but still provide value-added to customers.

CONCLUSIONS

Postal operators can actively contribute to the EU debate on the eIDAS Regulation but also on the development of the Toolbox, whose definition will be key for the application of the proposed changes. PostEurop believes that the EU ID Wallet should not be a digital identity scheme itself, it instead should be built on existing eIDAS-compliant national ID systems and support different assurance levels according to Article 8.

There is a need for more clarification on the Relying Parties' obligations and liabilities. More information is also needed with regard to the role of intermediaries as verifiers of attributes.

Finally, we value very positively the harmonisation that will enable cross-border recognition for electronic registered delivery services.

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