

Electronic transactions in the internal market: electronic identification and trust services

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The Council took note of progress made on a proposed Regulation intended to enhance trust in electronic transactions by setting up a legal framework for electronic identification and other electronic trust services in the internal market.

Work on this technically complex draft legislation under the Irish Presidency focused primarily on electronic identification and, to a lesser extent, trust services. One key issue is that of assurance levels for electronic identification, which are required so that electronic means of identification issued in another Member State can be recognised.

While a number of delegations favour the principle of matching levels as a basis for recognition, other delegations would prefer to have the required assurance levels set out in the Regulation.

There is, however, broad support amongst delegations for a number of general principles regarding electronic identification: initial limitation on services provided by the public sector; ensuring interoperability between national identification infrastructures; technological neutrality; and the need for security breaches to be addressed.

A considerable number of other issues will also require further discussion, including:

- liability with respect to electronic identification and trust services;
- treatment of trust service providers from third countries;
- supervision of trust service providers;
- the effect of certain provisions concerning electronic signatures and electronic seals on national and procedural law;
- the concept of "electronic document" and the appropriateness of covering electronic documents in this piece of legislation;
- clarification of definitions;
- the use of "delegated acts" empowering the Commission to adopt related legal acts on non-essential technical aspects of the Regulation;
- the deadline for the entry into force of the Regulation.