Progress of e-Signatures activities at European level – State of play by January 2011

gerard.galler@ec.europa.eu
European Commission
DG Information Society & Media

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A. Historical context

1. Directive 1999/93/EC created the legal framework
2. Commission mandated CEN/TC224 and ETSI/ESI to develop a European standardisation framework
   - EESSI: European electronic signature standardisation initiative
   - 30 pre-standards mirroring the Directive requirements
   - Developments between 1999 - 2004
3. Two ancillary EU laws on protection profiles (2003) and on certification bodies (2000) complement the directive
4. The private sector was expected to enhance the pre-standards but ...  
   - the cross-border «business case» of e-signature was weak
5. Cross-border interoperability issues: legal, organisational, technical, standardisation
6. The Commission took stock in 2006
   - Study of standardisation issues (2007)
   - Adoption of an e-signature & eID Action Plan (2008)
B. eSignature Action Plan Results

1. CROBIES Study

- **CROBIES**: study on Cross-BOrder Interoperability of E-Signatures
- Technical / organisational barriers
- Final report: 30.7.2010
- Input to:
  - standardisation mandate m460
  - e-signature directive revision

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<th>Deliverables</th>
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<td><strong>Common practices for supervision</strong> of issuers of qualified signature certificates</td>
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<td>“<strong>Trusted Lists</strong>” - User and Implementer guides</td>
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<td>3</td>
<td>Interoperable <strong>qualified certificate profile</strong></td>
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<td>Guidelines for <strong>implementation</strong> of cross-border interoperable e-signatures</td>
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B. eSignature Action Plan Results

2. Standards rationalisation

- **Standardisation mandate m460** from Commission to CEN and ETSI:
  - Objective: **rationalisation** of EU eSignature standardisation framework
  - Initial 900 k€ Commission funding granted in Dec. 2010
  - Timeframe: **4 years** starting January 2011
  - Joint ETSI/CEN Coordination Group

- **Principles**:
  - **Openness** and inclusiveness
  - **Comprehensive documentation**: global overview, mapping to directive legal requirements and implementation guidelines
  - **Business** practices oriented, ease of use
  - Ultimate target: **international** standards beyond “EN”
  - Covering **all** eSignature products and services
  - Enhanced **promotion** and **maintenance**
## B. eSignature Action Plan Results

### 2. Standards rationalisation: target

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<th>CSP Conformance Assessment Policy Requirements of CSP issuing QC Guidelines</th>
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<td>Conformity assessment of signature creation devices Secure signature creation devices Guidelines</td>
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B. eSignature Action Plan

3. Signing devices protection profiles

- **Commission Decision 2003/511/EC**
  - Lists three security standards for signing products giving **presumption of equivalence** of an e-signature with a handwritten signature:
    - Protection profile for secure signing devices: CWA 14169
    - Protection profile for CSPs’ hardware: CWA 14167
  - CWAs are outdated and need revision

- **State of play:**
  1. Commission funding to CEN TC224 (from Jan. 2011)
  2. Upgrade the **CWAs to EN** target end 2012
  3. **Update Decision** beginning 2013 (if compatible with revision of e-signature directive)
  4. Additional Commission grant to CEN to
    - Define a “protection profile” for server signing
B. eSignature Action Plan Results

4. EU Trusted List

- Each EU Member State (+ NO, LI, IS) to post a “trusted” list of their qualified signature certificate providers:
  - format must comply to ETSI TS 102 231
  - at least in English
  - in machine processable + human readable forms
  - Official “EU trusted list” = list of national trusted lists
  - EU law: Commission decision 2009/767/EC of 16.10.09 amended by decision 2010/425/EU of 31.7.10

- Development by Commission of an open source TSL editor in progress (target July 2011)
- ETSI TS 102 231 to be upgraded to EN
In the context of the Services Directive’s “Points of Single Contact“:
- When a service provider submits documents to fulfil formalities, the receiving Member State will process, as a minimum, documents signed with **XAdES, CAdES or PAdES e-signature formats** by public authorities of other Member States.
- Member States whose public administrations use other signature formats, shall notify possibilities for **free online validation**.
- The Commission will make that information available.
- EU law: Commission decision 2011/xxx/EU about to be adopted

State of play:
- Adoption January 2011 (entry into force 1.8.11) (TBC)
- On-going study of available open source software for validation
- New ETSI TS for specific AdES profile
Key action 3:

The Commission will propose a revision of the eSignature Directive with a view to provide a legal framework for cross-border recognition and interoperability of secure eAuthentication systems.

Key Action 16:

The Commission will propose a Council & Parliament Decision to ensure mutual recognition of e-identification and e-authentication across the EU based on online 'authentication services' to be offered in all Member States.
C. Digital Agenda for Europe

eID, eAuthentication and eSignature

- 1st step: **public consultation on e-ID, e-authentication and e-signature**
- Objective: to gather stakeholders views on:
  - the **existing situation**
  - citizens, businesses, administrations and other organisations **needs** for easy access and secure transactions
  - **potential solutions** including R&D needs

- State of play:
  - Launch planned in February 2011 (TBC)
  - To be notified of the launch: tell us at infso-e-signature@ec.europa.eu
C. Digital Agenda for Europe
Consultation scope: e-credentials & trusted services

E-Identification ➔ e-Authentication ➔ e-Signature
 ➔ Registered delivery ➔ Legal electronic address

Related credentials:
e-Consent

Ancillary / related services:
Archiving
Time stamping

Summary

- Results of the **e-signature and eID action plan:**
  - Establishment of an EU « trusted » list (2009)
  - Review of e-signature and e-ID interoperability in EU (2009)
  - « CROBIES » study on **technical barriers** (July 2010)
  - **Rationalisation of the standard framework:**
    - Commission mandate to CEN and ETSI (Dec 2009)
    - 900 k€ Commission funding (Dec 2010 TBC)
    - Beginning of work Jan 2011 for four years (TBC)
  - Study of **validation** issues (March 2010)
  - Specific requirements on signature formats + validation (Jan 2011)

- **e-Signature directive revision**

- Decision on **eID mutual recognition** across EU

- **New landscape:** Services Directive, electronic public procurement, eID cards, ....
Web Sites

• E-Signature
  
  http://ec.europa.eu/information_society/policy/esignature

• Digital Agenda for Europe  COM(2010)245, 19.5.2010
  
  http://ec.europa.eu/information_society/digital-agenda

• Contact: infso-e-signature@ec.europa.eu