

Ref.: Commission Implementing Regulation proposal on management of remote qualified electronic signature creation devices and of remote qualified electronic seal creation devices as qualified trust services

ESD feedback and proposal

The European Signature Dialog (ESD) is an initiative that represents the leading European Qualified Trust Service Providers (QTSPs), that play a crucial role in enabling secure digital interactions across Europe, facilitating communication and transactions between public entities, businesses, and individuals. The ESD is deeply involved in discussions and negotiations surrounding the eIDAS Regulation.

ESD expresses heartfelt appreciation to the European Commission for allowing to participate in the open consultation concerning the Commission Implementing Decisions on trust services, as regulated by Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014, which pertains to electronic identification and trust services for electronic transactions within the internal market (eIDAS Regulation).

Qualified Trust Service Providers (QTSPs) play a pivotal role in the digital single market by ensuring trust and security in electronic transactions. Qualified Trust Services are essential for enabling mission-critical digital processes across various sectors; for instance, in the financial industry, QTSPs facilitate secure online banking and customer onboarding, ensuring that transactions are both authenticated and encrypted. In healthcare, they support the secure exchange of sensitive patient data and electronic health records, maintaining confidentiality and integrity. Additionally, in the public sector, QTSPs enable secure digital identification and electronic signatures for government services, streamlining administrative processes and enhancing citizen trust in digital interactions. By providing these crucial services, QTSPs help build a reliable and secure digital infrastructure that is fundamental for the smooth operation of the digital single market.

In this document, we offer comprehensive comments and feedback on the proposed Commission Implementing Decisions. Our feedback has been elaborate leveraging the deep knowledge of our members and experts, taking into consideration the technological and compliance

impacts, as well as the user experience and the impacts on the business, to ensure the effective functioning of the Digital Single Market in Europe, safeguarding and enhancing the existing areas of excellence within the European market, preserving investments, and facilitating a seamless transition for QTSPs that currently provide Qualified Trust Services. We highlight the necessity of interoperability frameworks among various services and providers to promote a competitive, resilient, and innovative market.

Therefore, we request that the implementing acts mandating new standards, which introduce more stringent requirements and certifications, come into effect after a necessary adjustment period (24 to 30 months). This timeframe will allow the entire supply chain, including Conformity Assessment Bodies (CABs), Regulating Authorities, Supervisory Bodies, QTSPs, and their suppliers, to adapt accordingly. The introduction of new stringent requirements and certifications necessitates investments and adjustments to processes, technologies, and organizations, which require time. We urge the Commission to avoid decisions that could disrupt service provision, potentially causing severe consequences in mission-critical processes such as customer onboarding, digital health and telemedicine, public administration and justice, as well as the submission of annual financial statements to business registries.

1. ESD feedback

The management of remote QSCDs is a new Qualified Trust Service that builds upon existing practices and market conditions. The "remote signature" has been instrumental in the success of Qualified Signatures throughout Europe, with countries like Italy and Austria developing successful use cases based on this service provided by QTSPs, generating billions of transactions annually.

The implementing act mandates compliance with the standard ETSI TS 119 431-1 V1.3.1 (2024-12) ('ETSI TS 119 431-1'), with certain adaptations. This recently approved standard may require QTSPs already operating remote QSCDs to make significant investments, integrations, and, in some cases, a complete overhaul of their technological stack used to provide signature services. Therefore, we request that the implementing acts come into effect after a necessary adjustment period (24 to 30 months), allowing the entire supply chain—including Conformity Assessment Bodies (CABs), Regulating Authorities, and Supervisory Bodies—to adapt accordingly. This period will also enable QTSPs to make the required investments without disrupting service continuity.

Furthermore, the standard's regulation of sole control of the signature activation data by the signer could severely disrupt essential use cases. A strict interpretation of this requirement could render automatic or batch signature systems non-compliant, potentially necessitating significant

changes to primary and secondary legislation in countries where this practice is allowed, such as Italy. In addition, this could jeopardize well-established business processes and use case, including electronic invoicing, harming the implementation of the VIDA packages that create the conditions for a fully digital invoicing process. In eInvoicing, automated or batch signing by legal persons is standard practice, allowing to create billions of digital invoices maintaining trust, guarantee of the origin and of integrity.

For these reasons, a more flexible reference to the guarantee of control—rather than "sole control"—is crucial to preserve compatibility with current operational, legal, and technological frameworks.

In the tables below, we highlight specific clauses, articles, or requirements in the Regulation, the annex, or the standard itself that could cause disruptions.

article	Comment	Proposed solution
<i>Article 3</i> Entry into force This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.	The process to adapt the remote qualified electronic signature/seal creation devices will require several developments (and related investments), as well as the possibility to select and integrate third party components and solutions, especially for the QTSPs in the Member States that already are accepting remote signature/seals solutions. In addition, more time is needed to get a full compliance, all the tests and certifications required and the approval from the Supervisory Body. It must be considered that in Europe there are not enough Conformity Assessment Bodies having all the skills (and the competent auditors) to carry on the audit, and this can cause a rush to the audit, overwhelming the effective capability of CABs to serve all the market, with negative impacts on the quality of the audit itself and creating unfair disadvantages to the QTSPs that won't be able to be audited, despite being <i>de facto</i> in full compliance. In addition, because not every QTSP will be in the position to undergo the audit on time, there can be serious impacts on the capability of existing QTSPs to carry on the current processes.	Entry into force of the IA shall be postponed not before 24 months from the publication, leaving time to CABs and laboratories to be prepared, and to QTSPs to adapt their processes and undergo the audit.

Annex

article	Comment	Proposed solution
OVR-A.3-02 [EUSPv2]: The TSP's practice statement shall include the reference to the certification of the employed QSCD in accordance with the requirements of Regulation (EU) No 910/2014 [i.1], Annex II.	Requiring the explicit mention of the specific type or model of QSCD in the TSP's practice statement introduces rigidities that are not aligned with the pace of technological evolution. QTSPs must regularly replace or upgrade QSCDs due to natural obsolescence, security lifecycle management, or supplier transitions. Embedding such details in the practice statement would impose unnecessary procedural overhead and delays in responding to operational needs. This practice does not add value to the end user both because it is too technical and because a QTSP could adopt a multiplicity of QSCDs for the provision of services regulated by a CPS, so the information itself is not relevant; moreover, there could be security risks in making certain information completely public.	Delete the requirement referencing the certification status of the employed QSCDs, without mandating the explicit listing of models or versions in the practice statement. Alternatively, allow flexibility to refer to categories or families of certified QSCDs.

article	Comment	Proposed solution
Newly added. Annex A, section A.6 Signature activation data management – sole control	The digital signature shall be made under a guarantee of control when the signer is a legal person (rif. 119 461 COL-8.2.5-06X). Typically, the legal person uses also system acting on behalf of the legal person (i.e. batch signatures of documents, electronic invoices, electronically archived documents, etc) where the sole control of the signer is not applicable and is more appropriate to mention the guarantee of control by the signer.	SIG-A.6-07A [EUSPv2] [CONDITIONAL]: If the signer is a legal person or a device or system operated by or on behalf of a natural or legal person, clause SRA_SAP.2.7 of EN 419241-1 [3], specifying signature activation data submission shall apply where "sole control" is replaced by "control".



In conclusion, we appreciate the opportunity to provide our detailed comments and feedback on the proposed Commission Implementing Decisions. We believe that our insights will contribute to the effective functioning of the Digital Single Market and support the continued excellence of European market.

For any further contributions or discussions, please feel free to contact us at:

European Signature Dialog (ESD) Email: office@european-signature-dialog.eu

We look forward to continued collaboration with the European Commission to ensure a secure, interoperable, and innovative trust services ecosystem.

Thank you for your attention and consideration.



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