

Implementing Regulation concerning Qualified electronic Ledger (QLedger)

Please find below the comments of the European Signature Dialogue (ESD). ESD stands as the pinnacle consortium of leading European Qualified Trust Service Providers (QTSPs). We are pleased to provide our contribution in relation to the implementing regulations of eIDAS 2 Regulation, in the spirit of supporting a clear, effective, and future-proof framework.

	Legislative reference	Article	Comment	Proposed solution
QLedger 1	Implementing Regulation	1	Electronic ledgers do not need to be distributed according to the eIDAS Regulation. Since they can also be centralized, the article should be revised accordingly. Please amend the entire text of the implementing act where reference is made to distributed ledgers, except for the part referring to the ISO standard, as only distributed ledgers are required to comply with that specific standard.	Modify “qualified distributed electronic ledgers” with “qualified electronic ledgers” where appropriate.
QLedger 2	Annex	1(d)	The definition treats the two types of nodes in the same way. A complete node should be differentiated from an incomplete node, so that it is then easier to identify the relevant responsibilities in the regulatory sphere.	Insert a definition for “complete node” and a different one for “partial node”.
QLedger 3	Annex	3(a) 6.3 REQ-6.3-04X	In this requirement it is mandated that TSPs shall notify any changes to the SBs at least one month before implementing them. This would be impractical, because, for instance after a security incident (per NIS2), the security updates should be made as soon as possible and thus cannot be notified to the SBs one month in advance.	To modify the obligation of notify any changes to the SBs at least one month before implementing them
QLedger 4	Annex	3(a)7.5 REQ-7.5-04 (b)	Typo in reference to sha type.	Modify “SHA3-2562” with “SHA3-256”

QLedger 5	Annex	3(a)7.5 REQ-7.5-03 (users signing individual transactions) 3(a) 7.5 REQ-7.5-05 (providers/ ledger signing blocks of transactions)	Both require only Advanced Electronic Signatures (AdES). Thus, the current formulation of the Implementing Act about Electronic Ledgers highlights two main concerns: one from a legal point of view and the other from a practical point of view. 1) Formal point of view: a qualified trust service (i.e. the recording of electronic data in a Qualified Electronic Ledger) would be based on a non-qualified trust service (i.e. non-qualified signatures). In fact, qualified Electronic Ledgers would, in this version of the IA, rely on AdES only; this would lower the assurance level and undermine the logic of the eIDAS trust framework. It is unclear why the security of the system should be guaranteed by AdES instead of Qualified Electronic Signatures (QES): in fact, if the Electronic Ledger is a qualified trust service, potentially with the aid of other qualified trust services, we deem it necessary that all of its components must be qualified trust services. Introducing AdES in the chain of trust within qualified Electronic Ledgers could likely jeopardise the overall security of the trust service: in fact, AdES does not guarantee in a legally binding way the attribution about the origin of data records to be stored in the EL. 2) Practical point of view: the issue concerns not only market dynamics but also trust. If AdES are considered sufficient for both transactions and blocks, even in the context of a qualified trust service, the consequences are twofold: the market for QES is weakened, and confidence in the qualified level is eroded. Without the clear adoption and endorsement of QES by QTSSs, both the economic relevance and the trust value of qualified services are put at risk.	Substitute with QES. In alternative, possible compromise: A balanced approach could be to maintain AdES for user-level transaction signing, while requiring QES for the validation of blocks by providers. This would preserve usability for end-users while ensuring that the core trust anchor of the system — block validation — relies on the highest level of assurance.
-----------	-------	---	--	---

QLedger 6	Implementing Regulation + Annex	General	Use of (qualified) timestamps The current version of the IA does not take into account that, practically, the only way to ensure precise placing in time (wrt REQ-7.5-04, for instance) within a ledger is via qualified timestamps.	Qualified Timestamping shall be at least mentioned as a means to accomplish this goal.
------------------	---------------------------------	---------	--	--

We are ready to assist decision makers and regulatory bodies in answering questions and concerns. In case you wish more information please write or call us:

European Signature Dialog

Hackhofergasse 5/16 | A-1190 Vienna | phone: +43 676 940 9309 | office@european-signature-dialog.eu

European Transparency Registernumber: 994150833943-81