

WHITE PAPER

Interpretative Guidance for the National Implementation of Article 5a(5)(g) of Regulation (EU) 910/2014 (eIDAS)

Prepared by the European Signature Dialogue (ESD)*

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EUROPEAN SIGNATURE DIALOGUE

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* See “About the European Signature Dialogue” on the final page of this White Paper.

EXECUTIVE SUMMARY

The European Signature Dialogue (ESD), representing Europe's leading qualified trust service providers (QTSPs), has prepared this White Paper following extensive dialogue with the European Commission, its members and national authorities on the implementation of Article 5a(5)(g) of the revised eIDAS Regulation.

These exchanges have demonstrated that Article 5a(5)(g) is already being interpreted differently across Member States. Such divergent implementation risks undermining the objectives of eIDAS 2.0 by creating legal uncertainty, distorting competition, fragmenting the Internal Market and reducing interoperability within the European Digital Identity Wallet ecosystem.

A common understanding of the provision is therefore essential to ensure a harmonised implementation across the European Union.

This White Paper provides interpretative guidance for the national implementation of Article 5a(5)(g), which requires European Digital Identity Wallets (EUDIW) to offer all natural persons the ability to create qualified electronic signatures by default and free of charge. Member States may adopt proportionate measures limiting this right to non-professional purposes. However, the Regulation does not specify how the underlying costs of the qualified trust services required to deliver this right are to be allocated or financed.

Against this background, Article 5a(5)(g) should be interpreted as establishing a right for eligible natural persons to complete the wallet-based signing process free of charge. It does not create an obligation for qualified trust service providers to issue qualified certificates or provide qualified trust services without remuneration. Rather, the legal responsibility for organising the free-of-charge signing capability rests with the Member States within the regulatory framework governing the European Digital Identity Wallet.

National implementation should therefore give effect to both elements of the provision. It should ensure a genuinely free signing process for eligible natural persons while establishing a transparent, objective and non-discriminatory mechanism through which the underlying qualified trust services are appropriately remunerated. Financing may be organised through public funding, contractual arrangements, relying parties or other suitable mechanisms, but should not result in an uncompensated obligation for QTSPs.

A harmonised interpretation of Article 5a(5)(g) is essential to safeguard legal certainty, interoperability, fair competition and the integrity of the Internal Market. This White Paper is intended to support Member States in achieving these objectives through a consistent, balanced and legally sound implementation of the revised eIDAS Regulation.

The detailed legal reasoning supporting these conclusions is set out in Chapters 2–8. The key recommendations for national legislators and implementing authorities are summarised in Chapter 9 (“National Implementation Should Be Guided by the Following Principles”).

1 Background and Need for Common Guidance

This White Paper is the result of an extensive dialogue between the European Signature Dialogue (ESD) and the European Commission. In light of emerging divergences in the national implementation of Article 5a(5)(g), ESD submitted a formal request to the European Commission seeking clarification of the provision. The Commission's reply of 15 July 2026, together with ESD's ongoing exchanges with its members and national authorities, demonstrated the need for a common interpretation of Article 5a(5)(g) across the European Union, which this White Paper seeks to provide.

Divergent national interpretations of Article 5a(5)(g) risk undermining the Internal Market, fair competition, interoperability and, ultimately, the objectives that the revised eIDAS Regulation seeks to achieve. Against this background, ESD, as the European association representing Europe's leading qualified trust service providers and maintaining an ongoing dialogue with the European Commission and national authorities, has taken the initiative to prepare this White Paper.

The primary purpose of this White Paper is to assist ESD members in their dialogue with national ministries and authorities by setting out a common interpretation of Article 5a(5)(g) that reflects both the clarifications provided by the European Commission and the collective experience of Europe's leading qualified trust service providers.

2 Legal Framework and Interpretative Approach

Article 5a(5)(g) must be interpreted within the broader legal framework and objectives of the revised eIDAS Regulation. This chapter sets out the interpretative approach that supports a coherent national implementation while safeguarding the rights of natural persons, respecting the legal position of qualified trust service providers and preserving fair competition within the Internal Market.

Article 5a(5)(g) provides that European Digital Identity Wallets shall offer natural persons the ability to sign by means of qualified electronic signatures by default and free of charge. The second subparagraph permits Member States to adopt proportionate measures ensuring that such free-of-charge use is limited to non-professional purposes.

Article 5a(5)(g) forms part of Article 5a, which establishes the European Digital Identity Wallet framework. It must therefore be interpreted in light of the structure and objectives of that framework. The relevant legal obligation concerns the availability and use of the wallet's signing functionality and the conditions under which that functionality is made available to natural persons.

The provisions governing qualified trust services contain no corresponding obligation requiring qualified trust service providers to issue qualified certificates, operate qualified signature creation devices or provide qualified signing services without remuneration. Nor does Article 5a(5)(g) establish a mandatory zero price for qualified trust services or determine that their cost must be borne by the provider.

This distinction is essential to the proper implementation of the provision. A requirement that a service be free to its beneficiary does not necessarily require the supplier of that service to provide it without remuneration. The obligation to ensure a free signing experience for the natural person and the

remuneration of the regulated trust services required to deliver that experience are separate legal and operational matters.

3 The Free-of-Charge Guarantee Covers the Signing Process — Not an Unlimited Right to Free Qualified Certificates

The expression “the ability to sign by means of qualified electronic signatures” should be interpreted from the perspective of the natural person using the European Digital Identity Wallet.

Depending upon the technical model applied, the wallet-triggered signing process may include the invocation of the signing functionality, access to a qualified certificate, the use of a qualified electronic signature creation device and the performance of the qualified signature creation operation. The precise technical architecture is not decisive. The relevant consideration is whether the natural person can successfully create the qualified electronic signature through the wallet without being required to make a payment for an indispensable part of that transaction.

The provision should not, however, be understood as granting every wallet user an unlimited entitlement to a general-purpose qualified certificate free of charge extended beyond use through the European Digital Identity Wallet. Nor it should be interpreted as allowing free use beyond the non-professional purpose, when established on a national level.

National rules should accordingly distinguish between the services objectively necessary for an eligible wallet-triggered signing transaction and additional services which fall outside that right. The latter may include professional signing, bulk or automated signing, use of a certificate independently of the wallet, qualified preservation, specialized integrations, enhanced support or other services exceeding what is necessary for the individual transaction.

4 The Obligation to Provide Free Signing Rests with Member States — Not with Qualified Trust Service Providers

Although Article 5a(5)(g) is formulated by reference to the European Digital Identity Wallet, the wallet itself is a technical instrument and cannot bear legal obligations independently of the person responsible for its provision. The duty must therefore be understood as resting upon the Member States being responsible for making the wallet available and ensuring its conformity with eIDAS.

Member States are vested with a duty to establish the legal, technical and financial conditions under which the free-of-charge guarantee is delivered. Wallet providers are only the instrument, responsible for ensuring that the relevant functionality is available by default and that the natural person can complete the eligible signing process without being charged. However, if the wallet providers are private, again the burden of compensating the free signing shall be borne by the Member State.

A wallet provider may satisfy this responsibility through different organizational models.

Qualified trust service providers remain responsible for compliance with the requirements governing the qualified services which they provide. Those requirements include, as applicable, identity verification,

certificate lifecycle management, operation of qualified electronic signature creation devices, security controls, conformity assessment, supervision, record-keeping, certificate status services and liability.

Nothing in Article 5a(5)(g) removes the costs associated with those obligations or requires qualified trust service providers to absorb them. The provision does not oblige a qualified trust service provider to issue qualified certificates without remuneration, to provide an unlimited number of signing operations free of charge or to finance the integration of its services with a European Digital Identity Wallet.

The distinction between the user-facing guarantee and the remuneration of the underlying qualified trust services permits the two principal elements of the provision to be reconciled. The natural person receives a complete signing process without charge, while the regulated service provider remains entitled to remuneration from the person responsible for financing that process.

5 National Implementation Must Identify a Clear and Adequate Source of Financing

The implementation of Article 5a(5)(g) requires a clear determination of how the costs of the qualified electronic signature process are to be borne. A national framework which establishes a free service for natural persons but does not identify a source of financing creates legal uncertainty and risks transferring the cost to qualified trust service providers without an adequate legal basis.

The Regulation leaves Member States a degree of flexibility in determining the appropriate model. The costs may be borne through transaction-based reimbursement, wallet-provider funding, relying-party financing or a combination thereof.

For example, the government may subsidize a model whereby the qualified trust service provider is remunerated for each eligible transaction. A public authority or private relying party may bear the cost where it initiates the transaction or derives the principal benefit from the signed document. A national system may also grant each natural person a defined right of free transactions which are subsequently reimbursed to the relevant service provider.

The selected model should ensure that the natural person is not charged for the eligible transaction and that the qualified trust service provider receives reasonable remuneration for the regulated services supplied. The conditions of the model should be objective, transparent and available on equivalent terms to public and private providers.

The financing arrangement should also be proportionate to the value and volume of the services concerned. Excessive administrative requirements, delayed reimbursement or artificially low compensation may produce an effect equivalent to an unfunded obligation and should therefore be avoided.

6 Any Limitation to Non-Professional Purposes Must Be Clearly Defined and Proportionate

The second subparagraph of Article 5a(5)(g) permits Member States to limit free-of-charge use of qualified electronic signatures provided through the wallet to non-professional purposes.

Where a Member State chooses to exercise this discretion, the relevant concept should be defined with sufficient precision to ensure legal certainty and consistent implementation.

A qualified electronic signature should generally be regarded as used for a non-professional purpose where the activities or actions are undertaken by one or more natural persons purely for personal, recreational or private use, with no connection to any business, commercial, or occupational objectives. These activities are not intended to generate income, profit or any form of compensation, the transaction itself does not have a monetary value, and these are not performed on behalf of an organization, employer or client and the documents to be signed are not intended to be provided to a private organization, employer or other, legal entity as relying party.

Member States may thus introduce any conditions where non charging for signing shall be limited to: (i) particular relying parties which by default are non-professional (i.e. public institutions, or NGOs), (ii) to particular listed purposes, which might be considered non-professional, etc.

These limitations may be applied individually or in combination, depending on the national implementation model.

Restricting the right by reference to particular categories of relying parties would provide a practical and legally certain method for identifying transactions that are likely to fall outside a professional context. Where a signing request is initiated by a public institution, an NGO or another designated non-commercial entity, it may reasonably be presumed that the individual is acting for a personal, civic or administrative purpose rather than in the course of a business or professional activity. Such an approach would avoid requiring natural persons to demonstrate the purpose of each individual signature, reduce administrative complexity and enable the eligibility assessment to be carried out consistently and, where appropriate, automatically within the wallet ecosystem.

Similarly, defining eligible purposes in advance would provide greater legal certainty by identifying the types of transactions, such as dealings with public administrations, educational institutions, healthcare providers or non-profit organizations, for which free-of-charge signing should be available.

Finally, a measure such as introducing a reasonable cap (for instance, three signatures per year) would ensure that the use of the free-of-charge signatures is clearly limited in frequency in order to avoid placing an unsustainable burden on the wallet providers, while at the same remaining proportionate and targeted.

7 The Relying Party Should Determine the Purpose of the Signature

A limitation to non-professional purposes can operate effectively only if the relevant purpose is known to the person responsible for applying the free-of-charge regime.

The wallet provider will not ordinarily be able to determine the purpose of a transaction from the signature request alone. The qualified trust service provider will likewise not generally have access to the content or context of the document and should not be required to inspect it. Such inspection would be impracticable and may be inconsistent with confidentiality, data-minimization and privacy-by-design requirements.

In most cases, the relying party initiating the signing request will be best placed to indicate the capacity in which the natural person is expected to sign and whether the transaction falls within an eligible category. Member States could therefore define objective conditions under which the free-of-charge signing entitlement is presumed to apply by reference to the category of relying party involved. In particular, signing requests initiated by public authorities, public-sector bodies, non-governmental organizations or other entities whose activities are ordinarily non-commercial could be treated, by default, as relating to non-professional purposes. Such a presumption would provide a practical and legally predictable means of implementing the limitation permitted by Article 5a(5)(g), while reducing the need for the signatory to make complex declarations regarding the nature of each transaction. The presumption should remain rebuttable where the circumstances indicate that the person is acting in a professional or commercial capacity, and the relevant eligibility information should be communicated through a standardized and verifiable mechanism within the wallet ecosystem.

To this end, the national framework should provide for the communication of that information to the wallet through a structured and machine-readable mechanism. The signing request may contain an identifier of the relying party, a recognized purpose category, an indication of whether the use is professional or non-professional, a transaction reference and, where relevant, the identity of the person responsible for financing the transaction. The natural person should be informed of the classification before the signature is created.

The relying party should bear responsibility for the accuracy of the classification which it communicates. The wallet provider and the qualified trust service provider should be entitled to rely upon that classification unless they have clear grounds to consider it incorrect.

A common technical mechanism should, as far as possible, be developed and applied at Union level. Divergent national purpose codes and proprietary interfaces would increase integration costs, restrict cross-border participation and undermine the consistent operation of European Digital Identity Wallets.

Until a common Union mechanism is available, national systems should rely upon open and interoperable specifications. Where no recognized indication of an eligible non-professional purpose is provided, the transaction may be treated as falling outside the free-of-charge regime.

Only the information necessary to establish eligibility, allocate costs and maintain appropriate evidence should be processed. Neither the wallet provider nor the qualified trust service provider should be required to receive or analyze the full content of the document.

8 National Implementation Must Safeguard Fair Competition and the Internal Market

Public financing constitutes one possible means of ensuring compliance with Article 5a(5)(g). Its use should nevertheless be compatible with the principles of equal treatment, proportionality and fair competition.

Where public and private wallet providers or qualified trust service providers perform equivalent functions, access to financing and participation in the national framework should be governed by equivalent conditions. A system under which a publicly owned provider is fully financed while private

providers are required to supply the same service without remuneration would create a substantial risk of distortion of competition.

The European Commission has confirmed, in its reply of 15 July 2026, that publicly owned qualified trust service providers are, as such, perfectly lawful. The issue arises where public providers receive exclusive compensation for the free-of-charge service, while private providers are expected to provide the same service without remuneration. This may hamper the free competition of trust services in the Internal market.

Public financing mechanisms should also be designed in compliance with EU State aid rules and should not confer selective economic advantages on individual market participants, as the Commission has likewise pointed out in its reply.

National frameworks should likewise remain open to qualified trust service providers established in other Member States. Participation should not be conditional upon domestic establishment where the provider is otherwise entitled to supply the relevant qualified trust service across borders. Technical and operational requirements should be limited to what is objectively necessary for secure integration, reimbursement and supervision.

The implementation of Article 5a(5)(g) should not be used to restructure the qualified trust services market indirectly or to confer an unjustified advantage upon selected undertakings. The purpose of the provision is to secure an accessible signing capability for natural persons, not to displace established providers or suppress commercial competition in qualified trust services.

Divergent readings of Article 5a(5)(g) have already generated substantial controversy, inconsistent regulatory approaches and measures capable of disrupting competition in the trust services sector. One notable manifestation is the emergence of publicly owned QTSPs providing qualified trust services at no cost to users. Such an approach creates a considerable competitive imbalance for private-sector providers. Neither this type of state-funded market intervention nor an interpretation under which QTSPs must bear themselves the cost of issuing certificates follow from Article 5a(5)(g), and both are difficult to reconcile with the broader framework and policy objectives of the revised eIDAS Regulation. Divergent national implementation not only distorts competition between providers but also risks fragmenting the Internal Market by creating different economic conditions for the provision of qualified trust services across Member States.

9 National Implementation Should Be Guided by the Following Principles

National implementation should be guided by a number of core principles.

KEY RECOMMENDATIONS FOR MINISTRIES AND IMPLEMENTING AUTHORITIES

First, the framework should ensure that an eligible natural person can complete the qualified electronic signature process through the European Digital Identity Wallet without paying for any indispensable component of that transaction.

Second, the legal responsibility for organizing the free-of-charge capability should be attributed to the Member State. The underlying qualified trust service provider should not be treated as the addressee of an independent obligation to provide its services without remuneration.

Third, the national framework should identify a clear source of financing. The costs may be borne by the Member State, the relying party or another designated person, but they should not be left unallocated.

Fourth, public and private providers should be permitted to participate under objective, transparent and non-discriminatory conditions. The framework should also remain accessible to qualified trust service providers established in other Member States.

Fifth, any limitation to non-professional purposes should be clearly defined and proportionate. In most cases, the relying party initiating the signing request will be best placed to indicate the capacity in which the natural person is expected to sign and whether the transaction falls within an eligible category. The framework should therefore provide for the communication of that information to the wallet through a structured and machine-readable mechanism.

Sixth, the purpose and financing status of the transaction should be communicated through an interoperable technical mechanism which does not require the wallet provider or qualified trust service provider to inspect the document being signed, since such an approach is contra lege to the eIDAS 2.0 requirements.

These principles give effect to the right established by Article 5a(5)(g) while preserving legal certainty, regulatory compliance and the economic sustainability of the qualified trust services market.

Conclusion

IN SUMMARY

Article 5a(5)(g) establishes a meaningful right for natural persons to use qualified electronic signatures through European Digital Identity Wallets without charge. The provision should be implemented in a manner which ensures that the wallet-mediated signing process, and only this process is available free of charge to the eligible person.

This right does not convert qualified certificates and qualified signing services into services which qualified trust service providers must supply without remuneration. The obligation is situated within the European Digital Identity Wallet framework and must be organized and financed by Member States through appropriate legal, contractual and technical arrangements.

A coherent national framework should therefore combine several elements. It should provide a complete free-of-charge signing experience for the natural person, recognize that the underlying qualified trust services remain remunerable regulated services, and establish a transparent and non-discriminatory mechanism for allocating the associated costs.

Where the right is limited to non-professional purposes, national law should define the relevant concept in objective and workable terms. It should also provide a technical mechanism through which the purpose of the transaction can be communicated by the relying party or otherwise reliably established without requiring access to the content of the signed document.

Such an approach gives full effect to the objective of Article 5a(5)(g), while supporting legal certainty, cross-border interoperability, fair competition and long-term resilience of the European trust services framework.

About the European Signature Dialogue

The European Signature Dialogue (ESD) brings together leading companies servicing 250 million users in their everyday use of qualified trust services from across Europe, to foster secure and trustworthy digital interactions in line with the highest EU standards.

ESD acts as the main interlocutor for European and national institutions, providing expert advice and support, particularly for the European Commission, Parliament and Council. As the recognised voice for trust services across Europe, ESD members work together to develop common regulatory positions and shape the digital trust ecosystem. Beyond Europe, ESD and its members serve as ambassadors, promoting European excellence and standards in digital security around the world.

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