



CA Compliance Info-Day eIDAS and TSP Conformity Assessment Berlin – Nov 4th, 2014

First experiences with eIDAS

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Who is SNG?



Studio Notarile
Genghini (SNG)

now

Studio Genghini &
Associati (SG&A)
is a leading law firm
for designing
digitalization of the
banking industry



Deutsche Bank



ING DIRECT
La tua banca a conti fatti.





SNG and eWitness



**SNG is also designing for eWitness SA,
signature environments, long term preservation facilities
and registered delivery components, in order to issue
cross border European Electronic Trust Services**



Overview of this presentation

- SMEs, innovation and job creation
- TSP assessment and Member States
- Internal market and cooperation of TSPs from different Member States
- QeSCD certification and alternative procedures



SMEs, innovation and job creation

- new OECD work shows that, among small and medium-sized enterprises (SMEs, < 250 employees), young firms play a central role in creating jobs and enhancing growth and innovation
 - based on new data from OECD DynEmp project (2001 – 2011)
 - Criscuolo, Gal and Menon (2014), “The Dynamics of Employment Growth: New Evidence from 18 Countries”, OECD Science, Technology and Industry Policy Papers no. 14, OECD Publishing
<http://dx.doi.org/10.1787/5jz417hj6hg6-en>



SMEs, innovation and job creation

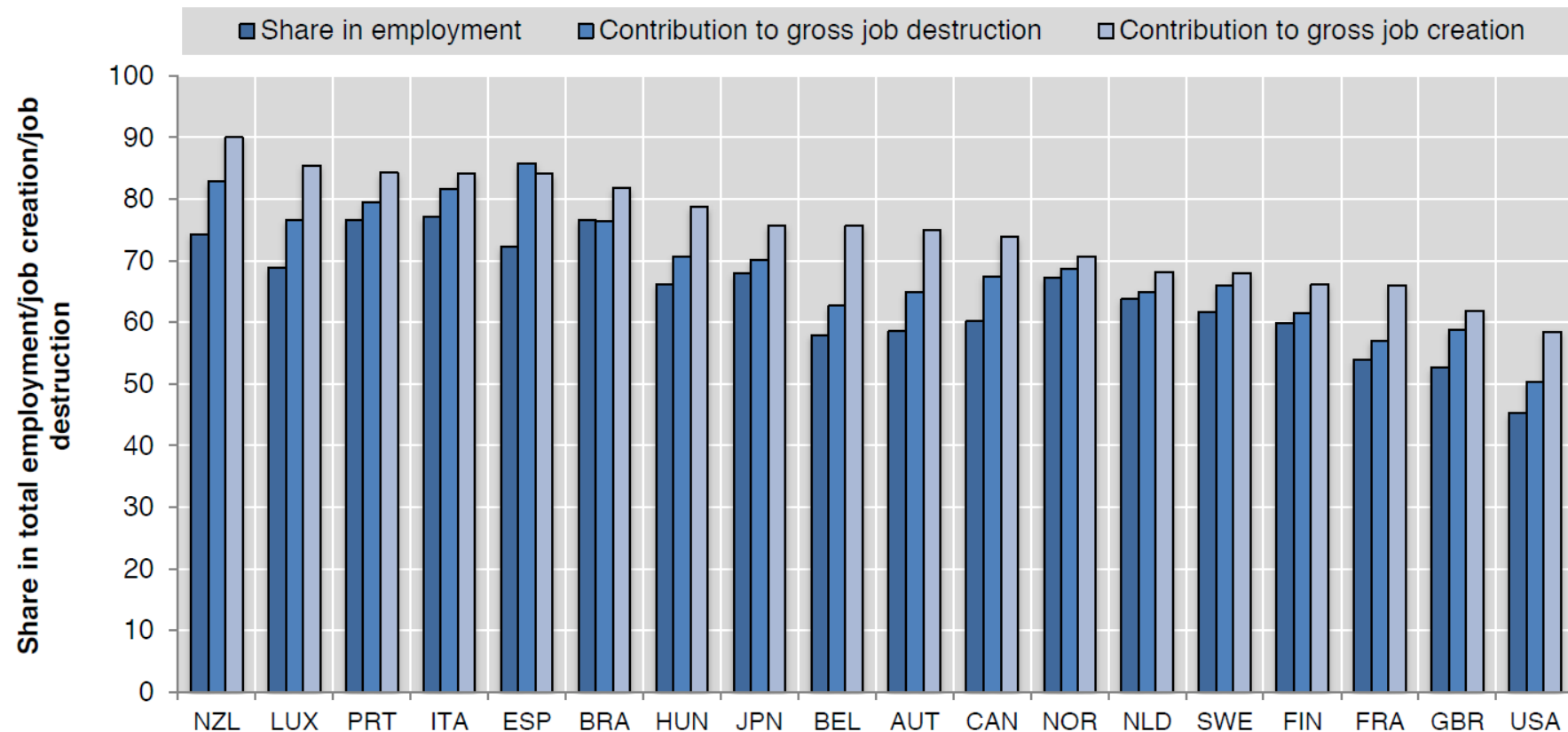
- SMEs employ on average 65% of the workforce and account for
 - 75% of total gross job creation
 - 75% of the jobs destroyed
- most of SMEs are old or mature firms
- young (innovative) SMEs are the primary source of job creation
 - 42% of total job creation and 22% of total job destruction
 - young firms were hit the hardest by the crisis ...
 - ... but continue to create the most jobs



SMEs, innovation and job creation

Averages over the 2001-2011 period for 18 countries

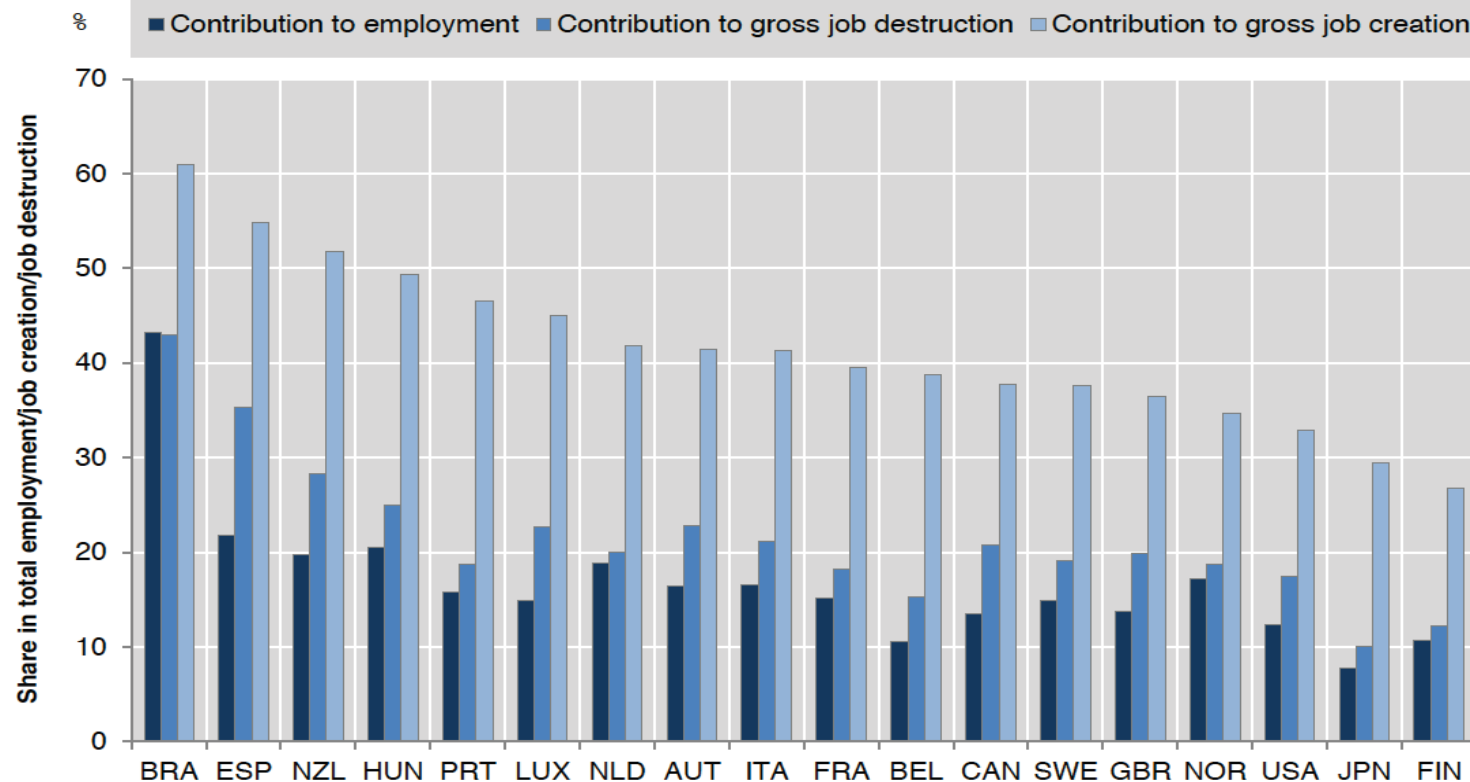
Source: OECD



SMEs, innovation and job creation

Employment, gross job creation and gross job destruction by young small and medium sized firms, 2001-11

Source:
OECD





TSP assessment and Member States

- TSPs that operate cross border and are assessed (i.e. supervised) at national level, will become the norm, like in banking industry
- As in banking industry, aviation, shipping, some legal and regulatory environments will prove more efficient: there will be the most part of the EU Qualified TSPs have their registered offices
 - Where will it be? It depends on the choices of national supervision schemes. **Great opportunity for some new EU Member States !!!!**



TSP assessment and Member States

History (1997-2014) has proven that the real issue is NOT what is in theory the best possible security. In some EU member states with great technologic tradition, qualified signatures never took up ! What have we learnt ?

- that if supervision is too formal, costs for EU QTSP will soar, and only incumbents will be able to be part of the game, or even there will be no game at all;
- that is supervision fails, the whole system is at risk



Single market and TSP cooperation

- eIDAS Regulation builds on
 - the principle of the internal market (Art. 4)
 - the definition of Trusted Services (and of the related Providers) that extends the provisions on the Certification Service Providers as defined by the Directive 1999/93/EC
 - International cooperation (Art. 14)



Single market and TSP cooperation

- through these pillars, the eIDAS Regulation is strongly inducing Providers that are accredited, to develop an European strategy and to complete their offering of Trusted Services
 - from our observatory we see TSPs from different Member States cooperate for this objective
 - currently contractual agreements and due diligences are ongoing (no names ... privileged information!!!)



Single market and TSP cooperation





Regulation eIDAS - Article 30

- Paragraphs 1 & 2 state that
 - conformity of qualified electronic signature creation devices (QeSCD) with Annex II requirements must be certified by public or private bodies designated by Member States
 - Member States must notify to the Commission the names and addresses of such bodies
 - the Commission shall make this information available to Member States



Regulation eIDAS - Article 30

- When will paragraphs 1&2 come into force?
 - after publishing of Implementing Acts, even before 1st of July 2016 (logical interpretation)
 - On the 1st of July 2016 (formal interpretation)
- Read Art. 52 (2.a)...



Regulation eIDAS - Article 30

- paragraph 3 states that the conformity certification of QeSCD must follow one of these security evaluation processes
 - a process specified by a standard for the security assessment of IT products referenced by an Implementing Act (IA)
 - an alternative process (to be notified to the EC) that uses comparable security levels, if no referenced standard exists



Regulation eIDAS - Article 30

- When will paragraph 3 come into force?
 - after publishing of Implementing Acts (logical interpretation)
 - already in force (formal interpretation)
- Read Art. 52 (2.a)...



Conclusions

- There is a great opportunity in Reg. 910/2014/EU, the outcome depends on how it is implemented.
 - If the aim will be to create a single innovative market, it will be a success.
 - If the aim will be to protect national champions, it will fail.

**MOST DEPENDS ON HOW SUPERVISION IS
IMPLEMENTED AND HOW BIG DIFFERENCES IN
ITS IMPLEMENTATION WILL BE !**



Thank you for the attention!

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