

**COMMISSION IMPLEMENTING DECISION (EU) 2015/1984
of 3 November 2015**

**defining the circumstances, formats and procedures of notification pursuant to Article 9(5) of
Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic
identification and trust services for electronic transactions in the internal market**

**(notified under document C(2015) 7369)
(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (1), and in particular Article 9(5) thereof,

Whereas:

- (1) Notification of electronic identification schemes by Member States is a prerequisite of mutual recognition of electronic identification means.
- (2) Cooperation on interoperability and security of electronic identification schemes requires simplified procedures. Since the cooperation between Member States referred to in Article 12(6) of Regulation (EU) No 910/2014 and regulated in detail in Commission Implementing Decision (EU) 2015/296 (2) already requires the use of the English language, the same solution for the purposes of the notification of electronic identification schemes should facilitate reaching interoperability and security of the schemes. However, translation of already existing documentation should not cause unreasonable burden.
- (3) Schemes may involve multiple parties issuing the electronic identification means and/or multiple levels of assurance. For the sake of clarity and legal certainty, the notification of such schemes should however be a single process, with separate notification forms for each party issuing the electronic identification means and/or for each level of assurance.
- (4) The organisation of electronic identification schemes varies among Member States involving public and private sector entities. Although the purpose of the notification form should be to give as precise information as possible, among others, on the various authorities or entities involved in the electronic identification process, it should not aim at listing e.g. all local municipalities when those are involved. In that case, the respective field of the notification form should identify the level of the authority or entity involved.
- (5) Providing a description of electronic identification schemes prior to notification to other Member States as set out in Article 7(g) of Regulation (EU) No 910/2014 is a prerequisite of mutual recognition of electronic identification means. The notification form set out in this implementing act should be used in the context of providing a description of the scheme to other Member States, in order to enable peer review as set out in Article 10(2) of Implementing Decision (EU) 2015/296.
- (6) The deadline for the Commission to publish a notification, as provided for in Article 9(3) of Regulation (EU) No 910/2014, should be counted from the day when the complete form is submitted. The notification form should not be considered complete if the Commission needs to request additional information or clarification.

- (7) In order to ensure uniform use of the notification form, it is appropriate for the Commission to provide guidance to the Member States in particular with regard to whether changes to the notification form may lead to re-notification.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 48 of Regulation (EU) No 910/2014,

HAS ADOPTED THIS DECISION:

Article 1

Objective

Pursuant to Article 9(5) of Regulation (EU) No 910/2014, this Decision lays down the circumstances, formats and procedures of notifications of electronic identification schemes to the Commission.

Article 2

Language of notification

1. The language of notification shall be English. The notification form referred to in Article 3(1) shall be completed in English.
2. Without prejudice to paragraph 1, Member States shall not be obliged to translate supporting documents referred to in point 4.4 of the Annex where this would create an unreasonable burden.

Article 3

Notification procedure and formats

1. Notification shall be made electronically in the format compliant with the form set out in the Annex.
2. Where a scheme involves multiple responsible parties issuing the electronic identification means and/or covers multiple levels of assurance, points 3.2 and/or where appropriate 4.2 of the notification form set out in the Annex shall be completed separately for each party issuing the electronic identification means and/or for each level of assurance.
3. Where the authorities, parties, entities or bodies to be notified in the form set out in the Annex, in particular the parties managing the registration process of the unique person identification data or the parties issuing the electronic identification means, are acting under the same set of rules and using the exact same procedures, in particular where they are regional or local authorities, the following specific rules shall apply:
 - (a) the notification form may be filled in once in respect of all such parties;
 - (b) the notification form may be filled with information necessary to identify the respective functional or territorial organisation level.

4. The Commission shall confirm receipt of the notification by electronic means.
5. The Commission may request additional information or clarification in the following circumstances:
 - (a) the notification form is not properly filled in;
 - (b) there is a manifest error in the form or in the supporting documents;
 - (c) a description of the electronic identification scheme prior to notification was not provided to other Member States pursuant to Article 7(g) of Regulation (EU) No 910/2014.
6. Where additional information or clarification referred to in paragraph 5 is requested, the notification shall only be considered complete when such additional information or clarification is submitted to the Commission.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 3 November 2015.

For the Commission
Günther OETTINGER
Member of the Commission

(1) OJ L 257, 28.8.2014, p. 73.

(2) Commission Implementing Decision (EU) 2015/296 of 24 February 2015 establishing procedural arrangements for cooperation between Member States on electronic identification pursuant to Article 12(7) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 53, 25.2.2015, p. 14.)

ANNEX

NOTIFICATION FORM FOR ELECTRONIC IDENTITY SCHEME UNDER ARTICLE 9(5) OF REGULATION (EU) No 910/2014

The Federal Republic of Germany hereby notifies the European Commission of an electronic identification scheme to be published in the list referred to in Article 9(3) of Regulation (EU) No 910/2014 and confirms the following:

- the information communicated in this notification is consistent with the information which has been communicated to the Cooperation Network in accordance with Article 7(g) of Regulation (EU) No 910/2014, and
- the electronic identification scheme can be used to access at least one service provided by a public sector body in *the Federal Republic of Germany*.

Date

[signed electronically]

1. General information

Title of scheme (if any)	Level(s) of assurance (low, substantial or high)
German eID based on Extended Access Control	High

2. Authority(ies) responsible for the scheme

Name(s) of authority(ies)	Postal address(es)	E-mail address(es)	Telephone No
Federal Ministry of the Interior	Alt-Moabit 140 10557 Berlin, Germany	ITI4@bmi.bund.de	+49 30 18681 11953

3. Information on relevant parties, entities and bodies (where there are multiple parties, entities or bodies, please list them all, in accordance with Article 3(2) and (3))

3.1. Entity which manages the registration process of the unique person identification data

National Identity Card: Competent authority of the Civil Office / Residents' Registration Office responsible for the principal residence of the applicant

Electronic Residence Permit: Foreigner's Office responsible for the residence of the applicant

3.2. Party issuing the electronic identification means

Name of the party issuing the electronic identity means and indication of whether the party is referred to in Article 7(a)(i), (ii) or (iii) of Regulation (EU) No 910/2014		
National Identity Card: Competent authority of the Civil Office / Residents' Registration Office responsible for the principal residence of the applicant		
Electronic Residence Permit: Foreigner's Office responsible for the residence of the applicant		
Article 7(a)(i) <input checked="" type="checkbox"/>	Article 7(a)(ii) <input type="checkbox"/>	Article 7(a)(iii) <input type="checkbox"/>

3.3. Party operating the authentication procedure

The role of an identity provider as such does not exist in Germany. Instead, the operation of the authentication procedure is split into two distinct roles:

1.) The eID System is operated by the Federal Republic of Germany providing the middleware to other Member States.

2.) The middleware is hosted by the receiving Member State. For the underlying liability regime refer to section four.

3.4. Supervisory body

Name of the supervisory body

Federal Ministry of the Interior

Alt-Moabit 140
10557 Berlin, Germany

4. Description of the electronic identification scheme

Document(s) may be enclosed for each of the following descriptions.

- (a) Briefly describe the scheme including the context within which it operates and its scope

The German eID is an official eID scheme based on government-issued chip cards. The eID cards enable secure electronic identification and are issued to natural persons, i.e. currently to German citizens (German ID card) and non-EU nationals living in Germany (German residence permit).

An overview of the eID scheme is given in *[German eID]*.

- (b) Where applicable, list the additional attributes which may be provided for natural persons under the scheme if requested by a relying party

N/A

- (c) Where applicable, list the additional attributes which may be provided for legal persons under the scheme if requested by a relying party

N/A

4.1. Applicable supervisory, liability and management regime

4.1.1. Applicable supervisory regime

Describe the supervisory regime of the scheme with respect to the following:

(where applicable, information shall include the roles, responsibilities and powers of the supervising body referred to in point 3.4, and the entity to which it reports. If the supervising body does not report to the authority responsible for the scheme, full details of the entity to which it reports shall be provided)

- (a) supervisory regime applicable to the party issuing the electronic identification means

The Federal Republic is a confederation of 16 federal states (*Länder*) in one country with a federal government (Federation). The Federation has the exclusive authority to pass legislation and involve the federal states as needed. The Federation and the federal states act on the basis of law.

Expert and legal supervision of the authorities referred to in point 3.2 is however the responsibility of the individual federal states.

As a rule, expert and legal supervision is conducted by the interior ministries of the federal states. It is up to the federal state to transfer this task to a different ministry.

- (b) supervisory regime applicable to the party operating the authentication procedure

Due to the nature of the German eID system without a central component, the German eID scheme is integrated into the eIDAS Interoperability Framework via the middleware integration model according to the eIDAS technical specifications.

Therefore, the role of an identity provider does not exist within the German scheme in the context of cross-border authentication. Instead, Germany will provide middleware to the other Member States.

The middleware is hosted by the receiving Member State. For the underlying liability regime refer to section four.

4.1.2. Applicable liability regime

Describe briefly the applicable national liability regime for the following scenarios:

- (a) liability of the Member State under Article 11(1) of Regulation (EU) No 910/2014

Germany will provide software and updates (German eIDAS middleware) free of charge for use in the other Member States.

Germany has ordinary and unlimited liability towards natural and legal persons involved in cross-border transactions to ensure that the middleware functions properly. No contractor will be directly liable.

For example, Germany is liable for an erroneous online authentication resulting from faulty middleware.

In general, this liability includes the correct functioning of the middleware provided by the Federal Republic of Germany.

This liability does not include the correct operation of the middleware, for which only the Member State operating the authentication procedure is responsible.

This is in line with Article 11 of the eIDAS Regulation.

Disputes among the Member States concerning support and service of the middleware will be decided on the basis of negotiations or a decision by the cooperation network.

Pursuant to the eIDAS Regulation, no further agreements between the Member States are needed concerning mutual obligations.

- (b) liability of the party issuing the electronic identification means under Article 11(2) of Regulation (EU) No 910/2014

In Germany, application for official documents is made at the responsible government authorities. The applicant must appear in person to be identified. As for the rest, the general law on state liability applies.

- (c) liability of the party operating the authentication procedure under Article 11(3) of Regulation (EU) No 910/2014

The eID System is operated by the Federal Government providing middleware to the Member States for hosting. For the underlying liability regime refer to section four.

4.1.3. Applicable management arrangements

Describe the arrangements for suspending or revoking of either the entire identification scheme or authentication, or their compromised parts

eID cards of the German scheme may be revoked or suspended via the revocation system within the German scheme, cf. [*German eID*] and [*LoA-Mapping*].

If a small set of eID cards needs to be revoked, this can be realised by revoking the corresponding document signer certificate(s) of the card manufacturer.

Revocation of the entire identification scheme of German eID cards is not possible and not provided for in German law. However, the scheme can be suspended by revoking the trust anchor (root certificate) of the German root CA for German official documents (CSCA), thus leading to a revocation of all eID cards.

4.2. Description of the scheme components

Describe how the following elements of Commission Implementing Regulation (EU) 2015/1502 (1) have been met in order to reach a level of assurance of an electronic identification means under the scheme the Commission is being notified of:
(include any standards adopted)

4.2.1. Enrolment

- (a) Application and registration
[For a detailed description, cf. \[LoA-Mapping\], Section 2.1.1](#)
- (b) Identity proofing and verification (natural person)
[For a detailed description, cf. \[LoA-Mapping\], Section 2.1.2](#)
- (c) Identity proofing and verification (legal person)
N/A
- (d) Binding between the electronic identification means of natural and legal persons
N/A

4.2.2. Electronic identification means management

- (a) Electronic identification means characteristics and design (including, where appropriate, information on security certification)
[For a detailed description, cf. \[LoA-Mapping\], Section 2.2.1. The description includes information on the applied security certifications. The corresponding certificates and certification reports can be found at \[https://www.bsi.bund.de/EN/Topics/Certification/certified_products/electronic_ID_documents/electronic_ID_documents_node.html\]\(https://www.bsi.bund.de/EN/Topics/Certification/certified_products/electronic_ID_documents/electronic_ID_documents_node.html\)](#)
- (b) Issuance, delivery and activation
[For a detailed description, cf. \[LoA-Mapping\], Section 2.2.2](#)
- (c) Suspension, revocation and reactivation
[For a detailed description, cf. \[LoA-Mapping\], Section 2.2.3](#)
- (d) Renewal and replacement
[For a detailed description, cf. \[LoA-Mapping\], Section 2.2.4](#)

4.2.3. Authentication

Describe the authentication mechanism including terms of access to authentication by relying parties other than public sector bodies

Public sector bodies of other Member States of the European Union are authorised to request person identification data from the German eID of a user. For this purpose, Germany will provide an authorisation certificate to each Member State free of charge.

Identification and the initial registration at an commissioned authorisation CA will be performed via the Point of Single Contact. Authorisations for non-public sector bodies are issued by the Issuing Office for Authorisation Certificates (VfB) upon application in accordance with [PAuswV].

For a more detailed explanation, see [LoA-Mapping], Section 2.3.1.

4.2.4. Management and organisation

Describe the management and organisation of the following aspects:

- (a) General provisions on management and organisation
For a detailed description, cf. [LoA-Mapping], Section 2.4.1
- (b) Published notices and user information
For a detailed description, cf. [LoA-Mapping], Section 2.4.2
- (c) Information security management
For a detailed description, cf. [LoA-Mapping], Section 2.4.3
- (d) Record keeping
For a detailed description, cf. [LoA-Mapping], Section 2.4.4
- (e) Facilities and staff
For a detailed description, cf. [LoA-Mapping], Section 2.4.5
- (f) Technical controls
For a detailed description, cf. [LoA-Mapping], Section 2.4.6
- (g) Compliance and audit
For a detailed description, cf. [LoA-Mapping], Section 2.4.7

4.3. Interoperability requirements

Describe how the interoperability and minimum technical and operational security requirements under Commission Implementing Regulation (EU) 2015/1501 (2) are met. List and attach any document that may give further information on compliance, such as the opinion of the Cooperation Network, external audits, etc.

How the German eID scheme (i.e. the German eID based on Extended Access Control v2) meets the interoperability and minimum technical and operational security requirements under Commission Implementing Regulation (EU) 2015/1501 is described in [IF-Mapping].

4.4. Supporting documents

List here all supporting documentation submitted and state to which of the elements above they relate. Include any domestic legislation which relates to the electronic identification provision relevant to this notification. Submit an English version or English translation whenever available.

The relevant supporting documents, including national laws and technical guidelines and articles, are listed in [suppDoc].

(1) Commission Implementing Regulation (EU) 2015/1502 of 8 September 2015 on setting out minimum technical specifications and procedures for assurance levels for electronic identification means pursuant to Article 8(3) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 7).

(2) Commission Implementing Regulation (EU) 2015/1501 of 8 September 2015 on the interoperability framework pursuant to Article 12(8) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 1).