



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2012)

Opinion

Title

DG INFSO - Impact Assessment on: Proposal for a legislative framework on trust and confidence in electronic transactions in the internal market

(Resubmitted draft version of 16 March 2012)

(A) Context

E-identification (eID), e-authentication and e-signatures (referred to as 'eIAS services') are the electronic equivalent of personal identification, validation of identity documents and handwritten signatures respectively. They are pre-requisites for a wide range of electronic interactions such as e-banking, e-government or e-health services. A regulatory framework has been set up at EU level for electronic signatures, but there is no specific framework for mutual recognition and acceptance of eID and e authentication, or for ancillary trusted services such as the time stamping, archiving or registered document delivery services. This impact assessment accompanies a proposal aiming to facilitate electronic transactions notably by ensuring the mutual recognition of electronic identification, authentication, signatures and ancillary services across the EU. It builds on the revision of the electronic signatures Directive 1999/93/EC.

(B) Overall assessment

The report has been improved along the lines of the recommendations issued by the Board in its first opinion. However, certain aspects should be further strengthened. Firstly, the report should strengthen the problem definition and the intervention logic, for instance by further enhancing the presentation of the different approaches adopted by Member States leading to the distortions of the internal market. Secondly, it should develop in greater detail certain aspects of the policy options such as the proposed changes to the provisions of the e-signature Directive, and provide a fuller assessment of expected impacts as regards the availability and use of electronic services. Thirdly, the report should further improve the comparison of options, better integrate the views of stakeholders and clarify the monitoring arrangements.

(C) Main recommendations for improvements

(1) Strengthen the problem definition and the intervention logic. The report should further enhance the presentation of the different approaches adopted by Member States (in terms of implementation of the e-signature Directive, different supervision arrangements or application of 'public sector clause'), leading to the distortions of the

internal market. The 'cross-sector' aspects of the identified problems of market fragmentation and of lack of trust and confidence should also be analysed in greater detail. The report should further improve the intervention logic, by clearly describing the link between the objectives related to stimulating and strengthening the competitiveness of the European industry and services sector and the identified problems.

(2) Further develop the presentation of certain aspects of the policy options and of the assessment of impacts. While the options section has been improved and now presents the options in three different sets according to their scope, legal instrument and level of supervision, the substance of certain aspects of the options should be more fully explained. In particular, the report should be clearer about the proposed changes to the provisions related to the e-signature Directive. The report should also provide a fuller assessment of the expected impacts as regards the availability and use of electronic services. If feasible, it should also indicate the order of magnitude of the expected costs for creating the interfaces and infrastructures needed for the cross-border interoperability of eIDs for those Member States that will decide to notify official eIDs.

(3) Strengthen the comparison of options, improve the presentation of stakeholder views and clarify monitoring arrangements. The report should still make an effort to improve the comparison of options by adding a brief qualitative assessment to the comparison table in section 6 to allow better understanding of how the scores were assigned to different options. Also, as suggested in the first opinion of the Board, the views of different stakeholder groups should be better reflected throughout the report. Finally, the report should explain who will be responsible for collecting the data for the suggested progress indicators, and clarify whether this is likely to impose additional costs on the relevant actors.

(D) Procedure and presentation

All procedural aspects appear to be respected.

(E) IAB scrutiny process

Reference number	2012/INFSO/002
External expertise used	No
Date of Board Meeting	Written procedure The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 2 March 2012.