



Open Letter of Digital Rights and Consumer Organisations Concerning eIDAS Implementing Acts

Brussels, 20. January 2025

Dear Executive Vice-President Henna Virkkunen, Director-General Roberto Viola, Acting Director Christiane Kirketerp de Viron,

The undersigned consumer protection and human rights organizations want to thank the Commission for the important work on the eIDAS implementing acts. We welcome the recent adoption for the first batch of implementing acts regarding the provisions in Article 5a of the eIDAS regulation and acknowledge the positive changes to the text which significantly improved the privacy and human rights safeguards of the European Digital Identity Wallet.

The aim of the present letter, however, is to draw your attention to risks we identified in the recently proposed second batch of implementing acts. These concern in particular Article 5b of eIDAS.¹ We are of the opinion that upholding trust in the eIDAS ecosystem is of utmost importance and that only the users are in sole control over their data and the way they use the European Digital Identity Wallet. The eIDAS regulation obliges relying parties to register their intended use of the Wallet and prohibits them from asking information going beyond that registration.² Protecting users from such illegal requests for information (*'over-asking'*) requires providing them with the information if a particular request adheres to the registration of that relying party. This is done via relying party registration certificates.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14399-European-Digital-Identity-Wallets-registration-of-relying-parties_en

² See Article 5b paragraph 1 and 3 of Regulation (EU) 2024/1183.

While these certificates are an essential precondition for the enforcement of the eIDAS regulation, the informed user's choice and trust into the system, the draft implementing act proposes that Member States can choose not to issue such certificates at all. All European Digital Identity Wallets would be unable to protect their users from over-asking, if the Member State where the relying party is registered has not issued these certificates.

This leaves users vulnerable to illegal and potentially fraudulent requests for their information and puts undue burden on them. In the absence of such certificates a cautious user would have to choose not to interact with relying parties from such EU countries. Thereby, the Commission's draft would undermine the single market and prevent the harmonized trust level eIDSA aims to achieve.

Furthermore, eIDAS requires Member States to issue a public machine-readable interface to obtain all registered relying parties with the complete information they have provided. The draft implementing acts lack a harmonized specification to access such interfaces, rendering them meaningless for any public watchdog wishing to gain transparency about the eIDAS ecosystem.

To conclude, for the upcoming comitology meeting,³ the undersigned organizations ask you to propose a text that **mandates the issuance of relying party registration certificates** for all relying parties and to issue a **harmonized specification to access the relying party registry** of each Member State.

Sincerely,

epicenter.works – for digital rights (Austria)

European Digital Rights (Europe)

Chamber for Workers and Employees (Austria)

D3 - Defesa dos Direitos Digitais (Portugal)

Homo Digitalis (Greece)

IT-Political Association of Denmark (Denmark)

Digital Courage (Germany)

Stichting Vrijdschrift (the Netherlands)

Digitale Gesellschaft Switzerland (Switzerland)

Citizen D (Slovenia)

SHARE Foundation (Serbia)

EFN – Electronic Frontier Norway (Norway)

EFF – Electronic Frontier Foundation (International)

ApTI – Asociația pentru Tehnologie și Internet (Romania)

Danes je nov dan (Slovenia)

³ <https://ec.europa.eu/transparency/comitology-register/screen/committees/C47300/consult?lang=en>