

Position Paper

2025 July

eIDAS Implementing Act: Accreditation of Conformity Assessment Bodies (CABs)

Summary

Bitkom stresses that the draft Implementing Act on the Accreditation of Conformity Assessment Bodies under eIDAS-Regulation (EU) No. 2024/1183 requires greater clarity on roles and responsibilities, consistency of terminology, and sufficient flexibility to accommodate updated standards. Without clear differentiation of requirements, legal alignment with eIDAS and ETSI standards, and practical, proportionate procedures, the draft Regulation risks confusion and delays for all stakeholders. Substantial improvements are needed to ensure clear and timely implementation of eIDAS-Regulation, together with the European Digital Identity Wallet (EUDI-Wallet) and new Trust Services.

Specific comments on the implementing regulation

Nr.	Article	Action	Justification/Recommendation
1	Applies to the entire implementing regulation	Specify	In this implementing regulation, the differentiation between which assessment body (i.e: NABs, CABs, Device Evaluators, Test labs, etc.) a requirement applies to is not clear at all and causes a lot of confusion if published this way. There shall be clear differentiations about which requirement applies to:

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			<ul style="list-style-type: none"> National Accreditation Bodies (NABs), Conformity Assessment Bodies (CABs) assessing Trust Services, CABs assessing devices in laboratories, <p>CABs assessing EU Wallet and other related assessment bodies/entities.</p>
2	Recital 7	Delete or amend recital 7	<p>Some non-conformities, if properly documented and addressed within a corrective action plan agreed between the CAB and the applicant, should not preclude certification. This reflects standard practice in conformity assessment and supports a more proportionate and realistic approach to compliance.</p> <p>We suggest to delete the recital or, alternatively, to amend it so that not every non-conformity automatically results in the denial of certification. Only major non-conformities as defined in ETSI EN 319 403 (par. 7.4.4.3) should be taken into account.</p>
3	Article 2, par. 1 Accreditation of Conformity Assessment Bodies	Specify article 2, par. 1	In this paragraph, the differentiation between which standard is applicable for CABs and which standard is applicable for NABs is not clear. It shall be specified which entity has to be audited through which standard.
4	Article 3, par. 1 (e) Accreditation certificate of conformity assessment bodies	Amend article 3, par. 1 (e)	The wording for the trust services shall be exactly the same as in Article 3, point 16 of the eIDAS Regulation (EU) No 910/2014 and amendment Regulation (EU) 2024/1183.
5	Article 4, par. 5 Circumstances leading to review of existing accreditation	Delete 'prior'	Any modifications to the standards (referred to in Article 2(1) or Article 5(2)) should lead to a review of the certification scheme, with impacts on future certifications , and not directly on the

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			activities of the CABs (and thus not on certifications already issued).
6	Article 5, par. 2 Conformity Assessment Schemes	Amend article 5, par. 2	<p>Restriction towards the standards versions and dates in CABs accreditation have always caused formal issues for the CABs. CABs have to undergo an amendment for their accreditation every time a new standard is out (i.e ETSI standard) in order to include that specific new standard (the new version and date) into their accreditation, and this makes CABs unable to audit based on the latest released standards until they include that specific standard into their accreditation, which depending on the case, can take quite some time.</p> <p>Therefore, the accreditation statement must be flexible with regards to applied standards versions and dates. CABs shall be able to audit based on the latest standards to ensure that Qualified Trust Service Providers (QTSPs) are always in sync with the latest standards and norms released.</p>
7	Article 5, par. 3 (i) Conformity Assessment Schemes	Delete article 5, par. 2 (i)	This point is already addressed by the standard EN ISO/IEC 17065:2012 supplemented by standard ETSI EN 319 403-1 v2.3.1. ISO/IEC 17065:2012 contains the sampling-based evaluation and therefore following scheme type 6 of standard ISO/IEC 17067:2013 would not be necessary and would not benefit the process.
8	Article 5, par. 3 (k) Conformity Assessment Schemes	Delete article 5, par. 2 (k)	This point is already addressed by the standard EN ISO/IEC 17065:2012 supplemented by standard ETSI EN 319 403-1 v2.3.1.

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9	Article 5, par. 3 (d) Conformity Assessment Schemes	Amend article 5, par. 3 (d) Delete 'suspension'	<p>The wording shall be kept identically as in the Regulation (EU) No 910/2014 and amendment Regulation (EU) 2024/1183 and any supporting norms and standards.</p> <p>The wording used for the 'certificates of conformity' are known as 'conformity assessment report' in the trust service/eIDAS environment (compare with Article 46b (4c)).</p> <p>Also, looking back at Regulation (EU) No 910/2014, 'issuance and revocation' are addressed by a different wording and 'suspension' is not yet defined at all in this context. If 'suspension' in this context is deemed necessary, then there shall be a process and framing requirements to be defined by the European Commission. As the term 'suspension' is not yet defined, we recommend deleting it.</p>
10	Article 5, par. 4 Conformity Assessment Schemes	Amend article 5, par. 4	We recommend that QTSPs should notify the CAB only in case of changes that affect the certification of QTSPs.
11	Article 5, par. 7 Conformity Assessment Schemes	Amend article 5, par. 7	<p>The auditing process for qualified trust services is conducted over a sufficient number of person-days, however not in accordance with Annexes C and D of ISO/IEC 27006-1:2024, because the calculation for the person-days that ISO/IEC 27006-1:2024 states is not sufficient for conducting the auditing process for qualified trust service. Therefore, the calculation of person-days shall not be restricted by the ISO/IEC 27006-1:2024 as it will bring difficulty in the auditing process. Alternatively, and for process conformity assessments (eID/Wallet/Trust Services), the ISO/IEC 27006-1:2024 shall be clearly identified to provide guidance for the bare minimum audit effort, whereas the true effort can easily result in multiples of that, depending on the number of</p>

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			services to be taken to the audit and the specific implementation chosen by the service provider.
12	Annex II Reference standards for conformity assessment schemes	Amend annex II	<p>The wording for the trust services shall be exactly the same as in Article 3, point 16 of the eIDAS Regulation (EU) No 910/2014 and amendment Regulation (EU) 2024/1183.</p> <p>We suggest adding</p> <ul style="list-style-type: none"> • ETSI EN 319 401 to the list of standards, and • ETSI TS 119 411-5 to the section ‘The issuance of qualified certificates for website authentication’. This standard is a candidate to be referenced under IA Article 45(2) QWACs. <p>In the section ‘The recording of electronic data in a qualified electronic ledger’, the referenced standard in the placeholder need to cover also centralized ledger to comply with the eIDAS Regulation. If this is not the case, other standards need to be referenced or at least clearly state that non-distributed electronic ledgers may be qualified even in the current absence of specific standards.</p>
13	Annex IV, items 20 and 23 Specifications for conformity assessment reports referred to in paragraph 1 of Article 6	Specify items 20 and 23	<p>It is unclear whether this represents an increase in the frequency of surveillance audits compared to the current framework.</p> <p>If these items imply an increased audit frequency, we recommend not introducing this, in order to maintain a balanced and sustainable assessment process.</p>
14	Annex IV, item 24 Specifications for conformity assessment reports referred to in	Specify item 24	<p>It shall be clarified that the conformity assessment report is not intended for public disclosure, as it may contain sensitive or confidential information.</p>

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	paragraph 1 of Article 6		

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Bitkom 2025

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