

Position Paper

September 2025

eIDAS Implementing Act: Qualified electronic archiving services

Summary

Bitkom stresses that qualified electronic archiving must be clearly defined in line with eIDAS, with archiving and preservation treated as distinct but complementary services. Moreover, a future-proof framework should build on modern, widely accepted standards that support cross-border recognition and provide clarity for providers and users alike.

Specific comments on the implementing regulation

Nr.	Article	Action	Justification/Recommendation
1	Article 1, par. 1	Amend Article 1, par. 1	The archiving service and preservation service (according to Art. 34 and 40 eIDAS) shall not be mixed up. In case documents and data with qualified signatures and seals are submitted to archiving service and if the trustworthiness of the of the qualified electronic signature beyond the technological validity period needs to be ensured, the archiving service shall integrate a qualified preservation service. This will ensure accordance to Recital 66 of eIDAS. The maintaining their integrity and the accuracy of their origin can be

Nr.	Article	Action	Justification/Recommendation
			done not only with qualified signatures and seals but also e.g. relying on qualified ledger – also this link shall be deleted.
2	Article 1, par. 2	Amend article 1, par. 2	In case the qualified signature or seal need to be preserved on customer request or due to legal requirements, the archiving service shall rely on qualified preservation service. This will ensure accordance to Recital 66 of eIDAS.
3.	Annex ‘List of reference standards and specifications for qualified electronic archiving services’	Amend	Include reference to CEN/TS 18170:2025 and ISO 14721:2025 (OAIS) Delete the reference to ISO 14641:2018 and ETSI TS 119 511. The Annex, which is intended to provide the technical references for qualified electronic archiving, omits the recent and highly relevant work developed within CEN, while also underrepresenting the foundational role of OAIS. To clarify the role of the relevant standards: • OAIS (ISO 14721:2025) is the globally recognised reference model for long-term digital preservation and is widely used in Europe, as demonstrated by the work of CEN/TC 468. It is aligned with European initiatives such as CEF eArchiving and E-ARK, and provides clear definitions of roles and archive lifecycle concepts (SIP, AIP, and DIP). Its inclusion as a reference standard is therefore indispensable. • Building on this foundation, CEN/TS 18170:2025 “Functional requirements for the electronic archiving services” has been

Nr.	Article	Action	Justification/Recommendation
			developed by CEN/TC 468 specifically to support cross-border recognition requirements essential for the implementation of Article 45j of the amended eIDAS Regulation, while maintaining alignment with OAIS (ISO 14721). The European Commission actively contributed to this work, which led to the publication of the Technical Specification, formally approved on 18 April 2025 with an overwhelming majority of National Members. In light of the resources invested and the broad consensus achieved, it is appropriate that CEN/TS 18170:2025 is explicitly referenced in the Implementing Act. • In contrast, ISO 14641:2018 presents significant limitations for EU-wide implementation, as it promotes a model with limited adoption and is associated with older, closed, and monolithic systems not aligned with modern cloud-native archiving environments. While the reference to ETSI TS 119 511 appears appropriate as a policy framework, the inclusion of ISO 14641 risks prioritizing an outdated and partial approach over a broader and more recent European effort, with potentially negative consequences for the harmonization of the internal market.

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			ETSI TS 119 511 defines standard for (qualified) preservation service, not archiving service. Therefore, both OAIS (ISO 14721) and CEN/TS 18170:2025 should be considered the reference standards in place of ISO 14641:2018. Integrating the results of OAIS and of the CEN work into the Annex would anchor the technical requirements to genuinely European and future-proof standards, ensuring a solid, coherent, and shared regulatory framework for qualified electronic archiving trust services.
4	Annex ‘List of reference standards and specifications for qualified electronic archiving services’, par. 2.2	Amend par. 2.2	Delete the reference to ETSI TS 119 612. According to Art. 22 eIDAS, any qualified trust service will be listed in the Trusted List and ETSI TS 119 612 is already referenced by Implementing Act on Art. 22.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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Bitkom e.V.

Albrechtstr. 10 | 10117 Berlin

Contact person

Lorène Slous | Policy Officer Trust Services & Digital Identity

T +49 30 27576-157 | l.slous@bitkom.org

Responsible Bitkom committee

AK Digitale Identitäten (Digital Identity)

AK Anwendung elektronischer Vertrauensdienste (Trust Services)

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