

European Commission proposal for a regulation establishing European Business Wallets

Bitkom Paper

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Bitkom Position

Bitkom welcomes the European Commission's proposed regulation on the establishment of European Business Wallets (EBW) overall and sees it as an important step towards a Europe-wide interoperable digital infrastructure for business and administration. We support the strategic direction and the basic concept, but at the same time see a need for refinement, particularly with regard to the proposed timetable, the design of implementation and usage regulations, and incentives for widespread use by the economy. In our view, rapid application and clear specifications through implementing acts are crucial. With our comments and questions, we aim to address remaining ambiguities and create the conditions for the rapid, practical and uniform use of EBWs across Europe.

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1 Purpose, role, application areas and governance of the European Business Wallet

Bitkom position

Bitkom sees the EBW as a key instrument for eliminating media discontinuity and redundant identification and verification processes in B2G and B2B procedures and for creating a trustworthy, EU-wide infrastructure for digital organisational identities and digital credentials. The EBW is intended to make economic and regulatory processes – such as digital contracts, supply chain documentation and onboarding in data rooms – automatable and thus more efficient. Bitkom also advocates a market-based model in which private providers can also offer wallets, while the state primarily sets standards and supervises. From Bitkom's point of view, the use of the EBW should not remain voluntary for economic operators to avoid parallel processes and enable a real digitalisation push. It is important that both natural persons and associations of persons engaged in economic activities, as well as legal entities under private and public law, can use an EBW.

Draft regulation of the European Commission

The draft regulation describes the EBW as an interoperable solution for identification, authentication, signature, the issuance, storage and presentation of electronic attribute attestations (EAAs) and for the use of a secure communication channel between economic operators and public authorities. Article 5 defines these core functions and refers to their technical implementation through implementing acts. The draft provides for a market-based provision model: anyone can offer an EBW, provided they are notified; qualified trust service providers (QTSPs) benefit from a simplified procedure. For economic operators, the use of the EBW remains voluntary, while public authorities must accept and use it themselves. The draft regulation provides for the eIDAS Regulation to be amended so that the EUDI wallet for legal persons is deleted from Article 5a of the eIDAS Regulation (Article 20). This will create clarity in future regarding the wallet categories (EUDI Wallet for natural persons and EBW for economic operators and public authorities). Self-employed persons and sole traders have the right to choose whether to use an EUDI wallet for natural persons or an EBW in the economic sphere. Since the principle of voluntary participation and the prohibition of discrimination under Article 5a(15) of the eIDAS Regulation now only apply to the EUDI wallet for natural persons and no such legal provision exists for the EBW, we assume that a Member State or contractual obligation to use the EBW will be legally possible.

Bitkom Assessment

Bitkom welcomes the fact that the draft regulation clearly addresses the central objective and essential functions of the EBW and considers both economic operators and public authorities. It is encouraging that the term »economic operator« includes natural persons engaged in economic activity, associations of persons engaged in economic activity and legal persons. Another positive aspect is that public authorities are required to accept and use the EBW. This lays an important foundation for the dissemination and establishment of European interoperable solutions; in this context, Bitkom considers the introduction of the communication channel to be an important step in this direction. Finally, we welcome the fact that notification is envisaged as the approval procedure for the EBW.

However, to achieve widespread use outside the B2G application area and avoid parallel processes in the long term, a suitable mechanism should be created that makes use attractive for economic operators. Bitkom assumes that the Implementing Acts will clarify key open questions regarding technical and organisational design and thus contribute to the effectiveness of the EBW. It is also welcomed that the principle of voluntary participation and the prohibition of discrimination under Article 5a(15) of the eIDAS Regulation will in future only apply to the EUDI wallet for natural persons. This could prevent the need to implement multiple technical procedures in the B2B context.

It should be noted critically that the provisions of the Regulation are only to apply one year after its entry into force (Art. 22(2)), i.e. probably in 2028. We do not fully understand the purpose of this provision, as the Regulation only imposes obligations on public authorities, whereas a separate time limit is used in Article 16. Furthermore, the temporal scope would in principle also cover the provisions on competence for the adoption of implementing acts. We suggest that the provisions on the EBW should apply as soon as possible. Overall, it should be noted that, because of the eIDAS Regulation, Member States have already dealt with a wallet for economic operators. The economy urgently needs an EBW, which should also be reflected in an ambitious timetable that would shorten the above-mentioned period of redundant obligations.

We also suggest adapting the provisions on the acceptance obligation of private relying parties in accordance with Article 5f(2) and (3) of the eIDAS Regulation. While a relying party that relies on the EUDI wallet must register (Article 5b(1) of the eIDAS Regulation) and may be legally obliged to accept it (Article 5f(2) and (3) of the eIDAS Regulation), this is not considered necessary for the EBW. The provisions of the eIDAS Regulation should therefore be harmonised in order to enable trusting parties to implement them with minimal bureaucracy.

To achieve widespread use outside the B2G application area and avoid parallel processes in the long term, a suitable mechanism should be created that makes use attractive to economic operators.

Need for Clarification

- How is the fact that a natural person can engage in several economic activities handled? Will this person also receive different identification data records for their different economic activities?
- There is also uncertainty surrounding the term 'public sector body': Does the EU Commission's definition in Article 3(5) refer to the legal/administrative entity (legal subject) or to the respective authority (administrative unit)? This decision would have a significant impact on the identification data set. For example, the Federal Republic of Germany as a legal entity has several administrative units (e.g. Federal Ministry of Finance, Federal Ministry for Digital and Administrative Services, etc.). Would each authority have to receive its own identification data record or only the legal entity behind it?
- How are Member States dealing with the current obligation to provide an EUDI Wallet for legal entities by 24 December 2026? We assume that the legislative process will take approximately 18 months; therefore, the regulation is not expected to be published and enter into force until 2027. By then, however, Member States would already have to have provided an EUDI Wallet for legal entities in accordance with Article 5a(1) of the eIDAS Regulation. For this period, the European Commission is thus calling for redundant solutions *de lege lata*. To circumvent this, we call on the European Commission to offer Member States at least a non-objection for failure to implement the EUDI Wallet for legal entities until the regulation on the EBW comes into force.
- Regarding the obligation of public authorities to accept a specific communication channel, the relationship between Recital 8 and Article 16 should be clarified. Many Member States, including Germany, use their own infrastructures (e.g. the EGVP infrastructure) for communication with the judiciary. According to Recital 8, the Regulation does not affect procedural autonomy, constitutional requirements and judicial independence applicable to the organisation and functioning of national judicial systems, nor the framework, integrity and procedural guarantees of judicial proceedings. However, it is unclear whether existing court communications fall under this provision. Article 16 does not provide any exceptions for courts and judicial authorities, particularly regarding the communication channel. As a debate on the inclusion of courts in Germany is likely, the European legislator should provide clarification as a precautionary measure.

2 Technical architecture, interoperability and embedding in existing EU regulations

Bitkom position

Bitkom expects a cloud-native, API-first architecture that supports M2M and server-to-server communication, can be seamlessly integrated into existing backend systems, and uses standardised, semantically coordinated attribute formats.

Equally important are interoperable role and mandate management and a clear digital representation of legal, organisational and commercial representation powers. In a corporate context, traceability, auditability and clear assignment of actions must also be guaranteed; strict unlinkability, as is the case with citizen wallets, is not appropriate here. Wallet users must be able to prove their identity to third parties in a corporate context. This requires the stringent use of electronic attribute certificates, which ensure the verifiability of representation and authorisations, for example.

Furthermore, access to EBW must be technology neutral. Companies and their representatives must be able to open and use an EBW both in person, for example at a notary's office, and via established digital identification methods such as eID, video identification or the EUDI wallet. This is necessary for practical reasons and prevents the introduction of the EBW from becoming dependent on the widespread adoption of the EUDI wallet. A technology-neutral approach strengthens freedom of choice and inclusion for users, thereby increasing the likelihood of widespread use.

Finally, the EBW must be closely integrated with the EUDI framework, SDG/OOTs, DPP and other EU regulations and be able to incorporate existing national solutions.

Draft regulation of the European Commission

The draft clearly embeds the EBW in the eIDAS ecosystem and provides for the use of QES, QSeal, QERDS and EAAs. Furthermore, Article 10 refers to the European Digital Directory as the central interface and addressing infrastructure of the EBW. The technical design, including APIs, protocols, formats and semantic requirements, is largely left to the implementing acts pursuant to Article 5(5) and Article 10(6). The annex introduces a role and authorisation model that addresses mandates, roles, conflict handling and logging, but remains abstract regarding the differentiation of forms of representation and the connection to national registers. The draft also provides for extensive logging and audit trail requirements, prioritising traceability and security in a corporate context.

Bitkom Assessment

Bitkom welcomes the clear anchoring in the eIDAS ecosystem and the planned technical and regulatory cornerstones of the EBW. It is positive that role and mandate management as well as transparent audit mechanisms are planned as integral components. At the same time, the specific design of key elements – particularly the semantic modelling of attributes, the harmonisation of forms of representation and the technical specification of interfaces – remains open.

Although the draft regulation addresses the requirements for interoperable role and mandate management and a clear digital representation of legal, institutional and legal representation powers in Article 5(1)(j) and Article 6(2)(b), it is largely limited to access to EBW. In practice, it is more important that powers of attorney are verifiable to the receiving party. An authorised representative must be able to prove to a trusting party from the EBW that they hold the relevant power of attorney and can present it by means of an EAA. This aspect should be clarified in the further legislative process.

Bitkom assumes that the implementing acts will clarify these points and thus enable practical, interoperable and audit-proof implementation. However, the corresponding implementing acts should be enacted without delay.

Need for Clarification

Based on the wording of the standard (Art. 5(1)(j), Art. 6(2)(b)), it is not clear whether the EBW also provides for the possibility of sub-delegation. Sub-delegation is increasingly used in practice, which is why this functionality must also be digitally mapped.

With the adoption of the Implementing Acts, it is expected that the specific design of key elements – in particular the semantic modelling of attributes, the harmonisation of forms of representation, and the technical specification of interfaces – will be further refined.

3 LPID, unique identifier and semantic modelling

Bitkom position

Bitkom advocates an LPID or European Business Wallet Owner Identification Data (EBWOID) that is minimal but sufficiently meaningful and based on a clearly defined, EU-wide harmonised set of attributes. From Bitkom's point of view, the European Unique Identifier (EUID) is a suitable primary identifier, but it is not available to all relevant types of organisations. To ensure the most comprehensive coverage of the EBW possible, economic operators and public sector institutions that are not subject to registration should also be included. Bitkom therefore calls for the LPID to be expanded to include an additional identifier that covers other types of organisations beyond the EUID and does not change in the event of a move or a change of register. This stability is crucial for the successful implementation of EBW. Suitable identifiers have already been proposed in Implementing Act 2024/2977 on the design of the PID/LPID and EAAs. This list should be included in an implementation act for EBW. Bitkom also calls for binding semantic modelling of the attribute to ensure genuine interoperability and automatic processing of company attributes.

Draft regulation of the European Commission

The draft regulation defines »owner identification data« as EAAs, but only specifies the name of the organisation and a unique identifier as mandatory minimum content (Art. 8). Further attributes are not specified, and reference is made to »authentic sources« and future implementing acts pursuant to Art. 8(7). The EUID is to be used as the identifier, where available; for economic operators and public sector bodies without an EUID, the draft provides for a new EU-wide unique identifier, the structure and allocation of which is to be regulated in full implementing acts pursuant to Art. 9(4). The draft refers to interoperable and machine-readable evidence but does not define any semantic models or attribute sets; this too is deferred to later standards and implementing acts.

Bitkom Assessment

Bitkom welcomes the use of the EUID as the primary identifier and the approach of also including those economic operators and public sector bodies that do not yet have an EUID. This will enable broad coverage of the EBW ecosystem.

When establishing an EU-wide identifier for economic operators and public sector bodies without an EUID, parallel developments at EU and international level should also be considered to avoid duplication. As a precautionary measure, we would like to point out in this context that there are currently discussions at European level to introduce an EU-wide taxpayer identification number (TIN) (see the studies by the European Commission's Directorate-General for Taxation and Customs Union) to be able to identify economic operators digitally across the EU. If such an EU TIN were to be introduced, comparable questions would arise at the attribute level as with the EBW for economic operators without an EUID.

Bitkom also supports the list of identifiers set out in Implementing Act 2024/2977, which includes the LEI standardised in accordance with ISO 17442 and already used by around three million organisations, and advocates its use as an additional identifier. The LEI is internationally established and mandatory under DORA, as it enables the uniform and reliable allocation of reports and supervisory processes across different regulatory areas.

At the same time, there is still a need for clarification regarding the design of the new EBWOID, its technical embedding and its interaction with other EAAs. The EBWOID contains only two mandatory attributes and thus primarily enables the unique identification of an organisation. However, the actual identity of an organisation is more complex and requires additional EAAs (depending on the use case, e.g. EUCC, KYC credentials, beWi, LEI, market partner ID, etc.) which, like the EBWOID itself, must be cryptographically linked to the organisation.

The necessary attributes, their semantic modelling and the definition of authentic sources must therefore be specified in detail in the implementing acts. Without an ambitious and consistent design, there is a high risk of inconsistencies and a lack of interoperability. Regarding the announced EU-wide identifier for economic operators and public sector bodies without an EU ID, Bitkom is also calling for clear and binding semantic modelling of the relevant attributes in order to ensure genuine interoperability. Bitkom will accompany this process constructively.

Furthermore, Article 6(2)(a) of the current draft regulation focuses primarily on linking the EBWOID to the wallet. However, it also fails to take sufficient account of the fact that a corporate wallet is used by several »authorised representatives«. For these persons to authenticate themselves securely and prove their own identity attributes, a cryptographic binding is also necessary for their EAAs.

When establishing an EU-wide identifier for economic operators and public sector bodies without an EUID, parallel developments at EU and international level should also be considered to avoid duplication.

Need for Clarification

- According to Article 8, the identification data set can be issued by a QTSP, a public authority or, where applicable, the European Commission. The possibility of using an EBW therefore depends on a data set that is usually issued by public authorities based on registers. It should be noted critically in this regard that, according to our understanding of the standard, Article 8 does not oblige Member States to create the necessary conditions for this or to issue an identification data record on a mandatory basis. If, contrary to our legal opinion, an obligation had been established by Article 8, the temporal validity under Article 22(2) would have been chosen too late, because Article 8(7) initially provides for an implementing act.
- It also remains unclear what qualitative requirements are imposed on the source of an identification data set. According to Article 8(3)(a), this may be issued by a qualified trust service provider. However, it is not expressly regulated whether the database must be an authentic source or whether the qualified trust service provider's own database is sufficient. If the qualified trust service provider's own database is sufficient, how is the verifiability of the identification data based on the source ensured? According to Art. 8(2), Member States only share authentic sources (see Art. 3(33) in conjunction with Art. 3(47) of the eIDAS Regulation) for verification purposes.
- Furthermore, the question arises as to why the new EU-wide unique identifier under Article 9(2) introduces another identification number. Would it not have made sense to extend the EUID to all other economic operators and public bodies? Since the structure of the EUID is based on national registers (country code + register identifier + registration number + optional check digit), an extension would certainly have been possible.

Bitkom represents more than 2,300 member companies from the digital economy. Together, they generate revenues of over 200 billion euros in Germany with digital technologies and solutions and employ more than 2 million people. The association's members include over 1,000 small and medium-sized enterprises, more than 500 startups, and nearly all major global players. They provide software, IT services, telecommunications and internet services, manufacture devices and components, operate in digital media, create content, run platforms, or contribute to the digital economy in other ways. Eighty-two percent of Bitkom's member companies are headquartered in Germany, a further 8 percent in other European countries, and 7 percent in the United States. The remaining 3 percent are based in other regions of the world. Bitkom actively promotes and drives the digital transformation of the German economy and advocates broad societal participation in digital developments. Its goal is to help make Germany a strong, competitive, and digitally sovereign location.

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