

Position Paper

March 2026

eIDAS Implementing Act: European Digital Identity Wallets – electronic attestations of attributes (update)

Summary

From Bitkom's perspective, the draft Implementing Act amending Commission Implementing Regulation (EU) 2025/1569 requires further clarification to ensure legal certainty, interoperability and consistent implementation across Member States.

In particular, the CIR should be more closely aligned with existing eIDAS concepts and current ETSI standards, and any deletions or deviations should be clearly justified to avoid uncertainty for issuers and auditors.

Bitkom also calls for clearer and more harmonised rules on revocation, issuance and verification processes, including the appropriate integration of private authentic sources, in order to ensure practical feasibility and equal treatment across public and private sector use cases.

Overall, the amended Implementing Act should provide a coherent, standards aligned and operationally workable framework that supports scalable and harmonised deployment of electronic attestation services throughout the Union.

Specific comments on the implementing regulation

Nr.	Article	Action	Justification/Recommendation
1	Overarching comment	Amend	Review and update references to current ETSI versions (e.g. ETSI TS 119 478).
2	Article 4(1) and 4(3)	Specify	<p>Deletions must be explicitly justified in the Recitals or an explanatory note.</p> <p>Without clear reasoning, legal uncertainty arises for issuers, auditors and ecosystem participants.</p>
3	Article 4(4) / Annex II (revocation requirements) (incl. proposed amendment on privacy-preserving revocation)	Specify	Clarify (i) the minimum set of acceptable revocation techniques (e.g., status list models), (ii) applicability when attestations are short-lived, and (iii) objective criteria for “privacy-preserving” (issuer/verifier/wallet perspectives) to support harmonised implementation.
4	Article 7(4)–(5) (catalogue of attributes; inclusion of attributes by private entities)	Specify	Article 7(4)–(5) appropriately limits catalogue entries by private entities to cases where they are primary sources or recognised as authentic under Union/national law or administrative practice, with references required. However, the evidentiary threshold and acceptable forms of proof for “administrative practice” remain unclear, creating implementation risk and uneven application across Member States. Recommendation: provide guidance on acceptable evidence (e.g., statutory basis, supervisory designation, official recognition, delegated mandate) and on how “administrative practice” should be documented and assessed consistently.
5	Article 9(1)–(2) (verification mechanisms against authentic sources /	Specify	The current framing of verification mechanisms is clearly oriented towards attributes relying on authentic

	designated intermediaries)		sources within the public sector (e.g., “single points... wherever those attributes rely on authentic sources within the public sector”). This creates uncertainty for use cases where attributes rely on private primary/recognised sources (e.g., regulated private registers or datasets recognised under national law/administrative practice). Recommendation: clarify whether and how private primary/recognised authentic sources can be integrated into the verification mechanism and define minimum onboarding/identification requirements for such sources to ensure legal certainty and interoperability.
6	Article 9(3)	Specify	Deletions must be explicitly justified in the Recitals or an explanatory note. Without clear reasoning, legal uncertainty arises for issuers, auditors and ecosystem participants.
7	Article 9(4) (verification result must indicate the public sector body responsible/designated)	Amend/Specify	Article 9(4) appears to require that the verification result identifies a public sector body responsible for the authentic source or designated to act on its behalf. This may not be applicable where the authentic source is a private primary/recognised source, potentially forcing artificial structures (e.g., routing via a public body) and reducing interoperability. Recommendation: add an option to reference a private primary/recognised authentic source using a machine-readable identifier.
8	Annex I (2)	Amend	Avoid introducing new terminology (“secure cryptographic device”) where existing eIDAS terms

			(WSCD/QSCD) already cover the concept.
9	Annex I (3)	Specify/Amend	Clarify why ETSI TS 119 471 clause 4 is excluded. Reintegrate unless a clearly justified exception exists.
10	Annex I, REQ-EAASP-6.3-02	Amend	Requirement relates more to qualified electronic archiving than EAA issuance. Transfer to the Archiving CIR.
11	Annex I, REQ-EAASP-7.2-02 / 7.2-03 / 7.8-05 / 7.8-07	Delete	Requirement appears already covered by ETSI EN 319 401 and TS 119 471.
12	Annex II (Issuance process) – requirement to verify the identity of the authentic source used	Specify	<p>The issuance process requires the issuer to verify the identity of the authentic source used. For private authentic sources, this requirement may be difficult to operationalise without a clear trust framework (e.g., recognised identifiers, trusted lists, or certificate-based authentication).</p> <p>Recommendation: specify acceptable mechanisms for identifying/verifying private authentic sources (e.g., qualified certificates/seals, inclusion in a trusted registry, mutually authenticated interfaces) to ensure auditability and consistent implementation.</p>
13	Draft amendment – Annex IV (new verification interface references; standardisation pending)	Specify	<p>Where new Annex IV references standards/specifications that are still pending finalisation, implementers face planning and interoperability risk.</p> <p>Recommendation: ensure version pinning, transitional measures, and clear minimum requirements for early adopters, to avoid fragmentation and rework.</p>

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