Commission Implementing Regulation (EU) 2015/1502 of 8 September 2015 on setting out minimum technical specifications and procedures for assurance levels for electronic identification means pursuant to Article 8(3) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1502

of 8 September 2015

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC[(1)], and in particular Article 8(3) thereof,

Whereas:

(1) Article 8 of Regulation (EU) No 910/2014 provides that an electronic identification scheme notified pursuant to Article 9(1) needs to specify assurance levels low, substantial and high for electronic identification means issued under that scheme.

(2) Determining the minimum technical specifications, standards and procedures is essential in order to ensure common understanding of the details of the assurance levels and to ensure interoperability when mapping the national assurance levels of notified electronic identification schemes against the assurance levels under Article 8 as provided by Article 12(4)(b) of Regulation (EU) No 910/2014.

(3) International standard ISO/IEC 29115 has been taken into account for the specifications and procedures set out in this implementing act as being the principle international standard available in the domain of assurance levels for electronic identification means. However, the content of Regulation (EU) No 910/2014 differs from that international standard, in particular in relation to identity proofing and verification requirements, as well as to the way in which the differences between Member State identity arrangements and the existing tools in the EU for the same purpose are taken into account. Therefore the Annex, while building on this international standard should not make reference to any specific content of ISO/IEC 29115.

(4) This Regulation has been developed as an outcome based approach as being the most appropriate which is also reflected in the definitions used to specify the terms and

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concepts. They take into account the aim of Regulation (EU) No 910/2014 in relation to assurance levels of the electronic identification means. Therefore, the Large-Scale Pilot STORK, including specifications developed by it, and the definitions and concepts in ISO/IEC 29115 should be taken into the utmost account when establishing the specifications and procedures set out in this implementing act.

(5) Depending on the context in which an aspect of evidence of identity needs to be verified, authoritative sources can take many forms, such as registries, documents, bodies inter alia. Authoritative sources may be different in the various Member States even in a similar context.

(6) Requirements for identity proofing and verification should take into account different systems and practices, while ensuring sufficiently high assurance in order to establish the necessary trust. Therefore, acceptance of procedures used previously for a purpose other than the issuance of electronic identification means should be made conditional upon confirmation that those procedures fulfil the requirements foreseen for the corresponding assurance level.

(7) Certain authentication factors such as shared secrets, physical devices and physical attributes are usually employed. However, the usage of a greater number of authentication factors, especially from different factor categories, should be encouraged to increase the security of the authentication process.

(8) This Regulation should not affect representation rights of legal persons. However, the Annex should provide for requirements for the binding between the electronic identification means of natural and legal persons.

(9) The importance of information security and service management systems should be recognised, as should be the importance of employing recognised methodologies and applying the principles embedded in standards such as the ISO/IEC 27000 and the ISO/IEC 20000 series.

(10) Good practices in relation to assurance levels in the Member States should also be taken into account.

(11) IT security certification based on international standards is an important tool for verifying the security compliance of products with the requirements of this implementing act.

(12) The Committee referred to in Article 48 of Regulation (EU) No 910/2014 has not delivered an opinion within the time limit laid down by its chair,

HAS ADOPTED THIS REGULATION:

Article 1

1 Assurance levels low, substantial and high for electronic identification means issued under a notified electronic identification scheme shall be determined with reference to the specifications and procedures set out in the Annex.

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2 The specifications and procedures set out in the Annex shall be used to specify the assurance level of the electronic identification means issued under a notified electronic identification scheme by determining the reliability and quality of following elements:

a enrolment, as set out in section 2.1 of the Annex to this Regulation pursuant to Article 8(3)(a) of Regulation (EU) No 910/2014;

b electronic identification means management, as set out in section 2.2 of the Annex to this Regulation pursuant to Article 8(3)(b) and (f) of Regulation (EU) No 910/2014;

c authentication, as set out in section 2.3 of the Annex to this Regulation pursuant to Article 8(3)(c) of Regulation (EU) No 910/2014;

d management and organisation, as set out in section 2.4 of the Annex to this Regulation pursuant to Article 8(3)(d) and (e) of Regulation (EU) No 910/2014.

3 When the electronic identification means issued under a notified electronic identification scheme meets a requirement listed in a higher assurance level then it shall be presumed to fulfil the equivalent requirement of a lower assurance level.

4 Unless otherwise stated in the relevant part of the Annex, all elements listed in the Annex for a particular assurance level of the electronic identification means issued under a notified electronic identification scheme shall be met in order to match the claimed assurance level.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 September 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Technical specifications and procedures for assurance levels low, substantial and high for electronic identification means issued under a notified electronic identification scheme

1. Applicable definitions

For the purposes of this Annex, the following definitions shall apply:

(1) ‘authoritative source’ means any source irrespective of its form that can be relied upon to provide accurate data, information and/or evidence that can be used to prove identity;

(2) ‘authentication factor’ means a factor confirmed as being bound to a person, which falls into any of the following categories:

(a) ‘possession-based authentication factor’ means an authentication factor where the subject is required to demonstrate possession of it;

(b) ‘knowledge-based authentication factor’ means an authentication factor where the subject is required to demonstrate knowledge of it;

(c) ‘inherent authentication factor’ means an authentication factor that is based on a physical attribute of a natural person, and of which the subject is required to demonstrate that they have that physical attribute;

(3) ‘dynamic authentication’ means an electronic process using cryptography or other techniques to provide a means of creating on demand an electronic proof that the subject is in control or in possession of the identification data and which changes with each authentication between the subject and the system verifying the subject's identity;

(4) ‘information security management system’ means a set of processes and procedures designed to manage to acceptable levels risks related to information security.

2. Technical specifications and procedures

The elements of technical specifications and procedures outlined in this Annex shall be used to determine how the requirements and criteria of Article 8 of Regulation (EU) No 910/2014 shall be applied for electronic identification means issued under an electronic identification scheme.

2.1. *Enrolment*

2.1.1. *Application and registration*

Assurance level	Elements needed
Low	1. Ensure the applicant is aware of the terms and conditions related to the use of the electronic identification means. 2. Ensure the applicant is aware of recommended security precautions related to the electronic identification means. 3. Collect the relevant identity data required for identity proofing and verification.

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Substantial	Same as level low.
High	Same as level low.

2.1.2. *Identity proofing and verification (natural person)*

Assurance level	**Elements needed**
Low	1. The person can be assumed to be in possession of evidence recognised by the Member State in which the application for the electronic identity means is being made and representing the claimed identity. 2. The evidence can be assumed to be genuine, or to exist according to an authoritative source and the evidence appears to be valid. 3. It is known by an authoritative source that the claimed identity exists and it may be assumed that the person claiming the identity is one and the same.
Substantial	Level low, plus one of the alternatives listed in points 1 to 4 has to be met: 1. The person has been verified to be in possession of evidence recognised by the Member State in which the application for the electronic identity means is being made and representing the claimed identity and the evidence is checked to determine that it is genuine; or, according to an authoritative source, it is known to exist and relates to a real person and steps have been taken to minimise the risk that the person's identity is not the claimed identity, taking into account for instance the risk of lost, stolen, suspended, revoked or expired evidence; or 2. An identity document is presented during a registration process in the Member State where the document

a Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).