

BSA Recommendations on the eIDAS Proposal

BSA | The Software Alliance (BSA)¹ welcomes the opportunity to provide feedback in response to the European Commission public consultation on the proposal for a revision of Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity (“eIDAS”). BSA is the leading advocate for the global software industry. Our members are enterprise software companies that offer technology services that other organizations use to make their own operations more efficient, innovative, and successful. BSA Members are at the forefront of cutting edge digital identity solutions, and are best placed to offer guidance and suggestions to ensure that the proposed eIDAS Regulation is in line with the highest global technological standards.

BSA is strongly supportive of the objectives of the revised proposal, to incentivize the uptake of digital identity solutions, establish policies that foster the use of trustworthy and secure technologies and especially to further stimulate IT modernization in the public sector.

In this context, BSA would put forward three recommendations to ensure that the objectives the proposal are fulfilled:

- 1) **Ensure broad stakeholder involvement** – the success of the eIDAS proposal hinges on the inclusion of all those companies that are at the forefront of the development and innovation of digital identity tools. Many of these tools are employed in the private sector – especially in the Business-to-Business (B2B) and Business-to-Business-to-Consumer (B2B2C) spaces – and are constantly evolving and innovating to respond to customers and consumer demand. As the EU embarks on reviewing the eIDAS proposal, these stakeholders are best placed to provide feedback and technical insights on the best tools and practices in the field. **The eIDAS proposal should include clear language establishing broad and inclusive stakeholder consultation mechanisms, both in the implementation of the proposal and once it is fully in force.**
- 2) **Foster interoperability within the EU and with global partners** – as the EU endeavors to further modernize its approach to digital identity solutions, it is fundamental to ensure that its requirements are interoperable both among Member States and with the standards of its key global partners. Many authentication solutions in the market today offer easy-to-use solutions, which are increasingly embraced by customers. A combination could be ideal as it would allow to combine the EU-ID scheme’s strong data protection offer with user-friendly and innovative authentication solutions. Interoperability would ensure that any tools developed in Europe and for European customers can work as seamlessly as possible with similar tools developed elsewhere. **The eIDAS proposal**

¹ BSA | The Software Alliance (www.bsa.org) is the leading advocate for the global software industry. Its members are among the world’s most innovative companies, creating software solutions that help businesses of all sizes in every part of the economy to modernize and grow. With headquarters in Washington, DC, and operations in more than 30 countries, BSA pioneers compliance programs that promote legal software use and advocates for public policies that foster technology innovation and drive growth in the digital economy. Follow BSA at [@BSAnews](https://twitter.com/BSAnews). BSA’s members include: Adobe, Akamai, Atlassian, Autodesk, Bentley Systems, BlackBerry, Box, Cloudflare, CNC/Mastercam, DocuSign, Dropbox, IBM, Informatica, Intel, Intuit, MathWorks, McAfee, Microsoft, Okta, Oracle, PTC, Salesforce, ServiceNow, Siemens Industry Software Inc., Slack, Splunk, Trend Micro, Trimble Solutions Corporation, Twilio, Workday, and Zoom.

should include provisions aiming at interoperability both within the EU and with other similar initiatives carried out by key global partners of the EU.

- 3) **Avoid mandates for the private sector** – the uptake of digital identity solutions is as important in relations with the public sector as it is in B2B relations. Nevertheless, BSA would caution against mandates for companies to use specific digital identity tools in B2B relations, as this would likely stifle innovation and competition in the field and harm the ability of private companies to choose the solutions that best fit their needs. A prescribed solution risks proving cumbersome in the specific private-sector contexts where it needs to be employed. Private enterprises have a particularly strong incentive to create and use both secure and user-friendly solutions. The continued evolution of identity authentication systems is important, in order to ensure that both the EU-ID framework as well as alternative authentication methods improve commensurate with customer needs. Such innovation is often driven by the private sector. The uptake of digital identity solutions in the private sector will therefore be better served by voluntary uptake and the support of the EU and Member States for voluntary initiatives, especially when guided by broad stakeholder involvement. **The eIDAS proposal should not include any mandate for using digital identity tools in the private sector.**

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