



4.3.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0871/2023 by Johannes Saalfeld (German) on equal access to digital public services for EU citizens residing in another EU Member State**

### 1. Summary of petition

According to the petitioner, EU citizens legally residing in another EU Member State often lack access to public digital services due to the alleged denial of necessary access conditions for the use of electronic services, which is contrary to the prohibition of discrimination laid down in Article 18 of the Treaty on the Functioning of the European Union. The petitioner, a German citizen residing in Portugal, states that after completing the official registration process, he was not issued with a 'Resident Card'. According to the petitioner, EU citizens cannot obtain a 'Resident Card' in Portugal, but instead received a paper-based document called 'Certificado do Registo de Cidadão da UE'. However, a 'Resident Card', similar to the 'Citizen Card' for national citizens, functions as an ID card with electronic identification capabilities and is essential for accessing electronic government services, including online registration or online establishment of businesses. In addition, Portuguese businesses also require the 'Citizen Card' or 'Resident Card' for their electronic services, such as opening a bank account online. The petitioner adds that the fact that the Portuguese authorities allegedly issue 'Resident Cards' to non-EU nationals with a residence permit in Portugal underlines that there is no valid reason for the unequal treatment of EU and national citizens, since Portugal treats non-EU and national citizens equally in this respect. The petitioner asks the European Parliament to call on all Member States to ensure that all EU citizens who are legally resident and can prove their residence in an EU Member State have the same access to electronic services provided by public authorities as national citizens of the same EU Member State.

### 2. Admissibility

Declared admissible on 6 December 2023. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 4 March 2024

#### **Commission's observations**

In 2014, the eIDAS (electronic Identification, Authentication and trust Services) Regulation established a legal framework for the mutual recognition of national electronic identification means in the EU to facilitate access to cross-border online public services.

In particular, the eIDAS Regulation lays down the requirements for the mutual recognition of electronic identification means (Article 6), the eligibility conditions for the notification of electronic identification schemes (Article 7) and their level of assurance (Article 8). However, Member States are free to determine in their national rules the conditions for issuing their electronic identification means and the conditions for accessing their online services in accordance with recital 14 of the eIDAS Regulation.

Consequently, in this specific case of petitioner, Portugal is free to decide, according to national legislation, the conditions for access to eID means and to the online public services provided by the Portuguese administration. For instance, Portugal is free to decide to grant German and other EU citizens only a paper-based document called "Certificado do Registo de Cidadão da UE" and not a "Resident Card").

In this connection, according to Article 6 of the eIDAS Regulation, *“where electronic identification using an electronic identification means and authentication is required under national law or administrative practice to access an online service provided by a public sector body in one Member State, the electronic identification means issued in another Member State shall be recognised in the first Member State for the purpose of cross-border authentication for that online service (...)”*. Therefore, as a German citizen, you are entitled to access a Portuguese online service using your German electronic identification means if (1) electronic identification and authentication are required under Portuguese national law or administrative practice to access an online service provided by a public sector body and (2) your German electronic identification means fulfils the conditions set out in Article 6 (1) of the eIDAS Regulation.

#### **Conclusion**

At this link it can be found an overview of the pre-notified and notified eID schemes under the eIDAS Regulation: [Overview of pre-notified and notified eID schemes under eIDAS](#). That this will not change under the ongoing revision of the eIDAS Regulation which is close to adoption. While national eID schemes will continue to be eligible for notification, the main novelty under the new Regulation will be that all EU Member States will have to make available so-called EU Digital Identity Wallets, based on harmonised standards and under a national eID scheme.