

European passport and travel documents: standards for security features and biometrics

2007/0216(COD) - 14/01/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 594 votes to 51 with 37 abstentions, a legislative resolution amending the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States.

The report had been tabled for consideration in plenary by Carlos **COELHO** (EPP-ED, PT) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

The amendments were the result of a compromise between Parliament and Council and substantially follow the amendments made in committee. The main amendments - adopted under 1st reading of the codecision procedure - were as follows:

Children under the age of 12 years: children under the age of 12 years (rather than 6) must be exempt from the requirement to give fingerprints. The age limit of 12 years is provisional. The Commission's report referred to below shall contain a review of the age limit, if necessary accompanied by a proposal to amend the age limit. Member States which in their national law provide for an age limit below 12 years may apply that limit during a transitional period until 4 years after entry into force of the Regulation. However, the age limit in the transitional period may not be below 6 years of age.

Not later than 3 years after entry into force of the Regulation, the Commission shall submit a report based on a large scale and in-depth study carried out by an independent authority and supervised by the Commission, which shall examine the reliability and technical feasibility, including through an evaluation of the accuracy of the systems in operation, of using the fingerprints of children under the age of 12 for identification and verification purposes, including a comparison of the false rejection rates occurring in each Member State and - based on the results of that study - an analysis of the need for common rules regarding the matching process. If necessary, the report shall be accompanied by proposals to adapt the Regulation.

Children travelling alone: the Commission shall present a report on the requirements for children travelling alone or accompanied, crossing the external borders of the Member States not later than 3 years after entry into force of the Regulation, and propose, if necessary, appropriate initiatives in order to ensure a common approach regarding the rules on the protection of children crossing the external borders of the Member States.

Fingerprints: passports and travel documents shall include a highly secure storage medium which shall contain a facial image. Member States shall also include two fingerprints taken flat in interoperable formats. The data shall be secured and the storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data.

Furthermore, where fingerprinting of the designated fingers is temporarily impossible, Member States shall allow the fingerprinting of the other fingers. Where it is also temporarily impossible to take fingerprints of any of the other fingers, they may deliver a temporary passport having a validity of 12 months or less.

Respect for human rights: Members stated that the biometric identifiers shall be taken by qualified and duly authorised staff of the national authorities responsible for issuing passports and travel documents.

The collection of biometric identifiers from the applicant must respect the rights laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child. Appropriate procedures guaranteeing the dignity of the person concerned must be in place in the event of there being difficulties in enrolling.

Additional technical specifications: in accordance with international standards, including in particular the recommendations of the International Civil Aviation Organisation, additional technical specifications for passports and travel documents relating to the following must be established in accordance with the relevant comitology procedure:

- additional security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards;
- technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access;
- requirements for quality and common technical standards for the facial image and the fingerprints.

Application: the Regulation will apply

- as regards the facial image: at the latest 18 months;
- as regards fingerprints: at the latest 36 months following the adoption of the measures referred to above. However, the validity of passports and travel documents already issued shall not be affected.

Use of the data: biometric data shall be collected and stored in the storage medium of passports and travel documents with a view to delivering such documents. For the purpose of this Regulation the biometric features in passports and travel documents shall only be used for verifying: the authenticity of the document; and the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law.

The checking of the additional security features shall be carried out without prejudice to Article 7(2) of Regulation (EC) No 562/2006 (Schengen Borders Code). The failure of the matching in itself shall not affect the validity of the passport for the purpose of the crossing of external borders.

Breeder documents: a joint Statement by the European Parliament and the Council concerning the need to increase the security of passports and travel documents by using secure breeder documents is appended to the resolution. It underlined that the objective of enhancing the security of passports may be undermined if passports are issued on the basis of unreliable "breeder documents". The passport in itself is only one link of a security chain starting from the presentation of the breeder documents, to the enrolment of biometric data and ending with the matching at the border check points. This chain will only be as secure as its weakest link. The Council will must prepare a questionnaire for the Member States in order to be able to compare the procedures and which documents are required in each Member State in order to issue a passport or travel document. This analysis should assess the possible need for the creation of common principles or guidelines on best practice in this area.

Issuing of passports and travel documents as individual documents: this will be implemented at the latest 3 years after entry into force of the legislation. However, the initial validity for the holder of the document shall not be affected.

