Residence permits: uniform format, biometric identifiers

2003/0218(CNS) - 18/04/2008 - Final act

PURPOSE: to amend Council Regulation 1030/2002/EC and integrate biometric identifiers into the uniform format for residence permits for third country nationals.

LEGISLATIVE ACT: Council Regulation (EC) No 380/2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

CONTENT: the purpose of this Regulation is solely to set the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals.

It is essential that the uniform format for residence permits should contain all the necessary information and meet very high technical standards, in particular as regards safeguards against counterfeiting and falsification and prevent and fight against illegal immigration and illegal residence.

Biometric identifiers: for the purposes of this Regulation, the biometric features in residence permits shall only be used for verifying:

(a) the authenticity of the document;

(b) the identity of the holder by means of directly available comparable features when the residence permit is required to be produced by national legislation.

The uniform format for residence permits will include a storage medium containing **the facial image and two fingerprints images of the holder**, both in interoperable formats. The data will be secured and stored, and the integrity, the authenticity and the confidentiality of the data will be guaranteed.

The capture of fingerprints is **compulsory as of six years of age**. Persons for whom fingerprinting is physically impossible shall be exempt from the requirement to give fingerprints.

Where Member States use the uniform format for purposes other than those covered by this Regulation, appropriate measures must be taken to ensure that confusion with the residence permit is not possible and the purpose is clearly indicated on the card.

Technical specifications: the technical specifications for the capture of biometric identifiers shall be set out in accordance with the procedure described in the text, and with International Civil Aviation Organisation (ICAO) standards and the technical specifications for passports issued by Member States to their nationals.

The Regulation notes that it only lays down specifications that are not secret. However, these specifications need to be supplemented by further specifications which may remain **secret** in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data. In that case they shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission.

Powers to adopt such supplementary specifications should be conferred on the Commission, which should be assisted by the Committee established by Council Regulation (EC) No 1683/95 laying down a uniform format for visas.

It should also be noted that Member States may also store data for e-services such as e-government and e-business as well as additional provisions relating to the residence permit on a chip.

Treatment and data security: in accordance with Parliament's wishes, the data shall be secured and the storage medium shall be of sufficient capacity and capability to guarantee the integrity, authenticity and confidentiality of the data. With regard to the personal data to be processed in the context of the uniform format for residence permits, Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies. It must be ensured that no further information is stored on the uniform format for residence permits unless provided for in Council Regulation (EC) No 1030/2002.

Territorial provisions: Denmark does not take part in the adoption of this Regulation, and is therefore not bound by it or subject to its application (it could however decide to adopt this Regulation at a later stage). Ireland gave notice, by letter of 19 December 2003, of its wish to take part in the adoption and application of this Regulation. Switzerland is also associated with this Regulation.

ENTRY INTO FORCE: 19.05.2008.

IMPLEMENTATION: the storage of the facial image as primary biometric identifier shall be implemented at the latest two years, and the storage of the two fingerprint images at the latest three years, after the adoption of the respective technical measures provided for in the Regulation.

However, the validity of residence permits already issued shall not be affected by the implementation of this Regulation, unless the Member State concerned decides otherwise.

For a transitional period of two years after the adoption of the technical specifications for the facial image, the residence permit may continue to be issued in sticker form.