

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

2007/0216(COD) - 28/05/2009 - Final act

PURPOSE: to amend Council Regulation (EC) No 2252/2004 in order to define exceptions for children under the age of six years and certain persons who are physically unable to give fingerprints for travel documents.

LEGISLATIVE ACT: Regulation (EC) No 444/2009 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.

CONTENT: the adoption of this Regulation aims to update Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents (see [CNS/2004/0039](#)). The latter does not provide for any derogation with regard to the obligation to give fingerprints. However, experience from tests showed that the fingerprints of children under the age of 6 seemed not to be of a sufficient quality for one-to-one verification of identity. Furthermore, they are subject to significant changes which make it difficult to check them during the entire period of validity of the passport or travel document.

Following a first reading agreement, the adopted Regulation amends Regulation (EC) No 2252/2004 in order to **exempt** from the requirement to give fingerprints:

- **children under the age of 12 years;** and
- persons where fingerprinting is physically impossible.

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 issue a temporary passport having a validity of 12 months or less.

The harmonisation of exceptions to the general obligation to provide fingerprints is essential in order to maintain common security standards and with a view to simplifying border controls.

The age limit of 12 years is provisional. The Commission must report by 26 June 2012 with a review of the age limit, if necessary accompanied by a proposal to amend the age limit. Member States which, in their national law adopted before 26 June 2009 provide for an age limit below 12 years may apply that limit during a transitional period until 26 June 2013. However, the age limit during the transitional period may not be below 6 years of age.

Assessment report: in addition to the aforementioned elements on the study of the relevance of fingerprints on passports for children under the age of 12 years, the Commission shall, not later than 26 June 2012, 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.

That report shall also assess the requirements for children travelling alone or accompanied, crossing the external borders of the Member States and propose, if necessary, appropriate initiatives in order to ensure a common approach regarding the rules for the protection of children crossing the external borders of the Member States.

One person-one passport: the Regulation also introduces the principle of “one person-one passport”, as recommended by the International Civil Aviation Organisation (ICAO), in order to render passports and travel documents more secure and establish a more reliable link between the holder and the passport or travel document, thus making an important contribution to ensuring that passports and travel documents are protected against fraudulent use.

Additional technical specifications: other than the fact that passports shall include a highly secure storage medium which shall contain a facial image and two fingerprints, additional specifications should be added as recommended by the International Civil Aviation Organisation regarding: (i) enhanced anti-forgery, counterfeiting and falsification standards; (ii) technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access; (iii) requirements for quality and common technical standards for the facial image and the fingerprints.

Territorial provisions: Norway, Iceland, Switzerland and Liechtenstein shall be associated with the implementation of the Regulation pursuant to the bilateral agreements concluded with the EU on the Schengen acquis. The United Kingdom and Ireland shall not participate in the adoption of the text, pursuant to the protocol annexed to the EU Treaty and subsequent decisions. For the same reasons, Denmark shall not participate in the adoption of the text but may decide within a period of 6 months if it will transpose or not this text into its national law.

ENTRY INTO FORCE: 26 June 2009.

APPLICATION: the Regulation provides for a differentiated application according to the integration of the technical specifications. In principle, the establishment of a biometric passport shall take place by 26 June 2012, unless there are specifications to the contrary. Nevertheless, the validity of previously issued passports and travel documents will not be affected.