

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

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OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on 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.

On 18 October 2007, the European Commission submitted a Proposal for a Regulation aiming at amending Regulation (EC) No 2252/2004. The European Data Protection Supervisor (EDPS) was not consulted about this proposal, despite the Commission's legal obligation to do so. Therefore, the EDPS has decided to issue an opinion at his own initiative.

In view of harmonising exceptions to the biometrics passport, the proposal has added the following measures: (i) children under the age of 6 years are exempted from the obligation to give fingerprints; and (ii) persons who are physically unable to give fingerprints should be also exempted from this requirement. Additionally the proposal introduces the obligation of 'one person one passport' which is described as a supplementary security measure and additional protection for children.

The EDPS also welcomes the introduction of **exemptions based on the age of the person or his/her ability to give fingerprints**, as well as the effort to adopt a coherent approach in different instruments dealing with similar issues. However, the EDPS still considers these exemptions unsatisfactory, as they fail to address all the possible and relevant issues triggered by the inherent imperfections of biometric systems, and more specifically those related to children and the elderly.

The EDPS considers that the age limit for children should be defined by a **consistent and in-depth study** which is to identify properly the accuracy of the systems obtained under real conditions, and to reflect the diversity of the data processed. This study should be executed by a European institution with clear expertise and adequate facilities in this field. Before the age limit is defined by the study and in order to avoid any hazardous implementation, the provisional limit should correspond to those already adopted for large populations, either in the Eurodac system or the US Visit programme (age of 14 years), or be slightly lower since only in the context of a verification process. An age limit for elderly, which can be based on similar experiences (US Visit: age 79), should be introduced as an additional exemption. Such exemptions should in no case stigmatise or discriminate the individuals concerned. Moreover, the principle of 'one person-one passport' should be applied only to children above the relevant age limit.

In view of the existing diversity under national laws as to documents required for the issuing of passports, the Commission should propose additional measures to harmonise the production and the use of such 'breeder' documents. The Commission should also propose further **harmonisation measures** in order to implement only the decentralised storage of biometric data collected for Member States' passports.

Lastly, the Commission should propose common rates for the enrolment and matching process completed by fallback procedures together with the Member States' authorities.