Security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members

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PURPOSE: to strengthen the security standards applicable to identity cards and to residence documents issued by Member States to Union citizens and their family members respectively.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: of twenty-six EU Member States that issue identity cards to their nationals, identity card ownership is compulsory in 15 Member States. Such cards can be used by EU citizens as travel documents, both when travelling within the EU and also to enter the EU from non-EU countries. Moreover, Member States have agreements with a number of third countries allowing EU citizens to travel using their national identity cards.

In line with Directive 2004/38/EC, mobile citizens and their family members, who are not nationals of a Member State, also receive documents proving their residence in their host Member State. While these residence documents are not travel documents, residence cards for those family members of mobile EU citizens, who themselves are not nationals of a Member State, used together with a passport grant the holder the right to enter the EU without a visa when they accompany or join an EU citizen.

Forgery of documents or false representation of material facts concerning the conditions attached to the right of residence have been identified as the most relevant case of fraud in the context of the Directive.

Against this background, it is crucial that the EU and especially the Member States intensify efforts to **improve the security of documents** issued to EU citizens and their third-country national family members. This is a key element in the fight against terrorism and organised crime and building genuine Security Union.

This proposal for a Regulation is part of the action plan of December 2016 to strengthen the European response to travel document fraud, in the context of recent terrorist attacks in Europe. Council conclusions subsequently endorsed the objectives of that action plan.

IMPACT ASSESSMENT: the impact assessment considered a number of options for identity cards and residence documents compared with the status quo. The preferred option involves setting minimum security standards for identity cards and minimum common requirements for residence documents issued to EU citizens, and to ensure the use of the common uniform format for residence permits for third-country nationals who are family members of EU citizens.

CONTENT: the proposal for a regulation aims at strengthening the security of: (a) **identification cards** of EU citizens, (b) **registration certificates** issued to Union citizens residing for more than three months in a host Member State and (c) **residence cards** issued to family members of Union citizens who are not nationals of a Member State. The main points are as follows:

General requirements: these include minimum security features that national identity cards must meet. They draw on the specifications in ICAO document 9303. These ICAO specifications are common to machine-readable travel documents and ensure global interoperability when these documents are verified using visual inspection and machine-readable means.

Making biometric data mandatory for those countries with ID cards: EU citizens' ID cards (for those older than 12 years) and non-EU family members' residence cards will now include biometric data, namely fingerprints and facial images, stored on a chip in the cards. This will be accompanied with stronger safeguards on who can access the biometrics.

Phasing out period: the proposal provides for a **five-year** phasing out period of previous formats, except for cards that are not machine-readable, which will have to be phased out within **two years** from the date of application of the Regulation. These phasing out periods allow the EU and its Member States to fill the existing security gap for identity cards as quickly as possible, while also taking into account interoperability requirements if identity cards do not meet the standards set in ICAO document 9303 part 3 on machine readability.

Common provisions are set out for the three types of documents. In addition, Member States must designate **contact points** for the implementation of the Regulation. The Commission, for its part, will establish a **detailed programme for monitoring** the outputs, results and impacts of the regulation.

Lastly, the proposal sets out the **data protection framework** and specifies data protection safeguards.