European passport: standards for security features and biometrics elements

2004/0039(CNS) - 18/02/2004 - Legislative proposal

PURPOSE : to introduce harmonised security features and biometrics on EU citizens' passports. PROPOSED ACT : Council Regulation CONTENT : This proposal is one of those which follow the Thessaloniki European Council's call for a coherent approach on biometric identifiers for documents for third country nationals, EU citizen's passports and information systems (VIS and SIS II). The first step has already been realised with two proposals on the integration of biometric identifiers into the visa and the residence permit for third country nationals. This proposal forms the second step. It aims to render the passport more secure by a legally binding instrument on minimum standards for harmonised security features and at the same time to establish a reliable link between the genuine holder and the document by introducing biometric identifiers. This will also allow EU Member States to meet the requirements of the US Visa waiver programme in conformity with international standards. The first biometric identifier, the high-resolution electronic portrait, is already available in most passports. At borders, the electronic record could be used to display the image on the screen as well as the additional visual check, even if facial recognition technology is not applied. This would constitute a basic application of the digital photograph. A more advanced application would be the use of facial recognition systems with the digital photograph. This would require the availability of the necessary technology and equipment at the border crossing-point. The Commission leaves the choice to Member States whether they wish to display only the photo on the screen or run a facial recognition programme. The quality standards for the digital photograph set out by ICAO should be respected in order to ensure interoperability. The Commission leaves the choice of technology to Member States. The second biometric identifier, the storage of fingerprints, either on the storage medium and/or in a national database is left at the discretion of Member States. However, if they register fingerprints it should be in interoperable formats, as it would enable possible use via bilateral agreements between Member States. The access to such fingerprints could be administered by the introduction of Public/Private Key Infrastructure. In relation to the use of biometrics, the following technical requirements seem to be necessary: - Storage medium. For the time being, the most appropriate storage medium is a contactless microchip. - Enrolment equipment. Member States have to install enrolment equipment in the place where the data will be produced. - Verification systems. These have to be installed at border posts. Such equipment should be shared to achieve the verification of visas and acquired in the framework of the setting up of the VIS system provided that the implementation of biometrics is decided upon for the VIS. Implementing powers as regards the regulation are conferred on the Committee created by Article 6 of Regulation 1683/95 laying down a uniform format for visas. Directive 95/46/EC on data protection applies to the processing of personal data -including biometric data- by Member States' authorities within the scope of Community law. In accordance withthe Directive, Member States have established supervisory authorities that are responsible for the monitoring of the application of the provisions adopted pursuant to Directive 95/46/EC. However, the supervisory authorities have a particular lack of resources. Therefore, the Commission emphasizes that measures aiming to reinforce public security must respect the fundamental rights and freedoms of the persons concerned. This implies in this context the increase of personnel in the national data protection supervisory authorities in order to ensure effective supervision and the choice of technologies, which comply with the provisions of Directive 95/46/EC. This proposal goes on to discuss the creation of a centralised European register of issued passports (and possibly other documents used for travel purposes) in a long-term perspective. Finally, the Regulation will constitute a development of provisions of the Schengen acquis. The United Kingdom and Ireland are not bound by it or subject to its application. The position of Denmark, Norway and Iceland are all discussed in the proposal.