




Basic information	
<b>2004/0039(CNS)</b> CNS - Consultation procedure Regulation	Procedure completed
European passport: standards for security features and biometrics elements  Amended by <a href="#">2007/0216(COD)</a>  <b>Subject</b>  7.10.02 Schengen area, Schengen acquis	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">LIBE</span>	Civil Liberties, Justice and Home Affairs	COELHO Carlos (PPE-DE)	26/07/2004
	<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">LIBE</span>	Citizens' Freedoms and Rights, Justice and Home Affairs	SØRENSEN Ole B. (ELDR)	19/02/2004
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	General Affairs		2630	2004-12-13
	Justice and Home Affairs (JHA)		2626	2004-12-02
	Justice and Home Affairs (JHA)		2588	2004-06-08
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Justice and Consumers			

Key events			
Date	Event	Reference	Summary
18/02/2004	Legislative proposal published	COM(2004)0116 	Summary
08/03/2004	Committee referral announced in Parliament		
08/06/2004	Debate in Council		Summary

16/09/2004	Committee referral announced in Parliament		
25/10/2004	Vote in committee		<a href="#">Summary</a>
28/10/2004	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0028/2004</a>	
01/12/2004	Debate in Parliament		
02/12/2004	Decision by Parliament	<a href="#">T6-0073/2004</a>	<a href="#">Summary</a>
02/12/2004	Results of vote in Parliament		
02/12/2004	Debate in Council		
13/12/2004	Act adopted by Council after consultation of Parliament		
13/12/2004	End of procedure in Parliament		
29/12/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2004/0039(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by <a href="#">2007/0216(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/21182 LIBE/5/20743

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0028/2004</a>	28/10/2004	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0073/2004</a> OJ C 208 25.08.2005, p. 0019-0050 E	02/12/2004	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Supplementary legislative basic document	<a href="#">15139/2004</a>	24/11/2004	<a href="#">Summary</a>	
<b>European Commission</b>				
Document type	Reference	Date	Summary	

Legislative proposal	<a href="#">COM(2004)0116</a> 	18/02/2004	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2005)239</a>	19/01/2005	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

Final act	
<a href="#">Regulation 2004/2252</a> <a href="#">OJ L 385 29.12.2004, p. 0001-0006</a>	<a href="#">Summary</a>

## European passport: standards for security features and biometrics elements

2004/0039(CNS) - 08/06/2004

The Mixed Committee gave political guidance on standards for security features and biometrics in EU citizens' passports. The Committee broadly agreed that the EU citizens' passports should contain a first mandatory biometric identifier, a facial identifier and an optical one, in principle fingerprints.

## 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 with the 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.

## European passport: standards for security features and biometrics elements

2004/0039(CNS) - 13/12/2004 - Final act

PURPOSE: To lay down standards for security features and biometrics in passports and travel documents issued by the Member States.

LEGISLATIVE ACT: Council Regulation 2252/2004/EC.

CONTENT: Minimum security standards for passports were introduced by a Resolution of the representatives of the Governments of the Member States, meeting within the Council, on 17 October 2000. It is now appropriate to upgrade this Resolution by a Community measure in order to achieve enhanced harmonised security standards for passports and travel documents to protect against falsification. At the same time biometric identifiers should be integrated in the passport or travel document in order to establish a reliable link between the genuine holder and the document.

This Regulation is limited to the harmonisation of the security features including biometric identifiers for the passports and travel documents of the Member States. The designation of the authorities and bodies authorized to have access to the data contained in the storage medium of documents is a matter of national legislation, subject to any relevant provisions of Community law, European Union law or international agreements.

This Regulation only lays down such specifications that are not secret. These specifications need to be supplemented by specifications which may remain secret in order to prevent the risk of counterfeiting and falsifications. Such additional technical specifications will be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

In order to ensure that the information referred to is not made available to more persons than necessary, each Member State will designate no more than one body having responsibility for producing passports and travel documents, with Member States remaining free to change the body, if need be. For security reasons, each Member State will communicate the name of the competent body to the Commission and the other Member States.

The minimum security standards with which passports and travel documents issued by Member States

shall comply are set out in the Annex.

Passports and travel documents shall include a storage medium which shall contain a facial image. Member States shall also include fingerprints in interoperable formats. The data shall be secured and the storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data.

This Regulation applies to passports and travel documents issued by Member States. It does not apply to identity cards issued by Member States to their nationals or to temporary passports and travel documents having a validity of 12 months or less.

Additional technical specifications for passports and travel documents relating to the following shall be established in accordance with the procedure referred to in Article 5(2) of the Regulation:

- additional security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards;
- technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access;
- requirements for quality and common standards for the facial image and the fingerprints.

ENTRY INTO FORCE: 18/01/2005.

## European passport: standards for security features and biometrics elements

2004/0039(CNS) - 02/12/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Carlos COELHO (EPP-ED, PT) and made some amendments to the Commission's proposal. The resolution was adopted by 471 votes in favour to 118 against and 6 abstentions:

- a new clause states that the biometric data in passports should be used only for verifying the authenticity of the document as well as the identity of the holder by means of directly available comparable features

when the passport is required to be produced by law;

- Parliament specified that no central database of European Union passports and travel documents containing all EU passport holders' biometric and other data should be set up;

- the storage medium may be used only by the competent authorities of the Member States for reading, storing, modifying and erasing data, and by authorised bodies entitled by law to read the data for reading the data;

- each Member State must maintain a register of the competent authorities and authorised bodies. It must communicate that register and, if necessary, regular updates to the Commission, which must maintain an up-to-date online compilation of the national registers.

With regard to the additional technical specifications referred to in the draft regulation, Parliament stated that the Commission must forward its draft decision on the additional technical specifications to the European Parliament which may, within a period of three months, adopt a resolution opposing that draft decision.

The application of the Regulation is contingent on the certification by national data protection authorities that they have adequate investigative powers and resources to enforce Directive 95/46/EC in relation to data collected under it.

Finally, Parliament wanted the deadline for implementing the regulation to be extended to 18 months (instead of one year) after the approval of the technical requirements for the passports at the latest.

## European passport: standards for security features and biometrics elements

2004/0039(CNS) - 24/11/2004 - Supplementary legislative basic document

This Council Regulation is being proposed in response to a call from the Council of Thessaloniki seeking a coherent approach to EU biometric identifiers or biometric data for documents for third country nationals, EU citizens passports and information systems (VIS and SIS II). The Council recalls that minimum security standards for passports were introduced by a Resolution of the Member States in October 2000. The Resolution, however, needs to be updated and the most appropriate step would be through a Community measure. At the same time as updating the Resolution, the Council is seeking the introduction of biometric elements in passports in order to establish a reliable link between the genuine holder and the document. In accordance with the Schengen Agreement, this Regulation will apply neither to the United Kingdom nor Ireland. Denmark will decide within six months whether or not it wishes to participate in the programme.

The main elements of the proposal include the following features and provisions:

- The Regulation is limited to the harmonisation of security features, including biometric identifiers for the passports and travel documents of the Member States.
- The Regulation will only lay down specifications that are not secret.
- Member States will designate one authority responsible for producing passports and travel documents.
- The passports and travel documents will include a storage medium containing a facial image as well as fingerprints in interoperable formats.
- The Regulation will only apply to passports and travel documents issued by the Member States. It will not apply to ID cards or temporary passports.
- The new documents must have additional security features which include anti-forgery, counterfeiting and falsification standards; technical specifications for the storage of medium biometric information and its security including the prevention of unauthorised access and requirements for quality and common standards for the facial image and fingerprints.
- The biometric features used in the passports and travel documents may only be used for verifying the authenticity of the document and the identity of the holder by means of directly available comparable features.
- The Commission will be assisted by a Committee. The Regulation must be applied by the Member States at the latest 18 months following its adoption as regards the facial image and at the latest 36 months as regards fingerprints. The validity of passports and travel documents already issued shall not be affected.
- Lastly, an Annex is attached to the proposal which lays down the minimum level of security that Member States' passports and travel documents are required to provide.