

Basic information	
2024/0187(CNS)  CNS - Consultation procedure Regulation	Procedure completed, awaiting publication in Official Journal
Security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members	
<b>Subject</b>  1.20.09 Protection of privacy and data protection 7.30.09 Public security	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	AZMANI Malik (Renew)	21/11/2024
		Shadow rapporteur  TEODORESCU MÂWE Alice (EPP)  ASSIS Francisco (S&D)  VANNACCI Roberto (PfE)  KANKO Assita (ECR)  STROLENBERG Anna (Greens/EFA)  GALÁN Estrella (The Left)	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REYNDERS Didier	

Key events			
Date	Event	Reference	Summary
23/07/2024	Legislative proposal published	COM(2024)0316	Summary
21/10/2024	Committee referral announced in Parliament		
24/03/2025	Committee report tabled for plenary, 1st reading/single reading	A10-0041/2025	
02/04/2025	Decision by Parliament	T10-0056/2025	Summary

02/04/2025	Results of vote in Parliament		
12/06/2025	Act adopted by Council after consultation of Parliament		

Technical information	
Procedure reference	2024/0187(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 077-p3
Stage reached in procedure	Procedure completed, awaiting publication in Official Journal
Committee dossier	LIBE/10/00775

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE766.606	19/11/2024	
Amendments tabled in committee		PE766.918	31/01/2025	
Committee report tabled for plenary, 1st reading/single reading		A10-0041/2025	24/03/2025	
Text adopted by Parliament, 1st reading/single reading		T10-0056/2025	02/04/2025	<a href="#">Summary</a>
Council of the EU				
Document type	Reference		Date	Summary
Supplementary legislative basic document	16877/2024		20/12/2024	<a href="#">Summary</a>
European Commission				
Document type	Reference		Date	Summary
Legislative proposal	COM(2024)0316 		23/07/2024	<a href="#">Summary</a>
Commission response to text adopted in plenary	SP(2025)06		11/06/2025	
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_CHAMBER	COM(2024)0316	03/10/2024	

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

2024/0187(CNS) - 23/07/2024 - Legislative proposal

**PURPOSE:** to strengthen the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement.

**PROPOSED ACT:** Council Regulation.

**ROLE OF THE EUROPEAN PARLIAMENT:** the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

**BACKGROUND:** on 17 April 2018, the Commission adopted, on the basis of Article 21(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement.

On the basis of that proposal, Parliament and the Council adopted [Regulation \(EU\) 2019/1157](#) which has been in application since 2 August 2021.

In case Landeshauptstadt Wiesbaden, the Court of Justice ruled that Regulation (EU) 2019/1157 is invalid due to it having been adopted erroneously on the basis of Article 21(2) TFEU and under the ordinary legislative procedure.

While declaring Regulation (EU) 2019/1157 invalid, the Court ruled that the “effects of Regulation 2019/1157 are to be maintained until the entry into force, within a reasonable period which may not exceed two years from 1 January of the year following the date of delivery of the present judgment, of a new regulation based on Article 77(3) TFEU and intended to replace it”.

**CONTENT:** this proposal essentially reproduces the text of Regulation (EU) 2019/1157 as adopted by the Parliament and the Council. Nevertheless, the Commission considers that it is appropriate to adapt the text in certain minor aspects:

- the new legal basis of the Regulation is **Article 77(3)TEU** (special legislative procedure – Parliament's consultation) to take account of the ruling in Landeshauptstadt Wiesbaden;
- the suppression, in the recitals of the regulation, of references to policy documents adopted several years ago;
- the suppression of the explicit reference in the recitals to the passport card issued by Ireland, given that Ireland is not taking part in the adoption of the regulation unless it notifies that it wishes to take part in its adoption and application;
- the inclusion in the recitals of the regulation of a reference to the fact that the Court of Justice has ruled that the mandatory inclusion of fingerprints on the storage medium is compatible with the fundamental rights to respect for private life and to protect personal data;
- the adaptation of the recital on the phasing-out of documents not complying with the requirements of the regulation to reflect the fact that the deadlines established by Regulation (EU) 2019/1157 should continue to apply;
- the addition of recitals to reflect the respective opt-outs of Ireland and Denmark;
- a new consultation of the European Data Protection Supervisor will be carried out;
- a provision according to which certain residence cards of family members of Union citizens who are not nationals of a Member State ceased to be valid at their expiry or by 3 August 2023;
- adaptation of Article 11(6) of Regulation (EU) 2019/1157 to state that only fingerprints may be consulted exclusively by duly authorised staff of the competent national authorities and EU authorities and Union agencies;
- reducing reporting obligations for Member State authorities, the obligation to maintain, and communicate annually to the Commission, a list of the competent authorities with access to the biometric data stored on the storage medium is removed;
- reducing reporting obligations for Member State authorities, the rules on reporting and evaluation are streamlined. Instead of evaluating the regulation every six years, a single evaluation will be carried out by the Commission six years after the regulation enters into force, specifically focusing on a number of elements falling within the scope of the regulation.

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

2024/0187(CNS) - 20/12/2024 - Supplementary legislative basic document

Coreper 2 reached an **agreement in principle** on the draft Council Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement, with a view to consulting the European Parliament.

The proposed Regulation seeks to strengthen the security standards applicable to identity cards issued by Member States to their nationals and to residence documents issued by Member States to Union citizens and their family members when exercising their right to free movement.

The main adaptations introduced in the draft regulation concern the following points:

#### **Scope**

The regulation will apply to identity cards issued by Member States to their own nationals. It should not apply to identification documents issued on a provisional basis and valid for six months or less.

#### **National identity cards**

Identity cards will incorporate a highly secure storage medium containing biometric data, namely a facial image of the holder of the card and two fingerprints, in interoperable digital formats.

#### **Collection of biometric identifiers, data protection**

The biometric identifiers will be collected solely by qualified and duly authorised staff designated by the authorities responsible for issuing identity cards or residence cards, for the purpose of being integrated into the highly secure storage medium for identity cards and residence cards.

The facial image of the holder stored in the storage medium of identity cards and residence documents will only be **accessed by duly authorised staff** of competent national authorities, Union agencies and private entities and in compliance with Union data protection law for the purposes of verifying:

- the authenticity of the identity card or residence document;
- the identity of the holder by means of directly available comparable features where the identity card or residence document is required to be produced by law.

Access to the facial image by private entities will also require the **consent of the holder**, unless access regardless of consent is strictly necessary and provided for by Union or national law in compliance with Union data protection law.

The facial image accessed will not be **retained** unless its further processing is necessary and is provided for by Union or national law, in compliance with Union data protection law.

The retention of facial images should remain limited to the purposes of verifying the authenticity of the document or the identity of the holder. Furthermore, facial images should not be retained for longer than necessary for those purposes; they should be deleted as soon as those purposes have been achieved and they should not be transferred to third countries or international organisations unless permitted by Union data protection law.

Those safeguards are intended to ensure an appropriate level of protection of facial images without prohibiting their use for the benefit of the holder of the document, in particular in the context of cross-border travel.

Lastly, the verification of the **fingerprints** stored on the storage medium should only be carried out by duly authorised staff of competent national authorities and Union agencies and only when the document is required to be produced by Union or national law. The fingerprints accessed for this purpose should not be retained.

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

2024/0187(CNS) - 02/04/2025 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 377 votes to 279, with 16 abstentions, following a special legislative procedure (consultation), a legislative resolution on the proposal for a Council regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement.

Parliament approved the Commission's proposal subject to the following amendments:

#### **Security standards/format/specifications**

The proposal provides that data elements included on identity cards will comply with the specifications set out in part 5 of ICAO document 9303. An amendment clarifies that where a Member State includes a person's gender on a document covered by this Regulation, the specifications of ICAO Document 9303 'F', 'M' or 'X' or the corresponding single initial used in the official language or languages of that Member State will be used, as appropriate.

#### **Collection of biometric identifiers**

According to the proposal, biometric identifiers stored for the purpose of personalisation of identity cards or residence documents will be kept in a highly secure manner and only until the date of collection of the document and, in any case, no longer than 90 days from the date of issue. Members considered that the processing of those data for other purposes will be subject to the limitations and conditions provided for in national law or Union data protection law.

#### ***Protection of personal data and liability***

Member States will ensure that all external providers comply with Union and national data protection law, and appropriate measures will be adopted to prevent any unauthorised access or misuse of personal data during outsourced processes.

Furthermore, facial images stored on the storage medium of identity cards and residence documents will only be accessed by **duly authorised staff** of competent national authorities, Union agencies and private entities for the purpose of verifying the authenticity of the document and the identity of the holder.

Access to the facial image by private entities will also require the consent of the holder, unless access regardless of consent is strictly necessary and provided for by Union or national law in compliance with Union data protection law.

#### ***Evaluation***

The Commission will report on the implementation of the regulation **two years and eleven years** after its entry into force, including on the adequacy of the level of security provided, taking into account its impact on fundamental rights and data protection principles.