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A8-0436/ 001-065

AMENDMENTS 001-065

by the Committee on Civil Liberties, Justice and Home Affairs

Report

Gérard Deprez

A8-0436/2018

Strengthening the security of identity cards and of residence documents issued to Union citizens

Proposal for a regulation (COM(2018)0212 – C8-0153/2018 – 2018/0104(COD))

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
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

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on identity cards of Union citizens and
residence documents issued to Union
citizens and their family members
exercising their right of free movement

Amendment 2

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Considerable differences exist between the security levels of national identity cards issued by Member States and residence permits for EU nationals residing in another Member State and their family members, which increases the risk of falsification and document fraud and gives rise to practical difficulties for citizens when they wish to exercise their right to free movement. European Document Fraud Risk Analysis Network Statistics show that incidents of fraudulent European ID Cards have increased over time.

Amendment 3

**Proposal for a regulation
Recital 4 b (new)**

Text proposed by the Commission

Amendment

(4 b) In its Communication on “Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders”, the Commission stressed the crucial importance of secure travel and identity documents where necessary to establish beyond doubt a person’s identity and announced that it would be presenting an action plan to tackle travel document fraud. An improved approach is to rely on robust systems to prevent abuses and the threats to internal security arising from failings in document security.

Amendment 4

**Proposal for a regulation
Recital 4 c (new)**

Text proposed by the Commission

Amendment

(4 c) Three-quarters of fraudulent documents detected at the external borders and within the Union imitate identity documents issued by Member States and Schengen-associated countries. National identity cards with a lower degree of security are the most frequently detected as fraudulent. According to Frontex, 40682 fraudulent European ID Cards and 13512 fraudulent EU residence permits (all types) were detected and reported within the European Document Fraud Risk Analysis Network (EDF-RAN) between 2013 and 2018. These figures include detections at the external EU borders as well as those arising from secondary intra-EU/Schengen movements.

Amendment 5

Proposal for a regulation

Recital 4 d (new)

Text proposed by the Commission

Amendment

(4 d) In order to deter identity fraud, Member States should ensure that the falsification and counterfeiting of identification documents and the use of such falsified or counterfeit documents are adequately penalised by their national law.

Amendment 6

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The 2016 Action Plan on document security also noted that the obtaining of authentic documents on the basis of false 'breeder' documents (birth, marriage and death certificates) are in marked increase

and remain one of the most significant security threats in the European Union, as it is very difficult to detect.

Amendment 7

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5 b) This Regulation calls on Member States, with the support of the Commission, to further pursue their work on the best ways of making source documents less vulnerable to fraud, in particular with reference to the Europol manual on the detection of false source documents.

Amendment 8

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The storage of a facial image and two fingerprints (hereinafter referred to as “biometric data”) on identity documents, as already provided for in respect of biometric passports and residence permits for third country nationals, represents an appropriate combination of reliable identification and authentication with a reduced risk of fraud, for the purpose of strengthening the security of identity documents. Additionally, the European Court of Justice in its judgment ‘Schwarz’ of 2013 relating to biometric passports ruled that ‘the combination of two operations designed to identify persons may not a priori be regarded as giving rise in itself to a greater threat to the rights recognised by Articles 7 and 8 of the Charter than if each of those two operations were to be considered in isolation’.

Amendment 9

Proposal for a regulation Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) This Regulation provides for the collection of biometric identifiers only by qualified and duly authorised staff of the national authorities responsible for issuing identity cards or residence permits.

Amendment 10

Proposal for a regulation Recital 9 c (new)

Text proposed by the Commission

Amendment

(9 c) This Regulation should not establish a legal basis for the creation of a database at national level as this remains an exclusive competence of the Member States. Neither should it establish a legal basis for the creation of a centralised database at Union level. The biometric data collected for the purpose of this Regulation should only be used by qualified and duly authorised staff of the competent national authorities and EU agencies for verifying the authenticity of the document and the identity of the holder by means of directly available comparable features when the identity card or residence document is required to be produced by law.

Amendment 11

Proposal for a regulation Recital 9 d (new)

Text proposed by the Commission

Amendment

(9 d) Biometric identifiers outside the storage medium, should be stored in a highly secure manner only for the time required to issue the national identity card

or residence permit and in no case for longer than one month from the date of collection and should be immediately erased once stored in the storage medium.

Amendment 12

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The specifications of the International Civil Aviation Organisation (ICAO) Document 9303 (seventh edition, 2015) on machine-readable documents which ensure global interoperability including for machine readability and using visual inspection should be taken into account *for the purpose of this Regulation.*

Amendment

(10) The specifications of the International Civil Aviation Organisation (ICAO) Document 9303 (seventh edition, 2015) on machine-readable documents which ensure global interoperability including for machine readability and using visual inspection should be taken into account *by the Commission when drawing up additional technical specifications.*

Amendment 13

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) Where a Member State includes the category of ‘gender’ on a document it should contain options F>, <M>, or <X>, according to ICAO guidelines.

Amendment 14

Proposal for a regulation

Recital 10 b (new)

Text proposed by the Commission

Amendment

(10 b) In order to ensure uniform conditions for the implementation of the additional technical specifications, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

^{1a} Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)

Amendment 15

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) The procedure for taking fingerprints and a facial image should take into account the specific needs of children and be applied in accordance with the safeguards laid down in Article 24 the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child.

Amendment

(11) The procedure for taking fingerprints and a facial image should ***pursue a strictly limited objective***, take into account the specific needs of children ***and vulnerable persons, should be undertaken in a child sensitive and in a gender sensitive manner, be implemented by qualified staff, under the regular observation of the Commission as well as of a supervisory authority*** and be applied in accordance with the safeguards laid down in Article 24 the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child. ***Qualified staff responsible for the collection of biometric identifiers should be trained accordingly.***

Amendment 16

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) It is important to ensure the dignity of the person from whom biometric information is collected

throughout the collection procedure. Therefore, specific considerations relating to gender and to the specific needs of children and of vulnerable persons should be taken into account.

Amendment 17

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Introducing minimum security and format standards of identity cards should allow Member States to rely on the authenticity of those documents when EU citizens exercise their free movement rights. While the possibility to provide for additional national features is maintained, it should be ensured that those features do not diminish the efficiency of the common security features or negatively affect the cross-border interoperability of the identity cards, such as the possibility that the identity cards can be read by machines used by Member States other than those of issue.

Amendment

(12) Introducing minimum security and format standards of identity cards should allow Member States to rely on the authenticity of those documents when EU citizens exercise their right of free movement. ***This Regulation provides that identity cards issued by Member States are mutually recognised as both identity and travel documents.*** While the possibility to provide for additional national features is maintained, it should be ensured that those features do not diminish the efficiency of the common security features or negatively affect the cross-border interoperability of the identity cards, such as the possibility that the identity cards can be read by machines used by Member States other than those of issue.

Amendment 18

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) The use of holograms and/or watermarks allows for preventing the forgery of the document and ensures the verification of the authenticity of an identity card or a residence document, they can therefore, contribute to data minimisation;

Amendment 19

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) In order to promote recognition between Member States of the security features of national identity cards, Member States should exchange among themselves such digital certificates as are required to authenticate, verify and read the information contained on the secure storage medium. Formats used for the secure storage medium should be interoperable, including in respect of automated border crossing points.

Amendment 20

Proposal for a regulation Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) Mutual recognition of identity documents is an essential element for the mobility of Union citizens. In the event of loss, theft or renewal, provisional documents issued by the Member States are not recognized and therefore no longer facilitate this mobility. Therefore, Member States should, in cooperation with the Commission, work towards better recognition of these documents.

Amendment 21

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) ***The*** Regulation ***shall*** respect the obligations set in the United Nations Convention on the Rights of Persons with Disabilities ratified by all Member States

(13) ***When implementing this*** Regulation, ***Member States should in particular*** respect the obligations set ***in Articles 25 and 26 of the Charter of Fundamental***

and the Union³⁷. Therefore, the integration of additional features that render identity cards more accessible and user-friendly to people with disabilities, such as visually impaired persons, should be encouraged.

³⁷ OJ L 23, 26.11.2009

Rights of the European Union and in the United Nations Convention on the Rights of Persons with Disabilities ratified by all Member States and the Union³⁷.

Therefore, the integration of additional features that render identity cards more accessible and user-friendly to people with disabilities, such as visually impaired persons, should be encouraged.

³⁷ OJ L 23, 26.11.2009

Amendment 22

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Identity cards as well as residence cards of a family member of a Union citizen with insufficient security standards should be phased out taking into account both the security risk and the costs incurred by Member States. In general, a period of **five** years should be sufficient to strike a balance between the frequency with which documents are usually replaced and the need to fill the existing security gap within the European Union. However, for cards which do not have important features, in particular machine readability, a shorter period of **two** years is necessary on security grounds.

Amendment 23

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) With regard to the personal data to be processed in the context of the application of this Regulation, Regulation (EU) 2016/679 of the European Parliament and

Amendment

(17) Identity cards as well as residence cards of a family member of a Union citizen with insufficient security standards should be phased out taking into account both the security risk and the costs incurred by Member States. In general, a period of **eight years for ID card** should be sufficient to strike a balance between the frequency with which documents are usually replaced and the need to fill the existing security gap within the European Union. However, for cards which do not have important features, in particular machine readability, a shorter period of **five** years is necessary on security grounds.

Amendment

(18) With regard to the personal data to be processed in the context of the application of this Regulation, Regulation (EU) 2016/679 of the European Parliament and

of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)⁴⁰ applies. It is necessary to further specify safeguards applicable to the processed personal data. Data subjects should be made well aware of the existence in their documents of the storage medium containing their biometric data including its contactless accessibility as well as of all instances where the data contained in their identity cards and residence documents are used. In any case, data subjects should have access to personal data processed in their identity cards and residence documents and have them rectified.

⁴⁰ OJ L 119, 4.5.2016, p. 1.

Amendment 24

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)⁴⁰ applies. It is necessary to further specify safeguards applicable to the processed personal data, ***and in particular to sensitive data such as biometric identifiers***. Data subjects should be made well aware of the existence in their documents of the storage medium containing their biometric data including its contactless accessibility as well as of all instances where the data contained in their identity cards and residence documents are used. In any case, data subjects should have access to personal data processed in their identity cards and residence documents and have them rectified. ***The storage medium should be highly secure and protect personal data stored on it from unauthorised access.***

⁴⁰ OJ L 119, 4.5.2016, p. 1.

Amendment

(18 a) Member States should be responsible for the proper processing of biometric data, from collection to integration of the data on the highly secure storage medium, in accordance with Regulation (EU) 2016/679.

Amendment 25

Proposal for a regulation Recital 18 b (new)

Text proposed by the Commission

Amendment

(18 b) *Where Member States cooperate with external contractors in any task related to identity documents, they should closely monitor the activities of the contractor to ensure compliance with all provisions of this Regulation, including in particular security, confidentiality and data protection.*

Amendment 26

Proposal for a regulation

Recital 19

Text proposed by the Commission

Amendment

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States may store other data on a storage medium for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically or logically separated from biometric data referred to in this Regulation.

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States may store other data on a storage medium for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically or logically separated from biometric data referred to in this Regulation. ***When entering and storing extra data in accordance with their national legislation or Union law, Member States should have performed a thorough data protection impact assessment, with a focus on processing of special categories of personal data. Member States should explicitly inform the applicants for documents, in written form and with an exhaustive list, about all the possible extra data stored.***

Amendment 27

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States *may* store ***other data*** on a storage medium for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically or logically separated from biometric data referred to in this Regulation.

Amendment

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law ***and respecting the principles of necessity and proportionality***, Member States ***should*** store on a storage medium ***only such data as is essential to the identification of the holder*** for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically or logically separated from biometric data referred to in this Regulation.

Amendment 28

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) The Commission should report on the implementation of this Regulation after three years after its date of application, including on the appropriateness of the level of security. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making⁴¹ the Commission should carry out an evaluation of this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Regulation and the need for any further action.

Amendment

(21) The Commission should report on the implementation of this Regulation after three ***years and five*** years respectively, after its date of application, including on the appropriateness of the level of security, ***the possible impact on fundamental rights, and on whether the implementation is compliant with the data collection purposes***. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making⁴¹ the Commission should, ***after six years after the date of application of this Regulation***, carry out an ***initial*** evaluation of this Regulation on the basis

of information collected through specific monitoring arrangements in order to assess the actual effects of the Regulation and the need for any further action, **and a further evaluation after 10 years after the date of application of this Regulation, in order to take into account the phasing out period . These evaluations should particularly focus on the impact of this Regulation on fundamental rights, on the efficiency and improvement of the mobility of the Union citizens and on the level of security.**

⁴¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

⁴¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Amendment 29

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) This Regulation *respects* the fundamental rights and *observes* the principles recognised in particular by the Charter of Fundamental Rights of the European Union including the respect for private and family life, the right to the protection of personal data, the right to free movement and the right to an effective remedy.

Amendment

(23) ***When implementing*** this Regulation ***Member States should respect*** the fundamental rights and *observe* the principles recognised in particular by the Charter of Fundamental Rights of the European Union including ***human dignity, the right to the integrity of the person, the prohibition of inhuman or degrading treatment, the right to equality before the law and non-discrimination, the rights of children, the rights of the elderly,*** the respect for private and family life, the right to the protection of personal data, the right to free movement and the right to an effective remedy.

Amendment 30

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) The Fundamental Rights Agency has been consulted.

Amendment 31

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001^{1a} and delivered an opinion on....,

^{1a} Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (JO L 8, 12.1.2001, p. 1).

Amendment 32

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation strengthens 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.

This Regulation strengthens 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 ***in order to facilitate the exercise of*** their right to ***freedom of*** movement ***within the European Union.***

Amendment 33

Proposal for a regulation Article 3 – paragraph -1 (new)

Text proposed by the Commission

Amendment

(-1) National identity cards issued by Member States to citizens of the Union shall be recognised as such by all Member States. Such cards shall function as both identity and travel documents and be recognised as such by all Member States.

Amendment 34

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

(1) Identity cards ***issued by Member States*** shall be produced in ID-1 format and shall comply with the minimum ***security*** standards set out in ICAO ***Document 9303 (seventh edition, 2015)***.

(1) ***Where Member States issue*** identity cards ***having a validity period of more than 3 months, these*** shall be produced in ID-1 format, ***contain a functional machine-readable zone (MRZ)*** and shall comply with the minimum standards ***laid down in the template*** set out in ***Annex I to this Regulation. Additional technical specifications shall be established in accordance with international standards, including in particular the recommendations of the International Civil Aviation Organization (ICAO).***

Amendment 35

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The cards shall be made entirely of polycarbonate or an equivalent synthetic polymer with a background colour of blue.

Amendment 36

Proposal for a regulation Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1 b) By derogation from paragraph 1, the field gender is not a minimum standard.

Amendment 37

Proposal for a regulation Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The identity card shall contain a distinguishing sign of the Member State issuing the card printed in negative in a blue rectangle encircled by 12 yellow stars.

Amendment 38

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

Amendment

(3) Identity cards shall include a highly secure storage medium which shall contain a facial image of the holder of the card **and** two fingerprints in interoperable formats.

(3) Identity cards shall include a highly secure storage medium which shall contain a facial image of the holder of the card ***taken live by the relevant authority in the Member State and, in the event a Member State so decides, may also contain a subset of the characteristics, namely minutiae or patterns, extracted from two fingerprints taken flat in interoperable formats, for the sole purposes set out in Article 10(3) of this Regulation.***

Amendment 39

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(4) The storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data. The data stored shall be accessible contactless and secured as provided for in the Commission Implementing Decisions adopted in accordance with Article 2 of Regulation (EC) 1030/2002.

deleted

Amendment 40

Proposal for a regulation Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) In the event a Member State decides to take fingerprints, children under the age of 12 years may be exempt from the requirement to give fingerprints.

Children under the age of 6 years shall in all cases be exempt from the requirement to give fingerprints.

Persons in respect of whom fingerprinting is physically impossible shall be exempt from the requirement to give fingerprints.

Amendment 41

Proposal for a regulation Article 3 – paragraph 5

Text proposed by the Commission

Amendment

(5) The following persons shall be exempt from the requirement to give fingerprints:

deleted

(a) children under the age of 12 years;

(b) persons whose fingerprinting is physically impossible.

Amendment 42

Proposal for a regulation Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The storage medium shall have sufficient capacity and capability to guarantee the integrity, the security, the authenticity and the confidentiality of the data. The data stored shall be accessible in contactless form and secured as provided for in the Commission Implementing Decisions adopted in accordance with Article 2 of Regulation (EC) 1030/2002. Member States shall exchange with each other such digital certificates as are required to authenticate, verify and read the information contained on the secure storage medium. Formats used for the secure storage medium shall be interoperable, including in respect of automated border crossing points.

Amendment 43

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

Amendment

(6) Member States may enter details and observations for national use as required in the light of their national provisions.

(6) When necessary and proportionate to the aim to be achieved, Member States may enter details and observations for national use as required in the light of their national provisions. The effectiveness of minimum security standards and the cross-border interoperability of identity cards shall not be diminished as a result.

Amendment 44

Proposal for a regulation Article 3 – paragraph 9

Text proposed by the Commission

(9) Where Member States add ***national*** security features to the identity cards, the cross-border interoperability of the identity cards and the efficiency of the minimum security standards shall not be diminished.

Amendment

(9) Where Member States add ***further*** security features to the identity cards, the cross-border interoperability of the identity cards and the efficiency of the minimum security standards shall not be diminished.

Amendment 45

Proposal for a regulation Article 3 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The Commission shall adopt implementing acts laying down the technical specifications referred to in paragraphs 1, 1a and 2a, in accordance with the examination procedure referred to in Article 12b.

Amendment 46

Proposal for a regulation Article 3 – paragraph 10

Text proposed by the Commission

(10) Identity cards shall have a maximum period of validity of 10 years. Derogations may be provided for specific age groups.

Amendment

deleted

Amendment 47

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Period of validity

(1) Identity cards should shall have a period of validity of ten years.

(2) In the event a Member State decides to take fingerprints, identity cards issued to minors that do not contain fingerprints shall cease to be valid at the latest six months after their holder has reached the age of the requirement to give fingerprints.

(3) Identity cards issued to minors may have a period of validity of five years.

(4) Where it is temporarily impossible to take fingerprints or a facial image, identity cards shall have a maximum period of validity of 3 months.

(5) Member States may provide for a period of validity of more than 10 years for identity cards issued to persons over 75 years of age.

Amendment 48

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

Identity cards which do not meet the requirements of Article 3 shall cease to be valid at their expiry or by **five** years after [the date of application of the Regulation], whichever is earlier. However, identity cards which do not include a functional machine-readable zone (MRZ) compliant with ICAO document 9303 part 3 (seventh edition, 2015) shall cease to be valid at their expiry or by **two** years after [the date of application of this Regulation], whichever is earlier.

Amendment

Identity cards which do not meet the requirements of Article 3 shall cease to be valid at their expiry or by **eight** years after [the date of application of the Regulation], whichever is earlier. However, identity cards which do not include a functional machine-readable zone (MRZ) compliant with ICAO document 9303 part 3 (seventh edition, 2015) shall cease to be valid at their expiry or by **five** years after [the date of application of this Regulation], whichever is earlier.

Amendment 49

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Residence documents issued by Member States to citizens of the Union shall indicate at least the following:

Amendment

Residence documents issued by Member States to citizens of the Union ***are blue in colour and shall indicate in the same order as provided for in the annex of this Regulation,*** at least the following:

Amendment 50

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the title of the document in the official language or languages of the Member State concerned ***and at least one other official language of the institutions of the Union;***

Amendment

(a) the title of the document, ***‘EU citizen’, also translated*** in the official language or languages of the Member State concerned;

Amendment 51

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the clear ***reference*** that the document is issued in accordance with Directive 2004/38/EC;

Amendment

(b) the clear ***statement*** that the document is issued in accordance with Directive 2004/38/EC;

Amendment 52

Proposal for a regulation

Article 6 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) a distinguishing sign of the Member State issuing the card printed in negative in a blue rectangle encircled by 12 yellow

stars. The Commission is empowered to adopt an implementing act defining the technical specifications..

Amendment 53

Proposal for a regulation Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) In the event a Member State decides to take fingerprints, children under the age of 12 years may be exempt from the requirement to give fingerprints. Children under the age of 6 years shall be exempt from the requirement to give fingerprints. Persons whose fingerprinting is physically impossible shall be exempt from the requirement to give fingerprints.

Amendment 54

Proposal for a regulation Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) By way of derogation from Directive 2004/38/CE, new residence cards for family members of Union citizens who are not nationals of a Member State shall be recognised as such by all Member States. Such cards shall function as both identity and travel documents and be recognised as such by all Member States.

Amendment 55

Proposal for a regulation Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Collection of biometric identifiers

(1) The biometric identifiers shall be collected solely by qualified and duly authorised staff designated by the national authorities responsible for issuing identity cards or residence permit, for the sole purpose of being integrated into the highly secure storage medium provided for in Article 3(3).

(2) Member States shall ensure that appropriate and effective procedures for the collection of biometric identifiers are in place, which comply with the rights and principles defined in the Charter of Fundamental Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and the United Nations Convention on the Rights of the Child.

(3) Member States shall ensure that the best interest of the child is a primary consideration throughout the collection procedure. To this end, qualified staff as referred to in paragraph 1 shall receive the appropriate training on child-friendly practices for the collecting of biometric identifiers.

(4) To avoid the risk of false matching, any match concerning children under the age of 14 or people older than 75 years carried out with biometric identifiers taken more than five years before the match and which does not confirm the authenticity of the document or the identity of its holder, shall be subject to a compulsory manual check by a dactyloscopic expert.

(5) Biometric identifiers outside the storage medium referred to in Article 3(3), shall be stored in a highly secure manner and only for the time required to issue the national identity card or residence permit and in no case for longer than one month from the date of collection and shall be immediately erased and destroyed once stored in the storage medium.

(6) This Regulation shall not represent a legal basis for the creation of a centralised database at Union level or at national level.

Amendment 56

Proposal for a regulation Article 10

Text proposed by the Commission

Article 10

Protection of personal data

(1) Without prejudice to the application of Regulation (EU) 2016/679, persons to whom an identity card or residence document is issued shall have the right to verify the personal data contained in the documents and, where appropriate, to ask for rectification or erasure.

Amendment

Article 10

Fundamental rights and protection of personal data

(1 a) When implementing this Regulation, Member States shall respect the fundamental rights and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

(1b) Regulation (EU) 2016/679 applies to the processing of personal data under this Regulation.

(1c) At the time of collection of personal data, the responsible authority shall provide the person concerned with the information required pursuant to Articles 12, 13 and 14 of Regulation (EU) 2016/679 in the manner required by those provisions.

(1d) The rights to access, rectification, completion, erasure and restriction of the processing, of the persons whose data are contained in the documents shall be exercised in accordance with Chapter III of Regulation (EU) No. 2016/679 in

relation to the national authority responsible for issuing the documents. Persons to whom an identity card or residence document is issued shall have the right to verify the personal data contained in the documents and, where appropriate, to ask for rectification or erasure of inaccurate data and receive a new document. Member States shall put in place specific procedures that facilitate the exercise of these rights.

(2) Information in machine-readable form shall only be included in an identity card or residence document in accordance with this Regulation or the national legislation of the issuing Member State.

(3) Biometric data ***collected and*** stored in the storage medium of identity cards and residence documents shall only be used in accordance with Union and national law for verifying:

(a) the authenticity of the identity card or residence document;

(b) the identity of the holder by means of directly available comparable features when the identity card or residence document is required to be produced by law.

(2) Information in machine-readable form shall only be included in an identity card or residence document in accordance with this Regulation or the national legislation of the issuing Member State.

(3) Biometric data stored in the storage medium of identity cards and residence documents shall only be used in accordance with Union and national law, ***by the duly authorized staff of competent national authorities and EU agencies***, for ***the sole purpose of*** verifying:

(a) the authenticity of the identity card or residence document;

(b) the identity of the holder by means of directly available comparable features when the identity card or residence document is required to be produced by law.

(3a) Member States shall maintain a register of the competent authorities with access to the biometric data stored on the chip referred to in Article 3(3) and shall communicate that register to the Commission, which shall maintain an up-to-date online register and annually publish a compilation of national registers.

(3b) The introduction of security standards in identity cards and in residence cards of family members who are not nationals of a Member State shall not result to an undue increase in fees for EU citizens or third country nationals.

Amendment 57

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Liabilites, security standards and supervision

(1) Member States shall ensure the conformity of the cards and titles they issue with the security standards, format and specifications as described in Articles 3, 6 and 7.

(2) Member States shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Regulation.

(3) Member States shall work with the Commission to integrate additional features that increase the accessibility of identity cards and render them more user-friendly to people with disabilities.

(4) Member States shall grant the supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 access to their logs and maintain such access at all times to all premises used for interoperability purposes.

(5) Member States shall be liable for any failure to meet those obligations. Any person who has suffered material or immaterial damages as a result of any action incompatible with this Regulation, shall have the right to obtain from the issuing Member State compensation for the damages suffered.

Amendment 58

Compromise amendment replacing Amendments: 63

Proposal for a regulation
Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10 b

Source documents and provisional documents

(1) Member States shall work with the Commission to exchange best practices on the source documents used when applying for or renewing a document.

(2) Member States shall cooperate with the Commission on the minimum security features necessary for the mutual recognition of provisional documents issued in the event of theft, loss or renewal of identity document, or where it is temporarily impossible to take fingerprints or a facial image.

(3) No later than (OJ: two years after the date of application of this Regulation), the Commission shall propose guidelines in relation to source documents and common features for provisional documents and present to the Council and the European Parliament a report assessing the necessity to introduce common features for provisional documents.

Amendment 59

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

By 12 months after the entry into force at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.

By 12 months after the entry into force at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation, ***including its impact on fundamental rights.***

Amendment 60

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

(1) Four years after its date of application, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation.

Amendment

(1) ***Three years from the date of application of this Regulation and every five years thereafter, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation, in particular its compliance with fundamental rights, the data collection purposes listed in Article 10(2) and (3) and with the appropriateness of the level of security.*** Four years after its date of application, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation.

Amendment 61

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

(2) ***No sooner than*** six years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.

Amendment

(2) Six years ***and ten years respectively*** after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings ***and particularly on its impact on fundamental rights, on the efficiency and improvement of the mobility of the Union citizens and of the level of security and on the effectiveness of biometric technology in ensuring the security of travel documents*** to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.

Amendment 62

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

(3) Member States shall provide the Commission with the information necessary for the preparation of the reports.

Amendment

(3) Member States **and relevant EU agencies** shall provide the Commission with the information necessary for the preparation of the reports.

Amendment 63

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Further technical specifications

In order to ensure, where appropriate, compliance of the identity cards and residence documents referred to in Article 1 with future minimum security standards adopted pursuant to Council Regulation (EC) No 1030/2002 as implemented by Commission Decision C(2002)3069 as last amended by Commission Decision C(2013)6178, the Commission shall establish, by means of implementing acts, additional technical specifications, relating to the following:

(a) additional security features and requirements, including enhanced anti forgery, counterfeiting and falsification standards;

(b) technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access and facilitated validation;

(c) requirements in relation to quality and in relation to common technical standards

for the facial image and the fingerprints.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12b). In accordance with the procedure referred to in Article 12b, the Committee established by Article 6 of Regulation (EC) No. 1683/95 may decide that the specifications referred to in this Article shall be secret and not published. In that case they shall be made available only to the point of contact referred to in Article 9(1).

Amendment 64

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12 b

Committee procedure

(1) The Commission shall be assisted by the Committee established by Article 6 of Regulation (EC) No. 1683/95. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Amendment 65

Proposal for a regulation Annex I (new)

Text proposed by the Commission

Amendment

ANNEX I

NATIONAL IDENTITY CARDS TEMPLATE*

FRONT:

① Issuing State or organization (VR)	② Type of Document	Zone I
⑬ Portrait	③ Name — primary identifier (VR)	
	④ Name — secondary identifier (VR)	
	⑤ Sex (3)	
	⑥ Nationality (3)	
	⑦ Date of birth (15)	
	⑧ Optional personal data elements (VR)	Zone II
	⑨ Document Number (VR)	
	⑩ Date of expiry (15)	
	⑪ Optional document data elements (VR)	Zone III
Zone V	⑫ Holder's signature	Zone IV

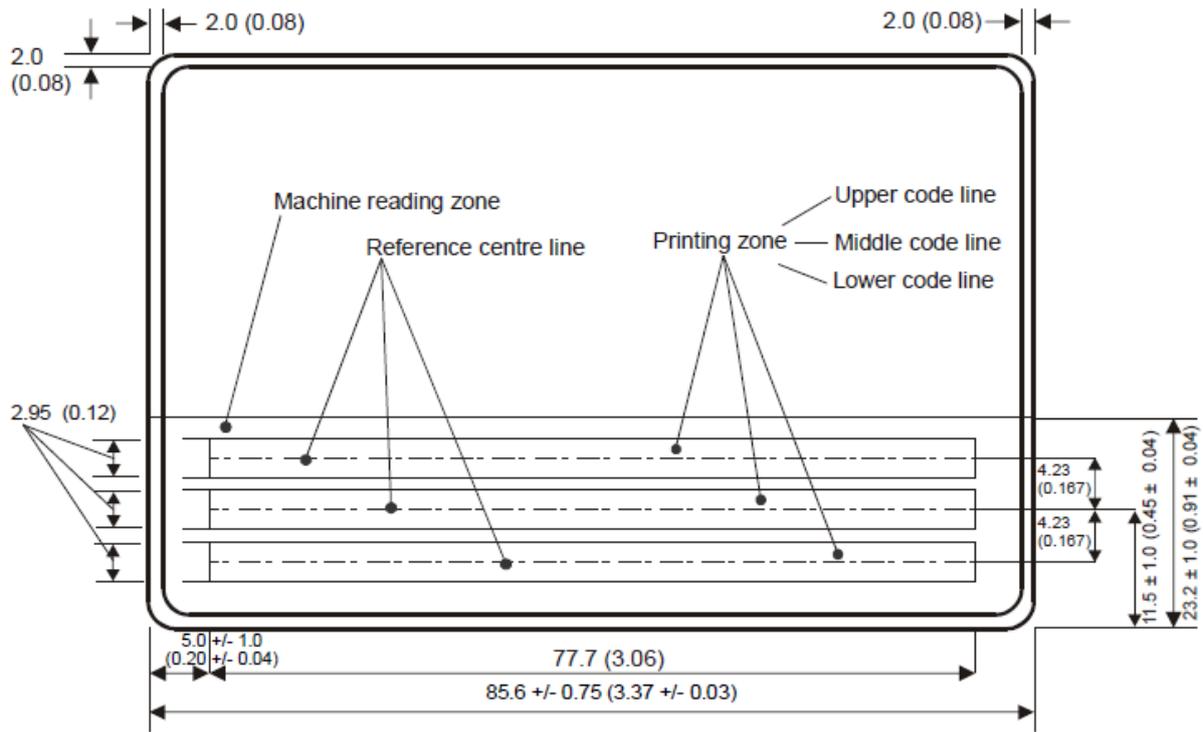
Zone I on the front of the MROTD identifies the issuing State or organization and the document.

Data elements shall appear in a standard sequence in Zones II and III. Zones II and III each contain a field in which optional data elements may be included. The optional field in Zone II shall be used for personal data elements and the optional field in Zone III for document-related data elements. Where an issuing State or organization does not use the optional fields in Zones II and III, there is no need to reserve the space for them on the TD1.

Zone IV contains the holder's signature or usual mark. The issuing State or organization shall decide the acceptability of a holder's usual mark.

Zone V shall contain the personal identification feature(s) which shall include a portrait solely of the holder. At the discretion of the issuing State or organization, the name fields in Zone II and the holder's signature or usual mark in Zone IV may overlay Zone V provided this does not hinder recognition of the data in any of the three zones.

BACK:



Nominal dimensions in millimetres
(inch dimensions in parentheses)

Not to scale

**Excerpt from ICAO Document 9303, part 5 (seventh edition, 2015)*