

## **P6\_TA(2004)0073**

### **EU citizens' passports \***

**European Parliament legislative resolution on the proposal for a Council regulation on standards for security features and biometrics in EU citizens' passports (COM(2004)0116 – C5-0101/2004 – 2004/0039(CNS))**

#### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal (COM(2004)0116)<sup>1</sup>,
  - having regard to the orientations of the Council as set out in document 15139/2004 which was transmitted to Parliament on 24 November 2004,
  - having regard to Article 62(2)(a) of the EC Treaty,
  - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0101/2004),
  - having regard to the Protocol integrating the Schengen acquis into the framework of the European Union, pursuant to which the Council consulted Parliament,
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0028/2004),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
  5. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  6. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in the OJ.

Amendment 1  
Recital 2

(2) 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 replace and upgrade this Resolution by a Community measure in order to achieve enhanced harmonised security standards for passports to protect against falsification. At the same time biometric elements should be integrated in the passport in order to establish a reliable link between the genuine holder and the document.

(2) 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. ***The European Council has decided that*** it is now appropriate to replace and upgrade this Resolution by a Community measure in order to achieve enhanced harmonised security standards for passports to protect against falsification. At the same time biometric elements should be integrated in the passport in order to establish a reliable link between the genuine holder and the document.

Amendment 2  
Recital 2a (new)

***(2a) 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.***

Amendment 3  
Recital 3

(3) The harmonisation of security features and the integration of biometric identifiers is an important step towards the use of new elements in the perspective of future developments at European level, which render the travel document more secure and establish a more reliable link between the holder and the passport as an important contribution to ensuring that it is protected against fraudulent use. ***The specifications set out in the document No 9303 on machine readable travel documents from***

(3) The harmonisation of security features and the integration of biometric identifiers is an important step towards the use of new elements in the perspective of future developments at European level, which render the travel document more secure and establish a more reliable link between the holder and the passport as an important contribution to ensuring that it is protected against fraudulent use.

***the International Civil Aviation Organisation should be taken into account.***

Amendment 4  
Recital 7

(7) With regard to the personal data to be processed in the context of the passport, Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies. ***It must be ensured that*** no further information ***shall*** be stored in the passport ***unless provided for in the regulation, its annex or unless it is mentioned in the relevant travel document.***

(7) With regard to the personal data to be processed in the context of the passport, Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies. No further information ***should*** be stored in the passport.

Amendment 5  
Article 1, paragraph 2

2. The passport shall include a storage medium with sufficient capacity, ***which shall be highly secured and*** shall contain a facial image. The Member States may also include fingerprints in interoperable formats.

2. The passport shall include a ***highly secure*** storage medium with sufficient capacity ***and the capability of safeguarding the integrity, authenticity and confidentiality of the data stored. It*** shall contain a facial image. The Member States may also include fingerprints in interoperable formats. ***No central database of European Union passports and travel documents containing all EU passport holders' biometric and other data shall be set up.***

Amendment 6  
Article 2, paragraph 1, introductory part

1. Additional technical specifications for the passport relating to the following shall be established in accordance with the procedure referred to in ***Article 5(2)***:

1. Additional technical specifications for the passport relating to the following shall be established in accordance with the procedure referred to in ***Article 5***:

Amendment 7  
Article 2, paragraph 1, point (b)

(b) technical specifications for the storage medium of the biometric information and its securisation;

(b) technical specifications for the storage medium of the biometric information and its securisation, *in particular to safeguard the integrity, authenticity and confidentiality of the data and to ensure that they are used in accordance with the purposes as defined in this Regulation;*

Amendment 8

Article 2, paragraph 1a (new)

*1a. The storage medium may be used only*

*(a) by the competent authorities of the Member States for reading, storing, modifying and erasing data, and*

*(b) by authorised bodies entitled by law to read the data for reading the data.*

Amendment 9

Article 3, paragraph 2a (new)

*2a. Each Member State shall maintain a register of the competent authorities and authorised bodies referred to in Article 2(1a). It shall communicate that register and, if necessary, regular updates thereof to the Commission, which shall maintain an up-to-date online compilation of the national registers. It shall publish that compilation every year.*

Amendment 10

Article 4, paragraph 1

1. Without prejudice to data protection rules, persons to whom the passport is issued shall have the right to verify the personal data contained in the passport and, where appropriate, to ask for any rectifications or erasure to be made.

1. Without prejudice to data protection rules, persons to whom the passport is issued shall have the right to verify the personal data contained in the passport and, where appropriate, to ask for any rectifications or erasure to be made. *Any verification, rectification or erasure must be carried out free of charge by the designated national authority.*

Amendment 11

Article 4, paragraph 2

2. No information in machine-readable form shall be included in the passport, unless provided for in this Regulation, or its Annex, or unless it is mentioned in the passport.

2. No information in machine-readable form shall be included in the passport, unless provided for in this Regulation, or its Annex, or unless it is mentioned in the passport. ***No further information shall be included in the passport.***

Amendment 12

Article 4, paragraph 2a (new)

***2a. The biometric features in passports shall be used only for verifying***

***(a) the authenticity of the document***

***(b) the identity of the holder by means of directly available comparable features when the passport is required to be produced by law.***

Amendment 13

Article 4, paragraph 2b (new)

***2b. Member States shall regularly forward to the Commission audits of the application of this Regulation based on commonly agreed standards, in particular with regard to the purpose and access limitation rules. They shall also communicate to the Commission any problems they encounter in applying the Regulation and shall exchange good practice with the Commission and between themselves.***

Amendment 14

Article 5, paragraph 3a (new)

***3a. The Committee shall be assisted by experts appointed by the Working Party set up under Article 29 of Directive 95/46/EC.***

Amendment 15

Article 5, paragraph 3b (new)

***3b. Once the Committee has finalised the additional technical specifications referred to in Article 2(1), the Working***

***Party set up under Article 29 of Directive 95/46/EC shall issue an opinion on the compliance of such specifications with data-protection standards, which shall be forwarded to the European Parliament, the Council and the Commission.***

Amendment 16  
Article 5, paragraph 3c (new)

***3c. The Commission shall forward its draft decision on the additional technical specifications referred to in Article 2(1) to the European Parliament which may, within a period of three months, adopt a resolution opposing that draft decision.***

Amendment 17  
Article 5, paragraph 3d (new)

***3d. The Commission shall inform the European Parliament of the action which it intends to take in response to the European Parliament's resolution and of its reasons for doing so.***

Amendment 18  
Article 5, paragraph 3e (new)

***3e. The confidentiality of the additional technical specifications referred to in Article 2(1) shall be guaranteed.***

Amendment 19  
Article 6, paragraph 2

The Member States shall apply this Regulation at the latest ***one year*** following the adoption of the measures referred to in Article 2. However, the validity of passports already issued shall not be affected.

***The application of this 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 thereunder.*** The Member States shall apply this Regulation at the latest ***18 months*** following the adoption of the measures referred to in Article 2. However, the validity of passports already issued shall not be affected.