EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

2007/0216(COD)

18.6.2008

AMENDMENTS
18 - 27

Draft report
Carlos Coelho
(PE405.718v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States

Proposal for a regulation – amending act
(COM(2007)0619 – C6-0359/2007 – 2007/0216(COD))

AM_Com_LegReport

Amendment 18
Sylvia-Yvonne Kaufmann

Citation 1 a (new)

Draft legislative resolution	*Amendment*
	- having regard to the opinion of the European Data Protection Supervisor of 26 March 2008,

Or. de

Justification

In this context it is particularly important to refer to the opinion, as the Commission has not in this case complied with its obligation to consult the European Data Protection Supervisor pursuant to Article 28(2) of 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.

Amendment 19
Sylvia-Yvonne Kaufmann

Proposal for a regulation – Amending act
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) There is regrettably still no large, comprehensive study of the use of fingerprints from children. The existing pilot projects in this field do not provide sufficient information to take such a fundamental and far-reaching decision. An age limit should therefore be chosen in a responsible manner and must be based on past experience (e.g. the US visitors' programme or Eurodac).

Or. de

Amendment 20
Urszula Gacek

Proposal for a regulation – amending act
Article 1 – point 1
Regulation (EC) No 2252/2004
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
(1) paragraph 1 ***is*** replaced by the following:	(1) ***In Article 1,*** paragraph 1 ***shall be*** replaced by the following:
"1. Passports and travel documents issued by Member States shall comply with the minimum security standards set out in the Annex.	"1. Passports and travel documents issued by Member States shall comply with the minimum security standards set out in the Annex.
They shall be issued as individual documents."	They shall be issued as individual documents.
	Passports issued in relation to minors shall include a special field containing the name of the person(s) who has (have) parental responsibility for the child.
	Passports issued in relation to minors shall have a maximum period of validity of five years and shall be subject to a maximum of 50% the standard passport issuing fee for adults."

Or. en

Justification

The ICAO (International Civil Aviation Organisation) recommendation for a "one passport-one person concept" is an additional benefit to the fight against child trafficking. The existence of a personal travel document constitutes an additional protection, as well as the creation of a special field on the passport, containing the name of the person who has the parental responsibility over the child, in order to create a reliable link between the child and that person, in order to avoid abduction.

A limited term of validity for a minor's passport is required because the growth rate of children which means that a passport photo issued may be unrecognisable before the standard expiration date of a passport. Due to this limited term of validity, the standard passport issuing fee should also be reduced so that the fee reflexes the difference in the period of validity.

Amendment 21
Martine Roure

Proposal for a regulation – amending act
Article 1 – point 1
Regulation (EC) No 2252/2004
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
(1) paragraph 1 ***is*** replaced by the following:	(1) ***In Article 1,*** paragraph 1 ***shall be*** replaced by the following:
"1. Passports and travel documents issued by Member States shall comply with the minimum security standards set out in the Annex.	"1. Passports and travel documents issued by Member States shall comply with the minimum security standards set out in the Annex.
They shall be issued as individual documents."	They shall be issued as individual documents.
	Passports issued for minors shall include a special field containing the name of the person(s) who has (have) parental responsibility for the child.
	In these passports, provision shall be made for the addition of other special fields where it is possible to enter the name of a person authorised by the person who has parental responsibility for the child to travel with the child on a particular journey."

Or. fr

Amendment 22
Sylvia-Yvonne Kaufmann

Proposal for a regulation – amending act
Article 1 – point 2
Regulation (EC) No 2252/2004
Article 1 – paragraph 2 a

Text proposed by the Commission	*Amendment*
(2) ***the following*** paragraph 2a ***is*** inserted ***after paragraph 2***:	(2) ***In Article 1***, paragraph 2a ***shall be*** inserted:

"2a. The following persons shall be exempt from the requirement to give fingerprints:	"2a. The following persons shall be exempt from the requirement to give fingerprints:
(a) children under the age of ***6***;	(a) children under the age of ***14***; ***the age from which children are required to provide fingerprints shall be considered to be provisional and shall be reviewed after three years in accordance with Article 5a;***
(b) persons, where fingerprinting is physically impossible."	(b) persons, where fingerprinting is physically impossible."

Or. de

Amendment 23
Sarah Ludford

Proposal for a regulation – amending act
Article 1 – point 2
Regulation (EC) No 2252/2004
Article 1 – paragraph 2 a

Text proposed by the Commission	*Amendment*
(2) ***the following*** paragraph 2a ***is*** inserted ***after paragraph 2***:	(2) ***In Article 1***, paragraph 2a ***shall be*** inserted:
"2a. The following persons shall be exempt from the requirement to give fingerprints:	"2a. The following persons shall be exempt from the requirement to give fingerprints:
(a) children under the age of ***6***;	(a) children under the age of ***12***; ***the age from which children are required to provide fingerprints shall be considered to be provisional and shall be reviewed after three years in accordance with Article 5a;***
(b) persons, where fingerprinting is physically impossible."	(b) persons, where fingerprinting is physically impossible."

Or. en

Justification

The present Regulation allows the taking of fingerprints of children from the moment they are born. The Opinion of the European Data Protection Supervisor advises that the provisional age limit for fingerprinting should be 14 or slightly lower, hence 12 seems reasonable in line with the report adopted on the Common Consular Instructions and biometric visas. This decision may be reviewed within 3 years based on substantive evidence as to the technical feasibility and policy considerations relating to proportionality.

Claims that fingerprinting young children would enhance the fight against child trafficking are not supported by any international organisation specialising in this area.

Amendment 24
Tatjana Ždanoka

Proposal for a regulation – amending act
Article 1 – point 2
Regulation (EC) No 2252/2004
Article 1 – paragraph 2 a

Text proposed by the Commission	*Amendment*
(2) ***the following*** paragraph 2a ***is*** inserted ***after paragraph 2***:	(2) ***In Article 1,*** paragraph 2a ***shall be*** inserted:
2a. The following persons shall be exempt from the requirement to give fingerprints:	"2a. The following persons shall be exempt from the requirement to give fingerprints:
(a) children under the age of ***6***;	(a) children under the age of ***12***;
(b) persons, where fingerprinting is physically impossible."	(b) persons where fingerprinting is physically impossible."

Or. en

Amendment 25
Frieda Brepoels

Proposal for a regulation – amending act
Article 1 – point 2 a (new)
Regulation (EC) No 2252/2004
Article 1 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	(2a) In Article 1, paragraph 2b shall be inserted:
	"2b. The maximum period of validity of the passport and travel documents for minors shall be 5 years."

Or. nl

Justification

The biometrics of minors are subject to change, particularly at an early age. It is therefore necessary to limit the period of validity of passports and travel documents for growing children, in order to maximise the reliability of these documents.

Amendment 26
Martine Roure

Proposal for a regulation – amending act
Article 1 – point 2 a (new)
Regulation (EC) No 2252/2004
Article 1 b (new)

Text proposed by the Commission	*Amendment*
	(2a) Article 1b shall be inserted:
	"Article 1b
	1. Biometric data shall be stored only on the storage medium and shall not be kept in a central database.
	2. Biometric data shall not subsequently be transferred to authorities other than the competent authorities or to third countries."

Or. fr

Justification

Biometric data are very sensitive. In order to guarantee data protection, access to these data must be limited. That is why they should not be stored centrally.

Amendment 27
Sarah Ludford

Proposal for a regulation – amending act
Article 1 – point 2 k (new)
Regulation (EC) No 2252/2004
Article 5 a (new)

Text proposed by the Commission	*Amendment*
	(2k) Article 5a shall be inserted:
	"Article 5a ***Within three years of the entry into force of the amending Regulation, the Commission shall submit to the European Parliament and the Council a report on the application of this Regulation. The report shall include:*** ***(i) a large scale and in-depth study carried out by an independent authority, which shall examine the reliability and technical feasibility of using the fingerprints of children under the age of 12 for identification and verification purpose;*** ***(ii) an analysis of the need for common rules regarding the way in which documents that need to be presented in order to obtain a passport or travel document (the so-called "breeder" documents) are produced and which of them are required for a passport or travel document;*** ***(iii) a study comparing the false rejection rates occurring in each Member State and - based on the results of that study - an analysis of the need for common rules regarding the matching process.*** ***If necessary, the report shall be accompanied by proposals to adapt this Regulation."***

Or. en

Justification

This revision clause allows the Commission, after 3 years and taking into account the results of the requested studies, to propose additional measures regarding:

- the adaptation of the age limit to the results obtained by the study (which has also been asked for in the Committee's report on the amendment of the Common Consular Instruction regarding biometric data);

- the way in which "breeder documents" (eg birth certificate, driving licence) should be produced in the Member States. There is a currently a great diversity in the Member States. Taking into account that normally they have less security features than the passport itself, they are more likely to be vulnerable to forgery and counterfeiting.

- the definition of a European matching process, with a common false rejection rate to be applied at the border and also a common procedure to deal with persons who have apparently been falsely rejected, allowing equal treatment of EU citizens regardless of which external border they cross.

As the EDPS stresses, while enhancement of passport security measures is important, the passport is only one link in a security chain starting with the breeder documents, to the enrolment of biometric data and lastly the matching at the border. This chain is only as secure as its weakest link.