

## FINAL VERSION

Report: COELHO (A6-0028/2004) [\*]  
 Security features and biometrics in EU citizens' passports  
 Committee: Civil Liberties

Subject of the amendment	Am No	Author	RCV etc.	Vote	Remarks
<b>Proposal for a regulation</b>					
<b>Motion</b>		<b>Schlyter (VERTS, /ALE, Sweden)</b>		-	Delay vote, send back to JURI to question legal basis
<b>amendments by the committee responsible -block vote</b>	2-3 6-18	<b>committee</b>		+	
<b>amendments by the committee responsible - separate votes</b>	4	<b>committee</b>		329 260 4	
	19	<b>committee</b>		+	
Article 1, § 2	23	Greens/EFA		-	adoption 23 = 26/5 fall
	26	ALDE		-	adoption 26 = 5 falls
	5	<b>committee</b>		+	
Article 2, § 1, alinea c)	24= 27=	Greens/EFA ALDE		169 407 19	
Recital 2	25	ALDE		-	adoption 25 = 1/21 fall
	1	<b>committee</b>		+	
	21	Greens/EFA		-	
Recital 8	22	Greens/EFA		-	
<b>vote: amended proposal</b>				+	
<b>Draft legislative resolution</b>					
After citation 1	20	PPE-ED		+	
<b>vote: legislative resolution (as a whole)</b>			RCV	471 118 6	

Requests for separate votes

EPP-ED: ams. 4 and 19

Requests for roll-call votes

Greens/EFA: final vote

EUL/NGL: final vote

EPP-ED: final vote

**AMENDMENTS 1-19**

tabled by the Committee on Civil Liberties, Justice and Home Affairs

**REPORT by Carlos Coelho**

A6-0028/2004

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation

(COM(2004)0116 – C5-0101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendments by Parliament

## 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.

*Justification*

*It should be emphasised that the European Council made a political decision to introduce biometric identifiers in EU passports without any input from practitioners and without knowing the magnitude of the problem, if indeed there is a problem. One identifier, the facial image, is sufficient in any case, at this stage.*

## 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.*

*Justification*

*Since the reason for incorporating biometric features into passport documents has to be explicit, appropriate, proportionate and clear, it needs to be incorporated into the legal text.*

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

(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.

*Justification*

*Document No 9303 should not be referred to in an EU regulation, since it is constantly being amended by means of a process which lacks transparency and democratic legitimacy.*

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.

*Justification*

*It must be made very clear exactly what information is to be stored in the passport, and no provisions should be made for further information to be stored.*

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.**

*Justification*

*The technical specifications are crucial to privacy. Certain criteria with which they have to comply should therefore be specifically mentioned.*

*The setting up of a centralised database would violate the purpose and the principle of proportionality. It would also increase the risk of abuse and function creep. Finally, it would increase the risk of using biometric identifiers as 'access keys' to various databases, thereby interconnecting data sets.*

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**:

*Justification*

*See justification for amendment to Article 5, paragraph 3a (new).*

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;**

*Justification*

*See first part of justification for amendment on Article 1, paragraph 2.*

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.**

*Justification*

*It should be clearly laid down in the legal text which authorities will have access to the data. Unauthorised access is not acceptable from a privacy point of view.*

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.**

*Justification*

*In order to ensure the necessary transparency and thereby protect against abuse, it is suggested that a register of Member-State authorities which are competent to read, store, modify and erase data (i.e. passport-issuing authorities) and of authorised bodies entitled to read the data (i.e. border-patrolling authorities) be set up. This could be done in a similar way as in the case of the list of authorities having access to the Schengen Information System set up pursuant to Article 101(4) of the Schengen Implementing Convention. Up-to-date information could be made available by the Commission via the Internet.*

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.**

*Justification*

*The passport bearer should always be entitled to verify, and rectify or erase information that is inaccurate and any corrections should be free of charge.*

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.**

*Justification*

*It must be made very clear exactly what information is to be stored in the passport, and no provisions should be made for further information to be stored.*

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.**

*Justification*

*Since the reason for incorporating biometric features into passport documents has to be explicit, appropriate, proportionate and clear, it needs to be incorporated into the legal text. It has to be absolutely clear that biometrics in EU citizens' passports are going to be used only for verifying the authenticity of the document and the identity of the holder.*

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.**

*Justification*

*It is very important to have an effective control network in place in order to build up trust into the concept of biometrics.*

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.**

*Justification*

*The technical specifications are of the utmost importance because they will determine whether the incorporation of biometrics into passports will be useful or not and whether the data will be physically protected. Experts viewing the technical specifications from a data-protection point of view should have the possibility of participating in the work of the technical committee and thus also advising on which possible technical solutions are better from a data-protection point of view. At the end they should have the possibility of evaluating the technical specifications from a data-protection perspective.*

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.**

*Justification*

*See justification for amendment to Article 5, paragraph 3 a (new).*

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.**

*Justification*

*See justification for amendment to Article 5, paragraph 3 a (new).*

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.**

*Justification*

*See justification for amendment to Article 5, paragraph 3 a (new).*

Amendment 18  
Article 5, paragraph 3e (new)

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

*Justification*

*See justification for amendment to Article 5, paragraph 3a (new).*

Amendment 19  
Article 6, paragraph 2

The Member States shall apply this Regulation at the latest **one year** following the adoption of

**The application of this Regulation is contingent on the certification by national**



the measures referred to in Article 2.  
However, the validity of passports already issued shall not be affected.

***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.

*Justification*

*A large number of Member States believe that it would be preferable to apply the Regulation from 18 to 24 months following its adoption. Settling for 18 months is therefore an acceptable compromise, and one which the US should respect by extending the deadline beyond 26 October 2005 for holding a biometric passport for visa free travel. The conditionality of implementation is necessary because national data protection authorities are under resourced and Directive 95/46 is insufficiently enforced at present.*

30.11.2004

A6-0028/20

**AMENDMENT 20**

by Carlos Coelho, on behalf of the PPE-DE Group

**Report**

**Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

**A6-0028/2004**

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Draft legislative resolution

Citation 1a (new)

- ***having regard to the orientations of the Council as set out in document 15139/04 which was transmitted to Parliament on 24 November 2004,***

30.11.2004

Or.en  
A6-0028/21

**AMENDMENT 21**

by Tatjana Ždanoka, on behalf of the Verts/ALE Group

**Report**

**Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

**A6-0028/2004**

Text proposed by the Commission

Amendment by Parliament

Amendment 21

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. 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 **one** biometric **element, namely, a digital facial photograph**, should be integrated in the passport in order to establish a reliable link between the genuine holder and the document.

Or. en

*Justification*

*The respect of the principle of proportionality requires proof that there are no other means to achieve the objective of increasing document security. The Commission has not provided yet the Parliament with the requested information on:*

*- the scope and the seriousness of the problem of false documents;*

*- the results of the former improvements;*

*- the cost of biometrics, the error rate of the various biometric options, the risk of misuse;*

*the principle of proportionality, the confidential requirement...*

*Only a detailed knowledge of the above mentioned questions will allow the Parliament to give a balanced opinion on the introduction of any other biometric data in visas, residence permits and passports.*

**AMENDMENT 22**

by Tatjana Ždanoka, on behalf of the Verts/ALE Group

**Report****A6-0028/2004****Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 22  
Recital 8

(8) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of introducing common security standards and **interoperable** biometric **identifiers** to lay down rules for all Member States implementing the Schengen Convention. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty.

(8) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of introducing common security standards and **one** biometric **identifier, namely a digital facial photograph**, to lay down rules for all Member States implementing the Schengen Convention. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty.

Or. en

*Justification*

*The respect of the principle of proportionality requires proof that there are no other means to achieve the objective of increasing document security. The Commission has not provided yet the Parliament with the requested information on:*

*- the scope and the seriousness of the problem of false documents;*

*- the results of the former improvements;*

*- the cost of biometrics, the error rate of the various biometric options, the risk of misuse;*

*the principle of proportionality, the confidential requirement...*

*Only a detailed knowledge of the above mentioned questions will allow the Parliament to give a balanced opinion on the introduction of any other biometric data in visas, residence permits and passports.*

**AMENDMENT 23**

by Tatjana Ždanoka on behalf of the Verts/ALE Group

**Report**

**Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

**A6-0028/2004**

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 23  
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 ***contain a digital facial photograph.***

Or. en

*Justification*

*The same provisions should be provided for visas, residence permits and passports.*

**AMENDMENT 24**

by Tatjana Ždanoka, on behalf of the Verts/ALE Group

**Report****A6-0028/2004****Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 24  
Article 2, point (c)(c) requirements for the quality and common standards for the facial image **and the fingerprints.**(c) requirements for the quality and common standards for the facial image **(deletion).**

Or. en

*Justification**The respect of the principle of proportionality requires proof that there are no other means to achieve the objective of increasing document security. The Commission has not provided yet the Parliament with the requested information on:**- the scope and the seriousness of the problem of false documents;**- the results of the former improvements;**- the cost of biometrics, the error rate of the various biometric options, the risk of misuse;**the principle of proportionality, the confidential requirement...**Only a detailed knowledge of the above mentioned questions will allow the Parliament to give a balanced opinion on the introduction of any other biometric data in visas, residence permits and passports.*

1.12.2004

A6-0028/25

**AMENDMENT 25**

by Alexander Nuno Alvaro and Sarah Ludford on behalf of the ALDE Group

**Report****A2-0028/2004****Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

Amendment 25  
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) **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 **one biometric element, the facial image,** should be integrated in the passport in order to establish a reliable link between the genuine holder and the document.

Or. en

1.12.2004

A6-0028/26

### AMENDMENT 26

by Alexander Nuno Alvaro and Sarah Ludford on behalf of the ALDE Group

#### Report

A6-0028/2004

**Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

#### Amendment 26 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. **No central database of European Union passports and travel documents containing all EU passport holders' biometric and other data shall be set up.**

Or. en

1.12.2004

A6-0028/27

### AMENDMENT 27

by Alexander Nuno Alvaro and Sarah Ludford on behalf of the ALDE Group

#### Report

A2-0028/2004

**Carlos Coelho**

Standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C50101/2004 – 2004/0039(CNS))

Text proposed by the Commission

Amendment by Parliament

#### Amendment 27 Article 2, paragraph 1, point (c)

(c) requirements for the quality and common

(c) requirements for the quality and common

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EN

EN

standards for the facial image **and the fingerprints.**

standards for the facial image (**deletion**).

Or. en