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Committee on Civil Liberties, Justice and Home Affairs

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AMENDMENTS 15-30

Draft report

(PE 349.798)

Carlos Coelho

Proposal for a Council Regulation on standards for security features and biometrics in EU citizens' passports

Proposal for a regulation (COM(2004)0116 – C6-0101/2004 – 2004/0039(CNS))

Proposal for a regulation

Amendment by Ole Krarup

Amendment 15
Paragraph 1

1. **Rejects** the Commission proposal;

Or. en

Justification

It is not clear whether the introduction of biometric identifiers really does increase security or whether it is rather a threat to security through the risks of abuse, technological flaws and lack of transparency and sound data protection. The proposal of the commission lacks crucial information on important points such as costs, proportionality, adequacy and added-value in security.

Amendment by Ole Krarup

Amendment 16
Paragraph 2

2. Calls on the Commission to *withdraw its proposal*;

Or. en

Justification

It is not clear whether the introduction of biometric identifiers really does increase security or whether it is rather a threat to security through the risks of abuse, technological flaws and lack of transparency and sound data protection. The proposal of the commission lacks crucial information on important points such as costs, proportionality, adequacy and added-value in security.

Proposal for a regulation

Text proposed by the Commission

Amendments by Parliament

Amendment by Sarah Ludford, Alexander Nuno Alvaro

Amendment 17
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 ***a biometric element, the facial image,*** should be integrated in the passport in order to establish a reliable link between

Or. en

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 by Tatjana Ždanoka

Amendment 18

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 photography***, 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 (integration of a photograph on visas and residence permits;*
- 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 by Sarah Ludford, Alexander Nuno Alvaro

Amendment 19
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 data¹ 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 data² applies. ***No*** further information shall be stored in the passport.

Or. en

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 by Tatjana Ždanoka

Amendment 20
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 photo***, 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

¹ OJ L 281, 23.11.1995, p. 31

² OJ L 281, 23.11.1995, p. 31

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 (integration of a photograph on visas and residence permits;*

-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 by Sarah Ludford, Alexander Nuno Alvaro

Amendment 21 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 storage medium with sufficient capacity, which shall be highly secured and shall contain a facial image.

Or. en

Justification

The Commission has chosen a Regulation in order to provide a harmonised solution. It is therefore illogical to allow Member States to include a second biometric identifier at their discretion. Furthermore, it should be argued that the choice of the second biometric identifier has not been substantiated and until further evidence is given that finger printing is the best possible solution in a field where technology is rapidly changing, the passport should only contain one identifier, in line with US requirements and ICAO specifications.

Amendment by Tatjana Ždanoka

Amendment 22 Article 1, paragraph 2

2. The passport shall include a storage medium with sufficient capacity, which shall

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.*

be highly secured and shall contain a facial image.

Or. en

Justification

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

Amendment by Ewa Klamt

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 include a storage medium with sufficient capacity, which shall be highly secured and shall contain a facial image. The Member States may also include ***both iris images of the holder or*** fingerprints in interoperable formats.

Or. en

Justification

Biometric identification based on iris recognition technology is internationally recognised by the International Standards Organisation under ISO/IEC 7501, the competent authority for establishing standards for biometric identifiers in travel documents. Iris recognition is widely deployed in the EU, guaranteeing security and privacy of users, without the need for a central database.

Amendment by Tatjana Ždanoka

Amendment 24
Article 2, paragraph 1, letter (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.

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 (integration of a photograph on visas and residence permits;*

-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 by Sarah Ludford, Alexander Nuno Alvaro

Amendment 25

Article 2, paragraph 1, letter (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.

Or. en

Justification

Presently there are not sufficient arguments for choosing two biometric identifiers and until further evidence is given that finger printing is the best possible solution for a second identifier in a field where technology is rapidly changing, the passport should only contain one identifier, the facial image, in line with US requirements and ICAO specifications.

Amendment by Ewa Klamt

Amendment 26

Article 2, paragraph 1, letter (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 **as well as iris** image and the fingerprints.

Or. en

Justification

Biometric identification based on iris recognition technology is internationally recognised by the International Standards Organisation under ISO/IEC 7501, the competent authority for establishing standards for biometric identifiers in travel documents. Iris recognition is widely deployed in the EU, guaranteeing security and privacy of users, without the need for a central database.

Amendment by Roberta Angelilli

Amendment 27

Article 2, paragraph 1 a (new)

***1 a. The storage medium may be used
- for the purposes of this Regulation alone -
solely:
(a) by the Member-State authorities which
are empowered to read, store, amend and
erase data,
and
(b) by authorised bodies which are legally
entitled to read the data.***

Or. it

Justification

The purpose for which biometric data are recorded must be specified in order to establish a clear legal framework for the provision of information concerning not only the authorities which are empowered to handle the data but also the use to which such data (which is sensitive in nature) will be put. This will ensure that data-storage is both transparent and in accordance with actual requirements.

Amendment by Sarah Ludford, Alexander Nuno Alvaro

Amendment 28

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

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.

erasure to be made. ***Any verification, rectification or erasure must be carried out free of charge by the designated national authority.***

Or. en

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 by Sarah Ludford, Alexander Nuno Alvaro

Amendment 29
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.

Or. en

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 by Sarah Ludford, Alexander Nuno Alvaro

Amendment 30
Article 6, second sub-paragraph

The Member States shall apply this Regulation at the latest ***one year*** following the adoption of the measures referred to in Article 2.

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 in relation to data collected under its provisions. The Member States shall apply this Regulation at the latest ***18 months*** following the adoption of the measures

referred to in Article 2.

Or. en

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.