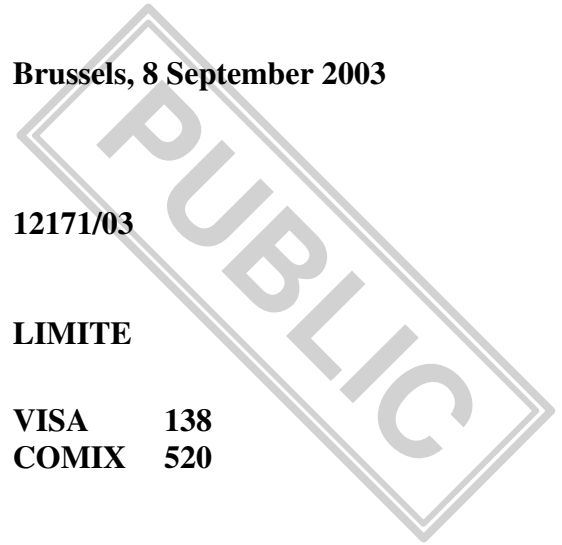**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 September 2003

12171/03

LIMITE

VISA   138
COMIX   520

NOTE

from :	General Secretariat
to:	Visa Working Party
Subject :	Comments on the Presidency initiative on visa security and controls (doc. 10857/03 VISA 109 COMIX 407)

Delegations will find attached the comments from Denmark, France, Finland, Sweden, Poland and

Slovakia on the above-mentioned subject.

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DENMARK

The Danish delegation regards the Italian initiative as very well-prepared and an interesting contribution to current consideration of new measures to increase security in connection with the issuing of visas and immigration controls.

However, Denmark considers it extremely important to avoid creating a new security system likely to compete or overlap with the Visa Information System (VIS). In this context Denmark feels that, for practical reasons, the system proposed by the Presidency cannot be expected to be operational before 2006, at which point VIS is expected to be ready to function.

Moreover, Denmark supports the Commission's comments voiced at the Visa Working Party 's meeting on 15 July 2003 that the initiative will in all likelihood require greater economic resources than stated in the proposal, including the purchase of hardware and extra work for consulates.

Moreover, there remain many factors of uncertainty relating to chip technology, including durability and the question of interference from any other contactless chips in the host passport.

Finally, it is not known how third countries will react to consulates from the Schengen countries inserting contactless chips in third country passports, and whether this will be in accordance with international law.

In view of the above, it is thought that these factors of uncertainty should be examined in greater detail before any work on the Italian initiative can be continued.

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FRANCE

In response to the Presidency's request, the French delegation reiterates the comments it made on the subject at the meeting in question:

–   France supports the Presidency initiative of creating uniform visa control and security systems and of inserting a chip containing biometric data in visa stickers. The proposed system would supplement the future VIS by enabling a person's identity to be verified without direct access to the central database. It could also be introduced ahead of the VIS, which requires substantial resources and infrastructure.

–   However, in view of the budgetary and technical implications, we consider it essential that the proposal be discussed by the Committee in charge of the uniform format for visas, whose next meeting will take place on 17 September. This would also enable the Visa Working Party to make progress on the dossier.

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FINLAND

1.   **Primary observations of the proposal as a whole**

- Microchip technology will certainly bring advances as described in the document.
- The added value brought by chip-on-paper technology would be useful as a whole and especially when it is nesessary to verify visas issued by other member state.
- Adopting the proposed solution is not possible in a rapid schedule and with small costs. Adopting the proposed solution requires large functional and technical in the whole handling process of visas at least in Finland.
- The value of the solution is purely in developing the Visa's security features and collecting VIS information in advance.
- These issues make it significantly more reasonable, in member state's point of view, to implement the possible adoption of microchip technology at the same time when implementing the VIS-compatible (national) visa systems.
- Starting this project at the same time with VIS-project, would harm the implementation of VIS, which was planed to start in 2006.

2.   **Specific Comments**

- **2a, What to do pending a fully-operational VIS**:"*Apart from being easy to integrate, such a system would have….*" The proposed solution would, in fact, not be easy to integrate with the existing systems. The proposed system would require an entire system for handling biometric identifiers in the embassies, and such system would then require significant changes in the current information systems, new equipment, a more complicated handling process than the current, and larger telecommunication capacity between the embassies and the ministry. In addition to this, it would require devices that enable recording the necessary information in the microchips. **For the embassies of member state, this proposal would mean extremely large changes that cannot be considered easy.**

- **2b, Development of the points in paragraph 10.11 of the VIS report:** "*…this type of data storage on an easily portable medium is an off-line system capable of meeting practically all the aims of the VIS*" The proposed solution may prove useful in security controls in border stations. However, VIS is very significant in handling visas in the embassies when information of the applicant's visa history is needed. This problem is not solved by this proposal. **Storing data on portable medium only achieves a part of VIS's objectives**.

- **2c, ICAO's recommendations with reference to contactless integrated circuits**: At the moment, ICAO's plans are made for passports and they do not include visas yet. A contactless microchip located under a label on a paper page is very vulnerable for bending and impacts. However, we presume this issue can be solved satisfactorily.

- **4, Immediate advantages of a chip-on-paper solution**: With the national centralized database, most of the advantages described in this chapter can be achieved already today. The described advantages are certainly correct, but, WE DO NOT HAVE INFORMATION ON VISAS ISSUED BY OTHER MEMBER STATES. When evaluating the advantages, it is also important to estimate the added value gained compared with the current situation. **The significance of the advantages must be evaluated before further comments on the proposed investments can be made.**

- **5a, Security of current documents enhanced:** "*Unlike the visa sticker, which can be removed, wiped clean of its original printed data and filled in with....*" This may be possible, but when the national system checks the visa from the centralized register, this kind of forgery will be caught in the border.

- **5a, Security of current documents enhanced**: Even some of the currently used passports do not meet the security requirements set by ICAO.

- **5b, Only one medium to be checked**: "*transform the passport into an electronic file, which, for border control purposes, merely requires there to be a data-reading device nearby.*" In addition to a data-reading device, a device for comparing fingerprints, or a camera and a pattern recognition system are required in the security controls in the borders. The question is not only about device purchases but also especially software solutions. Additionally, there are many problems to be solved, such as the number of computers to be added and data security issues.

- **5c, Fast border controls:** "*To carry out a check electronically, it would no longer be necessary to type the names of the passengers into the computer.*" Even the current machine-readable row printed on a visa label enables checking the passengers' information without typing the names with keyboard. If reading information remotely, comparing fingerprints, recording information in a microchip and making inquiries from the register are all made simultaneously in the future, the process is not going to speed up but actually slows down. Moreover, remote readers and corresponding software are more expensive than the currently used row-information readers.

- **5d**; Furthermore, Finland would like to draw attention to the paragraph 5d concerning "Desirability of extending border controls to all travelers". According to the Schengen Acquis (Article 6(2) of the Convention and the Common Manual Part II: Border Checks) <u>all</u> aliens crossing the external border (with or without a visa) shall be subject to a thorough check as defined including verification of travel documents and the other conditions governing entry, residence, work and exit. Since the Schengen Acquis does not recognize the possibility for spot checks – or the term itself – when the entry of aliens is concerned at the Schengen external borders – and since the description on the verification of the biometric feature is quite simplified, Finland recommends the deletion of the paragraph 5 d, or at least the first two sentences of it.

- **5e, Storage of data obtained at the border:** *"The inclusion of further information, obtainable at the border…would considerably enhance the value of the VIS database…."* No such content has been planned in the VIS system but, should visaholder´s border grossing information be stored in VIS, which should be as useful as visainformation for border authorities as well.

- **8c, Cost-effectiveness of chip-on-paper technology**: *"In conclusion, consideration of the proposal as a whole shows it to be especially cost-effective, bringing considerable benefits for a particularly low cost."* Unfortunately this conclusion is at least partially incorrect. The proposal's influence on security may not be fundamendal as estimated as in the proposal and business effectiveness is relatively small compared with the current situation. Additionally, the costs of implementation and adoption of the proposed solution would become very high at least in Finland.

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<u>SWEDEN</u>

Sweden would initially like to point out that the Presidency's initiative, with regard to the technical aspects, is interesting and it is clear, also with the ICAO recommendations in view, that the identification techniques and solutions available today and in the future should be made use of.

There are, however, some aspects in the presidency's initiative that has to be considered more thoroughly. We would like to emphasise that we have not analysed the initiative in detail but can, at this point, give the following preliminary comments.

Any delay of implementing VIS would not be acceptable. We believe that there might be a risk that the initiative, however interesting, will delay the work of VIS, considering, not the least, that the appropriate legal basis has not been established. We also believe that the initiative would demand a considerable input of knowledge and staffing that today are needed for the implementing of VIS. In addition to this there are furthermore the process of producing a prototype, test period and a call for tender, etc which would require some amount of time.

Sweden has the same opinion as the Commission that the identification of costs related to the initiative is too optimistic. Additional costs would also have to be considered, for example installing the equipment, staff training etc.

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POLAND

1. Proposal seems to be interesting, it takes into account the possibility to apply modern technologies and therefor, in our opinion, the works aiming at its implementation should be continued.

2. In our view, further works regarding the proposal that will lead to the specification of technical requirements in connection with the financial aspect of the project, should be moved to the experts forum, the specialists of biometrics.

3. The concept is based upon the philosophy: check passport and then visa. According to us, more logical would be the reversal procedure: first checking of visa and then passport.

4. This document does not specify which exactly biometrics data would be applied: iris, fingerprints (if yes, how much)

5. The introduction of the system will significantly slow down the process of border control on the roads, railways and airports.

6. Experiences of other countries show, during the border control, these complicated procedures will be omitted in the same way as today the procedures related to VRZ are omitted.

7. Problems of disturbances. Insertion of few microchips into one passport (one of passport and some of visas) will surely cause reciprocal interference that could effectively make impossible to read data included in them.

8. The Member States of the EU (Schengen) can not have influence what (what information and/or interfering signals) the passport chips, issued by the third countries to their own citizens, will contain. We don't know the legal regulations in this matter neither those regarding the insertion of chips to the passports of third countries citizens.

9. The given estimation of costs in not detailed enough and in our opinion too optimistic.

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SLOVAKIA

Security before the introduction of VIS.
VIS expects to use microchip integrated in visa sticker with the information on visa applicants /biometrics/, on passports and the type of issued visas. Introduction of such system may have the following problems.

1. Technical problems:
   - mechanical resistance of technology
   - vitality of microchip
2. Financial and personal demanding
3. Security:
   -problem o „stolen identity".

Summary

Visa stickers with mikrochip does not solve in the complexity the security systems in issuing of visa and during the border controls. It brings only more harder falsification of the visa stickers. The speeding work on the border exit will bring /on the other hand/ more time needed for issuing the visas and the risk to rely on the technology. It means that if microchip information is O.K. than border control will not pay any attention on the foreigner. All requirements on the drafted off-line system is possible to solve with the cheaper technology /for example- printed in code machine readable datas on the visa sticker /like decoded information in photo or in the other geomethrical shape/.

The solution for the most of problems during the controls of the validity of visa is the creation of the on-line database of issuing visas, which will content the information on the visa applicant including his/her biometrics information. This database will be fulfiled during the issuing of of visa, where it is possible /according to biometrics datas/ to control if the visa applicant is not registered under the different name. On the border /according to these biometrics datas/ it is possible to control if the person crossing the border is the identical with the person for whom the visa was issued.