

11014/06

LIMITE

**FAUXDOC 11
COMIX 589**

OUTCOME OF PROCEEDINGS

of: Working Party on Frontiers/False Documents - Mixed Committee
(EU - Iceland/Norway/Switzerland)

dated: 27 June 2006

Subject: **Summary of discussions**

1. Information on the current status of FADO and on the plans to migrate to the final system. State of play concerning the feasibility of a publicly accessible FADO internet site and a possible decision on declassification of documents

The **FADO project team of the Secretariat General of the Council (GSC)** briefly updated delegations about the latest developments and statistics concerning the FADO system. It was explained that, according to decisions taken, the planned switch to the final phase of the system, previewed for 30 June 2006, has to be postponed, until two thirds of Member States as well as Norway and Iceland (18 MS) have returned to the GSC accreditation officer, Mr Alex Scott, the signed Statement of Compliance, which is a precondition for accreditation. Only 12 Member States have done so until now.

The **GSC** informed delegations that the FADO User Group, in its meeting on 26 June 2006, unanimously agreed that there should be three levels of information within FADO. The first level will be the FADO system as it now exists, to which document experts only will have access, and which will be upgraded.

The second level, on a different server, with access control, will be read-only and will be accessed via "https" by governmental and other European persons and bodies applying legislation, especially law enforcement bodies (e.g. border guards). At the second level, which will be user-friendly for practical use, there will be shorter documents with reduced content (fewer images, but same image quality). Also false alerts and documents of third countries will be included. These two levels are foreseen in the Joint Action of 3 December 1998 (98/700/JHA, OJ L 333/4 from 9.12.98).

A new third level, also created automatically from data existing in FADO and combined with a checkbox system for the originators, will consist of information for the general public. It will also be available in multilingual read-only format, but with images of lower quality, possibly with even fewer images, with a better help section: explanations of some security features and how to check their authenticity. The existing subgroup of the FADO User Group will deal with open details, before the final proposition (Conceptual Analysis) will be presented to the Working Party. Only authentic documents, probably only from Member States, will be available in a first stage. The Council legal service will be asked to give legal advice on the possibility to also include third country documents. For this new level, which would be within the financial scope of the FADO project, which could even help to justify the costs for translations into all languages, according to the project management, a new legal framework / or a decision of the GSC will be required, as it is outside of the scope of the Council Joint Action of 3 December 1998. The GSC will come up with a proposal, either in the meeting in July, or - more probable - in the meeting in October. While at the same time avoiding duplication of work, this is the unique possibility to provide needed information, in practically all official EU languages, with a minimum of effort. In a growing common market and growing freedom of movement for workers, the need to give information on how to check documents, to employers, for example, to enable them to fulfil their national legal obligations to check the identity, to prevent e.g. social security fraud, will grow in future.

The GSC explained why there is a need to take decisions regarding declassification / not classifying all the documents contained in FADO. Documents will have a restricted circulation and be labelled "LIMITE" or "FADO COMMUNITY ONLY". If documents remained classified, as was planned up to now for the so-called "final phase", then the takeover of FADO content by national systems would be rather complicated or not possible at all. This applies especially to false alerts (where no 2- or 3-level system is feasible or foreseen). The information should come to first line document checkers as timely as possible. At the moment, some Member States send their false alerts via unsecured email, others in envelopes.

Replying to a question raised by the **UK**, the **GSC** replied that for the time being, Member States are asked to proceed with all preparations for the "final phase" as previously agreed upon, including using the leased lines in the near future. However, possible declassification could probably in future influence the content and necessity of the statements of compliance.

Replying to a question raised by **Lithuania** regarding low permeability of the access to the data at the border checkpoints, the **GSC** explained that easier information exchange is one of the reasons why keeping information unclassified in FADO in future is necessary. A DVD with all the approved documents in "pdf" format (EU Handbook) will be handed over to Lithuania at the same time as information will be available in the FADO System. A FADO read-only system is planned to be provided by the GSC (no warranty). Replying to a question raised by **Latvia**, regarding the national use of the system and regarding data security, the **GSC** explained that there would be no change of the existing planned system (a maximum of 7 users per Member State could be connected directly to the FADO system; national connections are governed by national security legislation). Replying on concerns raised by the **Netherlands**, supported by **Spain**, that not classified, just circulation restricted, documents could be released to the public, the **GSC** explained that this is not foreseen for strategic information of this kind, but that the matter of transparency rules will have to be closely investigated with the help of the Council Legal Service as a next step.

The **Chair** concluded that there was consensus that the **GSC** prepares a Conceptual Analysis for a restricted site for border guards and at the same time for a publicly accessible internet site, as proposed by the FADO User Group, to present it to the Working Party on Frontiers/False Documents. In addition, the Council Legal Service will prepare a document on the open legal issues for one of the following two meetings.

2. General exchange of information

The **United Kingdom** presented Forgery Finders No. 15/06-24/06.

The **Czech Republic** circulated specimens of two new passports (diplomatic and service), two residence permits and a certificate of temporary stay for EU citizens.

Germany circulated specimens of "Travel Document for Foreigners", "Travel Document Convention of 28 July 1951", "Travel Document Convention of 28 September 1954", "Biodata Label for Children" and "Preliminary Passport Model 11/2005 and Biodata Label for Children".

Spain circulated specimens of its new e-ID card. Technical specifications had been given at the last meeting of this Working Group.

3. Setting of the minimum age for recording and storing facial images and fingerprints in the chip of a passport or residence permit and in the Visa Information System doc. 9403/1/06 REV 1 FAUXDOC 9 VISA 135 COMIX 463

The **Chair** presented the document concerning the minimum age for recording and storing facial images and fingerprints in the chip of a passport or residence permit and in the Visa Information System (VIS). The Visa Working Party had concluded that it would deal with this issue when recasting the Common Consular Instructions (CCI) and with residence permits when amending the existing Regulation 1030/2002. This is why document 9403/1/06 REV 1, FAUXDOC 9, VISA 135, COMIX 463 has been issued. The issue of a minimum age for including biometric identifiers in e-passports should ideally be solved before 28 August 2006.

Portugal agreed with the Presidency proposal and pointed to the need that there should be certain exemptions for people with facial deformities. **Sweden** was in favour of a lower minimum age for taking fingerprints, than proposed in the Presidency paper, and a minimum age which should be as low as possible, for capturing facial images. **Hungary** and the **United Kingdom** agreed with the Presidency proposal, but expressed their views that there should be no exceptions for capturing facial images. **Germany** was in favour of a minimum age for taking fingerprints set at the age of 14, due to the development of fingerprints of children. **Poland** was in favour of a harmonised minimum age of 12 years for both biometric identifiers. At an age above 65, physical changes can also be quite rapid. In any case, deformity should not be a reason for exemptions.

Latvia and **France** were in favour of taking fingerprints from the age of 6 and capturing facial images from birth. **France** found that the minimum age for taking fingerprints should be lower than 12 years which would be necessary to avoid trafficking of children. **Czech** explained that it was taking fingerprints from the age of 5 and capturing facial image from birth on. **Spain** informed delegations that it was taking both biometric identifiers from birth on.

The Netherlands asked what procedure would be followed to have a decision before 28 August 2006.

The **Commission** explained that, on the basis of the existing regulation, no exceptions for capturing of facial images are foreseen. As there will always be a photo of the holder in every passport, the same photo could be also entered into the chip. The **Commission** is ready to propose an amendment to seek harmonisation in this issue, to be followed by further discussion. The obligation, to include fingerprints in the chip will only come into effect in 2009, and the need to take a final decision was not therefore urged.

The **Chair** concluded that there was no agreement on the issue and that further discussions will be needed.

4. Modus operandi of international organisations trafficking in false and falsified documents (activities in detection and dismantling of forgery workshops and presentations on trafficking of false documents)
– **Exchange of information**

Spain reported on a joint operation with **Portugal** regarding large numbers of forged Portuguese ID cards of good quality which lead to the arrest of 14 people (13 Brazilians and one Portuguese). Answering a question raised by **United Kingdom** regarding these forged ID cards being used as travel documents, **Spain** explained that the investigation has not been finished yet and that it was in contact with British authorities and that it would report later on the further development.

Hungary presented additional information regarding its confiscation of huge number of forged documents at its border crossing with Serbia. The presentation is available in electronic version. **Europol** asked where these documents came from and where they were going. **Spain** asked whether it would be possible to get serial numbers of these forged documents and the name of the arrested Bulgarian truck driver. **Hungary** replied that information is available in electronic version.

5. Biometrics and their application to travel documents of both Member States and other states
– Exchange of information

France presented their new e-passport and new service e-passport and circulated two specimens together with an explanatory brochure. It was explained that the relevant decree was signed on 30 December 2005 and now all issuing authorities issue these new passports.

Greece informed delegations that some pictures of its new e-passport were available at the web-page of the Greek Ministry of Public Order - <http://www.ydt.gr/main/Section.jsp?SectionID=13297>.

Austria presented its new e-passports which are available for all citizens from 16 June 2006. Diplomatic, service passports and passports for foreigners will be available from 28 August 2006 on. Specimen will be given only to this working Party.

The **Commission** informed delegations that technical specifications on fingerprints had been adopted and that the 3-year period started to run on 28 June 2006 meaning that by 29 June 2009 fingerprints as biometric identifier will have to be included in e-passports.

6. Presentation of national structures and of procedures regarding documents by the Austrian delegation.

This point will be dealt with at the next meeting.

7. Training tool for border guards, CD-ROM presented by FRONTEX - comments by Portugal

Portugal presented document 10794/06, FAUXDOC 10, COMIC 575, concerning the Advanced Level Training Tool for border guards presented by FRONTEX on 7 April 2006, pointing out that a lot of work has gone into this project. It insisted that there should be some further discussion about the structure of the document and its content, especially the glossary. Translation into all languages should be checked.

Belgium pointed out that the content of the CD-ROM does not seem to be always checked against documents produced by Council Working Parties and the existing acquis. The CD-ROM should not be distributed, before remaining open issues are resolved.

FRONTEX agreed that there was room for further development and improvements and was looking forward to cooperating closely with Portugal. It believed that the content of the CD-ROM is correct and verified and could now be circulated.

Portugal announced that they would bring up the open issues and points to be clarified in the next FRONTEX meeting. It is vital that, in close cooperation with all sides, also with the experts involved, this instrument will become better.

8. Presentation on Nigerian passports by the United Kingdom

United Kingdom made presentation on Nigerian passports. The presentation was followed by a workshop where several falsified Nigerian passports were examined. All available information was distributed to delegations on CD-Rom.

9. AOB

Presentation of the incoming Finnish Presidency

The incoming Presidency presented its 4 objectives (operability of the FADO system; issues related to the introduction of biometrics; information exchange on travel documents; dialogue with US and Canada). A more detailed document will be circulated in the following days. Delegations were asked to send their comments regarding the 4 objectives to the Secretariat General of the Council by 10 July. The incoming Finnish Presidency also informed delegations that the provisional dates of meetings are 19 July, 9 October and 29 November 2006.
