



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 March 2008

7579/08

**Interinstitutional File:
2007/0216 (COD)**

LIMITE

**VISA 95
CODEC 368
COMIX 221**

NOTE

from: Presidency

to: Visa Working Party

No. Cion prop.: 14217/07 VISA 336 CODEC 1151 COMIX 928 (COM(2007) 619 final)

Subject: Draft 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

Based on the discussions held at the Visa Working Party (VWP) (8-9 January 2008 and 18-19 February 2008) and at SCIFA (12 February 2008), the Presidency has produced a compromise wording for the above Draft Regulation. The issues which will be discussed at the VWP meeting on 26-27 March 2008 are highlighted in bold in the Annex attached to this document.

The issues which have already been discussed, and which have been incorporated into the compromise text as a result of the discussions, are:

1. age limit – the majority view is 6 years with the possibility of going lower on the basis of national law;
2. one person, one passport – the majority of delegations support this principle;
3. feasibility of capturing fingerprints – delegations support the exemption for persons in respect of whom fingerprinting is permanently impossible.

In order to prepare a document for the next SCIFA meeting (31 March 2008), the Presidency would like to discuss the remaining issues in the Passport Regulation at the next VWP. The issues to be discussed are set out below. Delegations are invited to reflect on the questions asked in each case:

1. Type of passport/travel document

Do delegations support the compromise wording for persons in respect of whom fingerprinting is temporarily physically impossible (see Article 1(2), second indent, in the Annex)?

2. Transitional provision

Do delegations agree that the principle of one person one passport is defined in such a way that the initial validity of passports and travel documents already issued will not be affected in respect of their holders; however, in the case of other persons being included in such a document, those persons shall be obliged to get their individual document at the latest on the specific date (see Article 1(3), last subparagraph of the Annex)?

3. Recital 3

Do delegations support the additional sentence in Recital 3 of the Passport Regulation, the purpose of which is to clearly relate the concept of individual passports/travel documents to the crossing of the borders of some third countries and to the issuing of visas by some third countries (see Article 1(1) of the Annex)?

Article 1

Regulation (EC) 2252/2004 is hereby amended as follows:

(1) Recital 3 shall be replaced by the following:

"(3) The harmonisation of security features and the integration of biometric identifiers are important steps 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 and the travel document as an important contribution to ensuring that it is protected against fraudulent use. The specifications of the International Civil Aviation Organisation (ICAO), and in particular those set out in Document 9303 on machine readable travel documents, should be taken into account. **Moreover, in line with these recommendations, some third countries require that every person intending to cross their borders or applying for a visa is in possession of his/her own passport.**"

(2) Article 1 is amended as follows:

- 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.
They shall be issued as individual documents.";

- the following paragraph shall be inserted after paragraph 2:

"2a. The following persons shall be exempt from the requirement to give fingerprints:
(a) children under the age of 6. However, Member States may provide under their national law for the taking of fingerprints from children below that age;
(b) persons in respect of whom fingerprinting is permanently physically impossible.

Member States shall, when issuing passports and travel documents to persons, where fingerprinting is temporarily physically impossible for all ten fingers:

- **either issue a biometric passport in accordance with this Regulation or**
- **deliver a temporary passport with a validity under 12 months."**

(3) In Article 6, the second subparagraph shall be replaced by the following:

"Member States shall apply this Regulation:

(a) as regards the facial image: at the latest 18 months

(b) as regards fingerprints: at the latest 36 months

following the adoption of the measures referred to in Article 2.

However, the validity of passports and travel documents already issued shall not be affected.

As regards the second sentence of Article 1(1), it shall be implemented at the latest on 1 July 2011. However, the initial validity for its holder shall not be affected."
