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NOTE

from: Presidency

to: SCIFA/Mixed Committee

No. prev. doc.: 5858/08 VISA 27 COMIX 78

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

Subject: Proposal for a 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

1. Introduction

The Commission submitted the above proposal on 19 October 2007 for amending Council regulation (EC) No 2252/2004. The aim of the proposal is to introduce harmonised exceptions to the requirement to give fingerprints for inclusion in a storage medium in passports and travel documents in respect of children under the age of 6 and persons, where fingerprinting is physically impossible, and to introduce the principle of "one person one passport". For further explanations reference is made to the explanatory memorandum of the Commission proposal in 14217/07.

The Visa Working Party examined the proposal at its meeting on 8 and 9 January 2008.¹ The proposal was in general met with positive reactions from delegations, but some questions remained outstanding. The Presidency invites SCIFA to examine the issue of the age limit and the "one person one passport" principle.

2. Questions submitted to SCIFA

a. Age limit

The majority of delegations supported the Commission proposal providing for an obligation to take fingerprints from the age of 6 years. Some of these delegations thought that it in addition should be possible to provide under national law for the taking of fingerprints even for children below the age of 6 years (CZ, FR, PT). On the other hand, two delegations supported a higher age limit of 12 years from which the fingerprints would have to be given (DE, AT).

It was concluded that the minimum age limit is a policy issue and as the pilot projects had shown that fingerprints collected from children of 6 years may efficiently be used for the purpose of verification (one to one check). In any case, there is a need for a harmonized approach for all Member States. It needs also to be decided if member States should be allowed to collect fingerprints of children under the age of 6 on the basis of the national legislation.

The Presidency invites SCIFA to decide if it can agree on the text of Article 1(2) in the Annex, which would imply an obligation to take fingerprints from children from the age of 6 years and a possibility to provide for the taking of fingerprints from children below that age.

¹ See 5858/08 VISA 27 COMIX 78.

b. "one person one passport"

The majority of the delegations supported the principle of "one person-one passport". However, NL raised the question whether there is a legal basis in the TEC for establishing this principle in the Regulation. Additionally, AT did not support this principle, primarily due to the financial consequences that may arise from the obligation for every individual regardless of the age to obtain his/her own passport/travel document.

It was concluded that the principle of "one person-one passport" has already been implemented in the majority of the Member States but that due to the financial implications for Member States which have not yet introduced this principle it is desirable to confirm the approach.

The Presidency invites SCIFA to decide if, with a view to a better protection of children, it can agree to the text of Article 1(1) of the Annex which provides for the "one person one passport" principle.

"Article 1

Article 1 of Regulation (EC) 2252/2004 is amended as follows:

(1) paragraph 1 is 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.";

(2) the following paragraph 2a is 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, where fingerprinting is physically impossible."
