



2018/0104(COD)

12.9.2018

*****I**

DRAFT REPORT

on the proposal for a Regulation of the European Parliament and of the Council on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement
(COM(2018)0212 – C8-0153/2018 – 2018/0104(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Gérard Deprez

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement

(COM(2018)0212 – C8-0153/2018 – 2018/0104(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0212),
 - having regard to Article 294(2) and Article 21(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0153/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Senate, the Spanish Parliament and the Portuguese Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and also the opinions in form of amendments of the Committee on Foreign Affairs and the Committee on Women's Rights and Gender Equality (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Considerable differences exist between the security levels of national identity cards issued by Member States and residence permits for Union nationals residing in another Member State and their family members, which increases the risk of falsification and document fraud and gives rise to practical difficulties for citizens while exercising their right to free movement.

Or. en

Amendment 2

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4 b) According to the Commission's Communication to the European Parliament and the Council on the "Action plan to strengthen the European response to travel document fraud", three-quarters of fraudulent documents detected at the external borders and within the Union imitate identity documents issued by Member States and Schengen-associated countries. National identity cards with a lower degree of security are the most frequently detected as false.^{1a}

^{1a} COM(2016) 0790 :

Amendment 3

Proposal for a regulation

Recital 4 c (new)

Text proposed by the Commission

Amendment

(4 c) In order to deter the use of identity fraud, Member States should ensure that adequate sanctions are provided for in their national law in respect of the falsification and counterfeiting of identification documents and the use of such falsified or counterfeit documents.

Or. en

Amendment 4

Proposal for a regulation

Recital 4 d (new)

Text proposed by the Commission

Amendment

(4 d) There is a marked increase in incidents of fraudulent obtaining of authentic documents using falsified or counterfeit source documents (certificates of birth, marriage, death, etc.). It is essential that Member States, with the support of the Commission, further pursue work on the best ways of making source documents less vulnerable to fraud, in particular on the basis of the Europol manual on the detection of false source documents.

Or. en

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) The 2016 *Action Plan on document security of December* addressed the *risk* from fraudulent identity cards and residence documents³⁵, and the 2017 Citizenship report committed to analysing policy options to improve the security of identity cards and residence documents.

³⁵ COM(2016) 790 final.

Amendment

(5) The 2016 *Commission Communication* addressed the *risks* from fraudulent identity cards and residence documents, and the 2017 Citizenship report committed to analysing policy options to improve the security of identity cards and residence documents.

Or. en

Amendment 6

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The storage of a facial image and two fingerprints on identity documents, as already provided for biometric passports and residence permits for third country nationals, is the most appropriate method of combining reliable identification and authentication with a reduced risk of fraud, in order to adequately address the objective of strengthening the security of identity documents. In order to safeguard this proportionality and reliability, it is necessary to prevent the integration of any other biometric identifier on the storage medium. Moreover, the European Court of Justice stated in its case law^{1a} relating to biometric passports that ‘the combination of two operations designed to identify persons may not a priori be regarded as giving rise in itself to a greater threat to the rights recognised by

Articles 7 and 8 of the Charter than if each of those two operations were to be considered in isolation’.

^{1a} Judgment of the Court of Justice of 17 October 2013, Schwarz v Stadt Bochum, C-291/12, ECLI:EU:C:2013:670.

Or. en

Amendment 7

Proposal for a regulation Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) The collection of biometric identifiers should only be carried out by qualified and duly authorised staff designated by the national authorities responsible for issuing identity cards or residence permits and such collection should be carried out for the sole purpose of being integrated into the highly secure storage medium.

Or. en

Amendment 8

Proposal for a regulation Recital 9 c (new)

Text proposed by the Commission

Amendment

(9 c) This Regulation does not establish a centralised database at Union level and the biometric data collected for the purpose of this Regulation should not be stored in national databases.

Or. en

Amendment 9

Proposal for a regulation Recital 9 d (new)

Text proposed by the Commission

Amendment

(9 d) Biometric identifiers outside the storage medium should be stored in a highly secure manner only for the time required to produce the national identity card or residence cards and in no case for longer than one month from the date of collection and should be immediately erased and destroyed once stored in the storage medium.

Or. en

Amendment 10

Proposal for a regulation Recital 9 e (new)

Text proposed by the Commission

Amendment

(9 e) Only qualified and duly authorised staff of the competent national authorities and EU agencies should be authorised to carry out the reading of the biometric data. This should be done for the sole purpose of authentication of the identity card or residence card and identification of the holders of these documents.

Or. en

Amendment 11

Proposal for a regulation Recital 9 f (new)

Text proposed by the Commission

Amendment

(9 f) Member States should be responsible for the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Regulation.

Or. en

Amendment 12

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) The procedure for taking fingerprints and a facial image should take into account the specific needs of children and be applied in accordance with the safeguards laid down in Article 24 the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child.

(11) The procedure for taking fingerprints and a facial image should ***pursue a strictly limited objective***, take into account the specific needs of children ***and vulnerable persons, be implemented by qualified staff, under the regular supervision of the Commission as well as of a supervisory authority*** and be applied in accordance with the safeguards laid down in Article 24 the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United Nations Convention on the Rights of the Child.

Or. en

Amendment 13

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) The specific needs of children should be particularly taken into account.

To this end, Member States should implement informal child-friendly and child-sensitive practices for taking biometric data as well as for providing of information. Qualified staff responsible for the collection of biometric identifiers should be trained accordingly.

Or. en

Amendment 14

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11 b) To avoid the risk of wrong matching, any match concerning children or people older than 75 years of age carried out with biometric identifiers taken more than five years before the match and which does not confirm the authenticity of the document or the identity of its holder, should be subject to a compulsory manual check by a dactyloscopic expert.

Or. en

Amendment 15

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) Introducing minimum security and format standards of identity cards should allow Member States to rely on the authenticity of those documents when EU citizens exercise their free movement rights. While the possibility to provide for additional national features is maintained, it should be ensured that those features do

(12) Introducing minimum security and format standards of identity cards should allow Member States to rely on the authenticity of those documents when EU citizens exercise their free movement rights. ***Identity cards issued by the Member States should be mutually recognised as both identity and travel***

not diminish the efficiency of the common security features or negatively affect the cross-border interoperability of the identity cards, such as the possibility that the identity cards can be read by machines used by Member States other than those of issue.

documents. While the possibility to provide for additional national features is maintained, it should be ensured that those features do not diminish the efficiency of the common security features or negatively affect the cross-border interoperability of the identity cards, such as the possibility that the identity cards can be read by machines used by Member States other than those of issue.

Or. en

Amendment 16

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) In order to promote recognition between Member States of the security features of identity cards, Member States should exchange with each other the decryption keys allowing the secure reading of fingerprints.

Or. en

Amendment 17

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12 b) Mutual recognition of identity documents is an essential element for the mobility of Union citizens. In the event of loss, theft or renewal, the provisional documents issued by the Member States are not recognized and therefore no longer allow this mobility. Therefore, Member States should, in cooperation with the Commission, work towards better

*mutual recognition of these documents.
To that end, a legislative proposal for the
integration of common features should be
presented by the Commission.*

Or. en

Amendment 18

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) *The* Regulation *shall* respect the obligations set in the United Nations Convention on the Rights of Persons with Disabilities ratified by all Member States and the Union³⁷. Therefore, the integration of additional features that render identity cards more accessible and user-friendly to people with disabilities, such as visually impaired persons, should be encouraged.

³⁷ OJ L 23, 26.11.2009

Amendment

(13) *When implementing this* Regulation, *Member States should* respect the obligations set *in Article 25 and Article 26 of the Charter of Fundamental Rights of the European Union and* in the United Nations Convention on the Rights of Persons with Disabilities ratified by all Member States and the Union³⁷. Therefore, the integration of additional features that render identity cards more accessible and user-friendly to people with disabilities, such as visually impaired persons, should be encouraged.

³⁷ OJ L 23, 26.11.2009

Or. en

Amendment 19

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Identity cards as well as residence cards of a family member of a Union citizen with insufficient security standards should be phased out taking into account both the security risk and the costs incurred

Amendment

(17) Identity cards as well as residence cards of a family member of a Union citizen with insufficient security standards should be phased out taking into account both the security risk and the costs incurred

by Member States. In general, a period of five years should be sufficient to strike a balance between the frequency with which documents are usually replaced and the need to fill the existing security gap within the European Union. However, for cards which do not have important features, in particular machine readability, a shorter period of two years is necessary *on security grounds*.

by Member States. In general, a period of five years should be sufficient to strike a balance between the frequency with which documents are usually replaced and the need to fill the existing security gap within the European Union. However, *on security grounds*, for cards which do not have important features, in particular machine readability *or fingerprints and facial image*, a shorter period of two years is necessary.

Or. en

Amendment 20

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Member States should be responsible for the proper processing of biometric data, from collection to integration of the data on the highly secure storage medium, in accordance with Regulation (EU) 2016/679.

Or. en

Amendment 21

Proposal for a regulation Recital 18 b (new)

Text proposed by the Commission

Amendment

(18 b) Where Member States cooperate with external contractors in any task related to identity documents, they should closely monitor the activities of the contractor to ensure compliance with this Regulation, including in particular with the provisions regarding security, confidentiality and data protection.

Amendment 22**Proposal for a regulation****Recital 19***Text proposed by the Commission*

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States may store other data on a storage medium for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically *or logically* separated from biometric data referred to in this Regulation.

Amendment

(19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States may store other data on a storage medium for electronic services or other purposes relating to the identity card or residence document. ***This storage medium could contain information for emergency services, such as the blood group, known allergies, a contact person and could indicate the willingness or otherwise of the person to be an organ donor.*** The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically separated from biometric data referred to in this Regulation.

Or. en

Amendment 23**Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) The Commission should report on the implementation of this Regulation after ***three*** years ***after*** its date of application, including on the appropriateness of the level of security. In accordance with

Amendment

(21) The Commission should report on the implementation of this Regulation ***for the first time*** after ***two*** years ***from*** its date of application ***and thereafter, every five years***, including on the appropriateness of

paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making⁴¹ the Commission should carry out an evaluation of this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Regulation and the need for any further action.

the level of security ***and on whether the implementation is compliant with the data collection purposes.*** In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making⁴¹ the Commission should carry out an evaluation of this Regulation ***six years from its date of application*** on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Regulation and the need for any further action. ***These evaluations should particularly focus on the impact of this Regulation on fundamental rights, on the efficiency and improvement of the mobility of the Union citizens and on levels of security.***

⁴¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

⁴¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Or. en

Amendment 24

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) In order to ensure uniform conditions for the implementation of this Regulation, in particular compliance of the identity cards and residence documents with future minimum security standards adopted pursuant to Regulation (EC) No 1030/2002^{1a} as implemented by Commission Decision C(2002)3069^{1b}, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011^{1c}.

^{1a} Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1) as last amended by Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 (OJ L 286, 1.11.2017, p. 9).

^{1b} Commission Decision C(2002)3069 of 14 August 2002 establishing technical specifications for the implementation of the uniform format for residence permits for third country nationals (as last amended by Commission Implementing Decision C(2013)6178).

^{1c} Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 25

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) The Fundamental Rights Agency has been consulted.

Or. en

Amendment 26

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) *The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001^{1a} and delivered an opinion on....,*

^{1a} Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (JO L 8, 12.1.2001, p. 1).

Or. en

Amendment 27

Proposal for a regulation Chapter 1 – title

Text proposed by the Commission

Amendment

**SUBJECT MATTER, SCOPE AND
DEFINITIONS**

SUBJECT MATTER AND SCOPE

Or. en

Amendment 28

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation strengthens the security standards applicable to identity cards issued by Member States to their nationals and to residence documents issued by Member States to Union citizens and their family members ***when exercising*** their

This Regulation strengthens the security standards applicable to identity cards issued by Member States to their nationals and to residence documents issued by Member States to Union citizens and their family members ***in order to facilitate the exercise of*** their right to ***freedom of***

right to *free* movement.

movement *within the Union*.

Or. en

Amendment 29

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

(1) Identity cards *issued by Member States* shall be produced in ID-1 format and shall comply with the minimum *security* standards set out in ICAO Document 9303 (seventh edition, 2015).

Amendment

(1) *Where Member States issue identity cards having a validity period of more than 3 months, these* shall be produced in ID-1 format and shall comply with the *relevant* minimum standards set out in ICAO Document 9303 (seventh edition, 2015), *as set out in Annex I to this Regulation*.

Or. en

Amendment 30

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Identity cards issued by the Member States shall be mutually recognised both as identity and travel documents.

Or. en

Amendment 31

Proposal for a regulation Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1 b) Identity cards shall be made entirely of polycarbonate or an equivalent synthetic polymer whose background colour is blue.

Or. en

Amendment 32

Proposal for a regulation

Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

(1 c) By derogation from paragraph 1, Member States may replace the name of the field 'sex' with the word 'gender'.

Or. en

Amendment 33

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The identity card shall contain a distinguishing sign of the Member State issuing the card printed in negative in a blue rectangle encircled by 12 yellow stars.

Or. en

Justification

this provision is inspired by what is already applicable for driving licenses: Directive 2006/126/CE

Amendment 34

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

(3) Identity cards shall include a highly secure storage medium which shall contain a facial image of the holder of the card and two fingerprints in interoperable formats.

Amendment

(3) Identity cards shall include a highly secure storage medium which shall contain ***biometric data consisting exclusively of*** a facial image of the holder of the card and two fingerprints in interoperable formats. , ***Such biometric data shall only be stored or used for the purposes described in Article 10(3) of this Regulation.***

Or. en

Justification

In order to safeguard the proportionality and reliability, it is justified to prevent the integration of any other biometric identifier on the storage medium. It's also necessary to ensure that the biometric data collected for the purpose of this Regulation shall not be stored in national databases or used for any other purpose that the one describe in article 10(3) of this Regulation.

Amendment 35

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

(4) The storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data. The data stored shall be accessible contactless and secured as provided for in the Commission Implementing Decisions adopted in accordance with Article 2 of Regulation (EC) 1030/2002.

Amendment

(4) The storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data. The data stored shall be accessible contactless and secured as provided for in the Commission Implementing Decisions adopted in accordance with Article 2 of Regulation (EC) 1030/2002. ***Member States shall exchange with each other the decryption keys allowing the secure reading of fingerprints.***

Or. en

Amendment 36

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

(6) Member States may enter details and observations for national use as required in the light of their national provisions.

Amendment

(6) Member States may enter details and observations for national use as required in the light of their national provisions. ***The effectiveness of minimum security standards and the cross-border interoperability of identity cards shall not be diminished.***

Or. en

Amendment 37

Proposal for a regulation Article 3 – paragraph 7

Text proposed by the Commission

(7) Where Member States incorporate a dual interface or a separate storage medium in the identity card, the additional storage medium shall comply with the relevant ISO standards and not interfere with the storage medium referred to in paragraph 3.

Amendment

(7) Where Member States incorporate a dual interface or a separate storage medium in the identity card, the additional storage medium shall comply with the relevant ISO standards and not interfere with the storage medium referred to in paragraph 3. ***The additional storage medium may include information for emergency services, such as blood type, known allergies, a contact person and the willingness or otherwise of the person to be an organ donor.***

Or. en

Amendment 38

Proposal for a regulation Article 3 – paragraph 8

Text proposed by the Commission

(8) Where Member States store data for electronic services such as e-government and e-business in the identity cards, the national data shall be physically **or logically** separated from the biometric data referred to in paragraph 3.

Amendment

(8) Where Member States store data for electronic services such as e-government and e-business in the identity cards, the national data shall be physically separated from the biometric data referred to in paragraph 3.

Or. en

Amendment 39

Proposal for a regulation

Article 3 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(9 a) The Commission shall adopt implementing acts concerning the technical specifications referred to in paragraphs 1b and 2a of this Article, relating to the following:

(a) additional security features and requirements, including enhanced anti forgery, counterfeiting and falsification standards;

(b) technical specifications in relation to the storage medium of the biometric features and their security, including prevention of unauthorised access and facilitated validation;

(c) requirements in relation to quality and common technical standards for the facial image and the fingerprints.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12 a.

In accordance with that examination procedure, the Committee established by Article 6 of Regulation (EC) No. 1683/95 may decide that the specifications referred to in this Article shall be secret and not be published. In that case they shall be made

available only to the contact points referred to in Article 9(1).

Or. en

Amendment 40

Proposal for a regulation Article 3 – paragraph 10

Text proposed by the Commission

Amendment

(10) Identity cards shall have a maximum period of validity of 10 years. Derogations may be provided for specific age groups.

deleted

Or. en

Amendment 41

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Period of validity

- 1. Identity cards shall have a maximum period of validity of ten years.*
- 2. Identity cards issued to minors that do not contain fingerprints shall be valid until their holder has reached the age of 12 years.*
- 3. Where it is temporarily impossible to take fingerprints or a facial image, identity cards shall have a maximum period of validity of 3 months.*
- 4. Member States may provide for a period of validity of more than 10 years for identity cards issued to persons over 75 years of age.*

Amendment 42**Proposal for a regulation****Article 4***Text proposed by the Commission**Amendment***Article 4***deleted***Collection of biometric identifiers**

(1) The biometric identifiers shall be collected by qualified and duly authorised staff designated by the national authorities responsible for issuing identity cards.

(2) Where difficulties are encountered in the collection of biometric identifiers, Member States shall ensure that appropriate procedures are in place to guarantee the dignity of the person concerned.

Or. en

Justification

This article is moved to Article 9 (a) in order to make these provisions applicable to all documents for which biometric data are taken

Amendment 43**Proposal for a regulation****Article 5 – paragraph 1***Text proposed by the Commission**Amendment*

Identity cards which do not meet the requirements of Article 3 shall cease to be valid at their expiry or by five years after [the date of application of the Regulation], whichever is earlier. However, identity cards which do not include a functional machine-readable zone (MRZ) compliant with ICAO document 9303 part 3 (seventh

Except for those issued to persons under 12 of age or persons who are 70 years of age or over, identity cards which do not meet the requirements of Article 3 shall cease to be valid at their expiry or by five years after [the date of application of the Regulation], whichever is earlier. However, identity cards which do not

edition, 2015) shall cease to be valid at their expiry or by two years after [the date of application of this Regulation], whichever is earlier.

include a functional machine-readable zone (MRZ) compliant with ICAO document 9303 part 3 (seventh edition, 2015) **or which do not contain any of the two biometric data set out in Article 3(3)** shall cease to be valid at their expiry or by two years after [the date of application of this Regulation], whichever is earlier.

Or. en

Amendment 44

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Residence documents issued by Member States to citizens of the Union shall indicate at least the following:

Amendment

Residence documents issued by Member States to citizens of the Union **are blue in colour and** shall indicate, **in the same order as provided for in International Civil Aviation Organization (ICAO) Document 9303^{1a} for national identity cards**, at least the following:

^{1a} **Machine Readable Travel Documents (seventh edition, 2015).**

Or. en

Amendment 45

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the title of the document in the official language or languages of the Member State concerned **and at least one other official language of the institutions of the Union;**

Amendment

(a) the title of the document, **‘EU mobile citizen’, also translated** in the official language or languages of the Member State concerned;

Amendment 46

Proposal for a regulation

Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) gender;

Or. en

Amendment 47

Proposal for a regulation

Article 6 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) a distinguishing sign of the Member State issuing the card printed in negative in a blue rectangle encircled by 12 yellow stars.

Or. en

Amendment 48

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall adopt implementing acts concerning the technical specifications referred to in this Article, relating to the additional security features and requirements, including enhanced anti forgery, counterfeiting and falsification standards;

Those implementing acts shall be adopted in accordance with the examination

procedure referred to in Article 12a.

In accordance with that examination procedure, the Committee established by Article 6 of Regulation (EC) No. 1683/95 may decide that the specifications referred to in this Article shall be secret and not be published. In that case they shall be made available only to the contact points referred to in Article 9(1).

Or. en

Amendment 49

Proposal for a regulation Article 7 – title

Text proposed by the Commission

Uniform format

Amendment

Mutual recognition and uniform format

Or. en

Amendment 50

Proposal for a regulation Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Residence cards for family members of Union citizens who are not nationals of a Member State issued by the Member States shall be mutually recognised both as identity and travel documents.

Or. en

Amendment 51

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

(2) By derogation from paragraph 1, a card shall indicate clearly that it is issued in accordance with Directive 2004/38/EC and shall bear the title 'Residence card *of a family member of a Union citizen*' or 'Permanent residence card *of a family member of a Union citizen*', respectively. Member States may use the standardised code 'Art 10 DIR 2004/38/EC' or 'Art 20 DIR 2004/38/EC', respectively.

Amendment

(2) By derogation from paragraph 1, a card shall indicate clearly that it is issued in accordance with Directive 2004/38/EC and shall bear the title 'Residence card ' or 'Permanent residence card', respectively. Member States may use the standardised code 'Art 10 DIR 2004/38/EC' or 'Art 20 DIR 2004/38/EC', respectively.

Or. en

Amendment 52

**Proposal for a regulation
Article 7 – paragraph 3**

Text proposed by the Commission

(3) Member States may enter data for national use in accordance with national law. When entering and storing such data, Member States shall respect the same requirements as set out in Article 4, 2nd subparagraph, of Council Regulation (EC) No 1030/2002 as last amended by Regulation (EU) 2017/1954.

Amendment

(3) Member States may enter data for national use in accordance with national law. ***These data may include, in particular, information for emergency services, such as blood type, known allergies, a contact person and the willingness or otherwise of the person to be an organ donor.*** When entering and storing such data, Member States shall respect the same requirements as set out in Article 4, 2nd subparagraph, of Council Regulation (EC) No 1030/2002 as last amended by Regulation (EU) 2017/1954.

Or. en

Amendment 53

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

(1) Residence cards of family members of Union citizens who are not nationals of a Member State, which are not in a format laid down for residence permits in Regulation (EC) No 1030/2002 as amended by Regulation (EC) No 380/2008 of the European Parliament and of the Council on [the date of entry into force of this Regulation], shall cease to be valid at their expiry or by [two years after the date of application of this Regulation], whichever is earlier.

Amendment

(1) ***Except for those issued to persons aged under 12 of age or persons of 70 years of age or over,*** Residence cards of family members of Union citizens who are not nationals of a Member State, which are not in a format laid down for residence permits in Regulation (EC) No 1030/2002 as amended by Regulation (EC) No 380/2008 of the European Parliament and of the Council on [the date of entry into force of this Regulation], shall cease to be valid at their expiry or by [two years after the date of application of this Regulation], whichever is earlier.

Or. en

Amendment 54

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Collection of biometric identifiers

(1) The biometric identifiers shall be collected solely by qualified and duly authorised staff designated by the national authorities responsible for issuing identity cards or residence cards for the sole purpose of being integrated into the highly secure storage medium provided for in Article 3(3).

(2) Member States shall collect biometric identifiers from applicants, taking into account the specific needs of children and vulnerable persons and in accordance with the safeguards laid down in the Charter of Fundamental Rights of the European Union, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the United

Nations Convention on the Rights of the Child.

(3) Member States shall ensure that informal child-friendly and child-sensitive practices for collecting biometric identifiers are in place. To this end, qualified staff as referred to in paragraph 1 shall receive the appropriate training.

(4) Biometric identifiers outside the storage medium referred to in Article 3(3), shall be stored in a highly secure manner only for the time required to produce the national identity card or residence card and in no case for longer than one month from the date of collection and shall be immediately erased and destroyed once stored in the storage medium.

(5) Where difficulties are encountered in the collection of biometric identifiers, Member States shall ensure that appropriate procedures are in place to guarantee the dignity of the person concerned.

Or. en

Amendment 55

Proposal for a regulation Article 10 – title

Text proposed by the Commission

Protection of personal data

Amendment

Fundamental rights and protection of personal data

Or. en

Amendment 56

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

(1) ***Without prejudice to the application of Regulation (EU) 2016/679,*** persons to whom an identity card or residence document is issued shall have the right to verify the personal data contained in the documents and, where appropriate, to ask for rectification or erasure.

Amendment

(1) Regulation (EU) 2016/679 shall ***apply to the processing of personal data under this Regulation.***

Persons to whom an identity card or residence document is issued shall have the right to verify the personal data contained in the documents and, where appropriate, to ask for rectification ***of inaccurate data or erasure and to receive a new document. The rights to access, rectification, completion, erasure and restriction of the processing, of the persons whose data are contained in the documents shall be exercised in accordance with Chapter III of Regulation (EU) No.2016/679 before the national authority responsible for issuing the documents .Those rights shall be exercised in respect of the national authority responsible for issuing these documents.***

Or. en

Amendment 57

Proposal for a regulation Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) When implementing this Regulation, Member States shall respect the fundamental rights and shall observe the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to human dignity, the right to the integrity of the person, the prohibition of inhuman or degrading treatment, the right to equality before the law and non-discrimination, the rights of the child, the rights of the elderly, and to family life, the right to the protection of personal data, respect for private life , the right to free movement

and the right to an effective remedy and to a fair trial.

Or. en

Amendment 58

Proposal for a regulation Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1 b) The authority collecting personal data shall provide the persons concerned with the information required pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001^{1a} and to Articles 12, 13 and 14 of Regulation (EU) 2016/679^{1b} in the manner required by those provisions. The authority shall provide the information at the time when such personal data are collected.

^{1a} Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

^{1b} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

Amendment 59

Proposal for a regulation

Article 10 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

(1 c) Persons to whom an identity card or residence card is issued shall have the right to lodge a complaint and the right to a legal remedy in the Member State in which the right to verify and rectify the personal data contained in the document is denied.

Or. en

Amendment 60

Proposal for a regulation

Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

(3) Biometric data ***collected and*** stored in the storage medium of identity cards and residence documents shall only be used in accordance with Union and national law for verifying:

(3) Biometric data stored in the storage medium of identity cards and residence documents shall only be used in accordance with Union and national law, ***by duly authorised staff of competent national authorities and EU agencies, for the purpose of*** verifying:

Or. en

Amendment 61

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Member States shall keep a register of the competent authorities with access to the biometric data stored on the highly secure storage medium referred to in Article 3(3) and shall provide the

register to the Commission, which shall keep an up-to-date online register and annually publish a compilation of national registers.

Or. en

Amendment 62

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Liabilites and penalties

- 1. Member States shall be responsible for the conformity of the cards and titles they issue with the security standards, format and specifications as described in Article 3, Article 6 and Article 7.*
- 2. Member States shall be responsible for the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this Regulation.*
- 3. Member States shall work with the Commission to integrate additional features that render identity cards more accessible and user-friendly to people with disabilities.*
- 4. Member States shall ensure that the processing of personal data from collection to storage comply with Regulation (EU) 2016/679. Each Member State shall ensure that the supervisory authority appointed in accordance with Article 51 of Regulation (EU) 2016/679 independently monitors the legality of the processing by that Member State of the personal data to which this Regulation applies. Member States shall grant the supervisory authorities referred to in Article 51(1) of Regulation (EU) 2016/679 access to their logs and maintain such access at all times to all premises used for*

interoperability purposes.

5. Where Member States are assisted by external contractors in the production of the identity documents, they shall closely monitor the activities of these contractors to ensure compliance with this Regulation, including in particular with the provisions regarding security, confidentiality and data protection.

6. Any person who has suffered material or moral damages as a result of unlawful processing of data or of any action incompatible with this Regulation, shall have the right to obtain from the Member State in which such unlawful processing of data or of any action incompatible with this Regulation occurs compensation for the damages suffered. That Member State shall be exempt from liability if it proves that it is in no way responsible for the event giving rise to the damage. Actions for damages brought against a Member State shall be governed by the national law of that Member State in accordance with Regulation (EU) 2016/679.

7. Member States shall take the necessary measures to ensure that any processing of data is carried out in accordance with the Regulation (EU) 2016/679. Where the processing of data is not carried out in accordance with Regulation (EU) 2016/679, Articles 83 and 84 of that Regulation shall apply

Or. en

Amendment 63

Proposal for a regulation Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10 b

Source documents and provisional

identity documents

1. Member States shall work with the Commission to exchange best practices on the source documents used when applying for or renewing an identity document.

2. Member States shall cooperate with the Commission on the minimum security features necessary for the mutual recognition of temporary identity documents issued in the event of theft, loss or renewal of identity document, or where it is temporarily impossible to take fingerprints or a facial image.

3. No later than ... (six years after the date of application of this Regulation), the Commission shall propose guidelines in relation to source documents and present a proposal on common features for provisional identity documents.

Or. en

Justification

It is essential that Member States, with the support of the Commission, further pursue work on the best ways of making source/ breeder documents less vulnerable to fraud. In the event of loss, theft or renewal, the provisional documents issued by the Member States are not recognized and therefore no longer allow the mobility of EU citizen. Therefore, Member States shall, in cooperation with the Commission, work towards better recognition of these documents. To that end, a legislative proposal for the integration of common features should be presented by the Commission.

Amendment 64

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

(1) *Four* years *after its* date of application, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation.

Amendment

(1) *Two* years *from the* date of application *of this Regulation and every five years thereafter*, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation, *in particular on its*

compliance with fundamental rights, whether the implementation is compliant with the data collection purposes listed in Article10(3) and on the appropriateness of the level of security.

Or. en

Amendment 65

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

(2) No sooner than six years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.

Amendment

(2) No sooner than six years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings *and particularly on its impact on fundamental rights, on the efficiency and improvement of the mobility of the Union citizens and of the level of security* to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.

Or. en

Amendment 66

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

(3) Member States shall provide the Commission with the information necessary for the preparation of the reports.

Amendment

(3) Member States *and EU agencies* shall provide the Commission with the information necessary for the preparation of the reports.

Or. en

Amendment 67

**Proposal for a regulation
Article 12 a (new)**

Text proposed by the Commission

Amendment

Article 12 a

Committee procedure

1. The Commission shall be assisted by the Committee established by Article 6 of Regulation (EC) No. 1683/95. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. en

Amendment 68

**Proposal for a regulation
Annex I (new)**

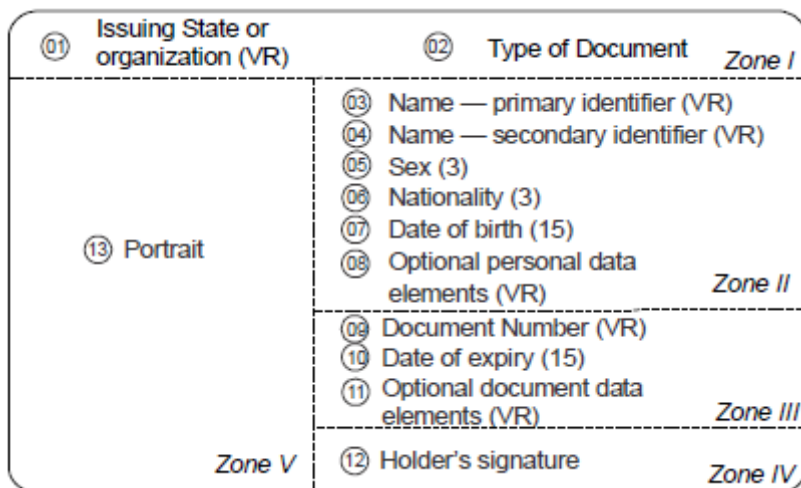
Text proposed by the Commission

Amendment

ANNEX I

NATIONAL IDENTITY CARDS TEMPLATE*

FRONT:



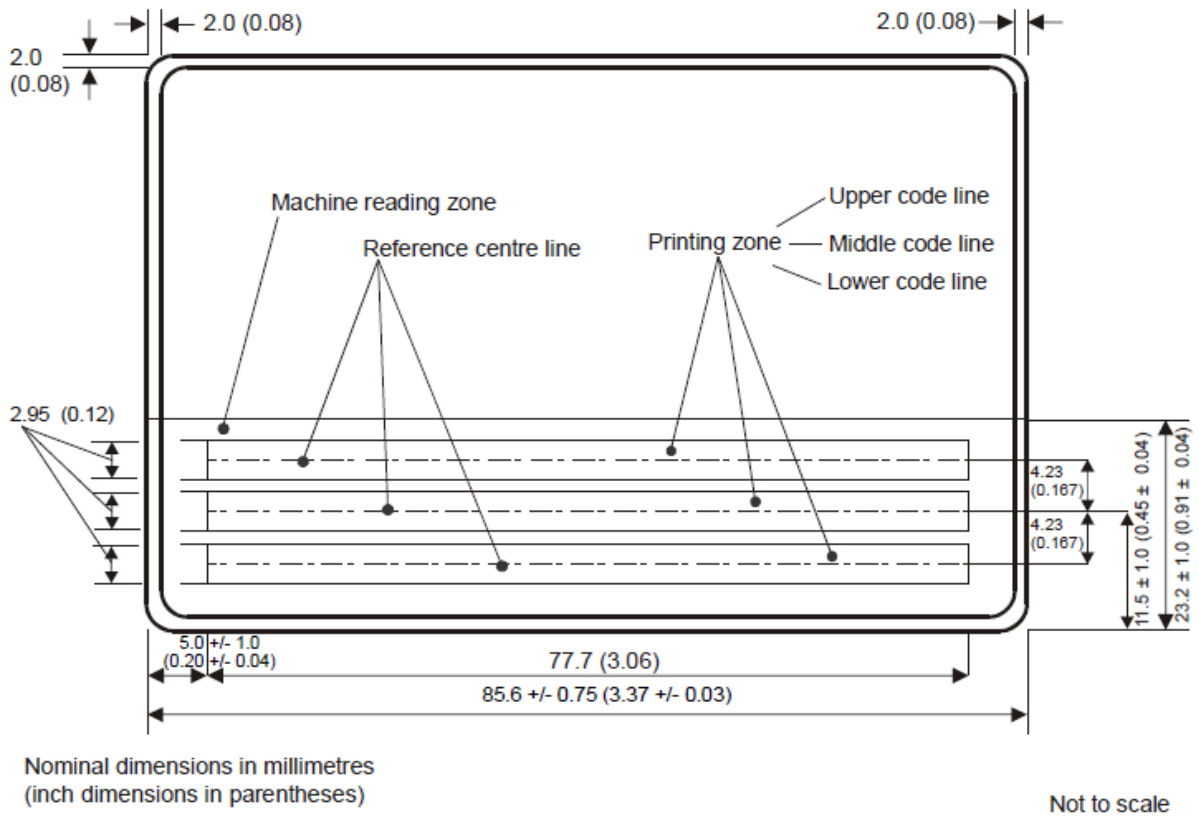
Zone I on the front of the MROTD identifies the issuing State or organization and the document.

Data elements shall appear in a standard sequence in Zones II and III. Zones II and III each contain a field in which optional data elements may be included. The optional field in Zone II shall be used for personal data elements and the optional field in Zone III for document-related data elements. Where an issuing State or organization does not use the optional fields in Zones II and III, there is no need to reserve the space for them on the TD1.

Zone IV contains the holder's signature or usual mark. The issuing State or organization shall decide the acceptability of a holder's usual mark.

Zone V shall contain the personal identification feature(s) which shall include a portrait solely of the holder. At the discretion of the issuing State or organization, the name fields in Zone II and the holder's signature or usual mark in Zone IV may overlay Zone V provided this does not hinder recognition of the data in any of the three zones.

BACK:



**Excerpt from ICAO Document 9303, part 5 (seventh edition, 2015)*

Or. en