P10_TA(2025)0056

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

European Parliament legislative resolution of 2 April 2025 on the proposal for a Council regulation 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(2024)0316 – C10-0112/2024 – 2024/0187(CNS))

(Special legislative procedure – consultation)

(C/2025/4387)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2024)0316),

— having regard to Article 77(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C10-0112/2024),

— having regard to Rule 84 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A10-0041/2025),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) This Regulation does not provide a legal basis for setting up or maintaining databases at national level for the storage of biometric data in Member States***, which is a matter of national law that needs to comply with Union law regarding data protection, including its necessity and proportionality requirements***. Moreover, this Regulation does not provide a legal basis for setting up or maintaining a centralised database at Union level.	(19) This Regulation does not provide a legal basis for setting up or maintaining databases at national level for the storage of biometric data in Member States. Moreover, this Regulation does not provide a legal basis for setting up or maintaining a centralised database at Union level. ***As recalled by the European Data Protection Supervisor in his opinion 21/2024, setting up or maintaining databases at national level for storing biometric data in Member States, or similarly, setting up or maintaining a centralised database at Union level, along with the potential use of such data for other purposes, would need to meet a strict necessity and proportionality test under the Charter, as interpreted by the relevant case law of the Court of Justice.***

Amendment 2

Proposal for a regulation

Recital 20

Text proposed by the Commission	*Amendment*
(20) ***Biometric identifiers should be collected and*** stored in the storage medium of identity cards and residence documents for the purposes of verifying the authenticity of the document and the identity of the holder. ***Given the electronic signature on the storage medium of identity cards, identifying the holder by means of the storage medium, which contains the same biographic data as printed on the document, is more reliable than a visual check of the document.*** Union ***citizens*** should ***thus be allowed to use the data stored in the storage medium of their identity card to identify themselves towards private entities. However, the verification*** of the ***fingerprints stored on the storage medium should only be carried out by duly authorised staff and only when the document is required to be produced by law***.	(20) ***Facial images*** stored in the storage medium of identity cards and residence documents ***should be accessed only by duly authorised staff of competent national authorities, Union agencies and private entities*** for the purposes of verifying the authenticity of the document and the identity of the holder***. Such access should comply with*** Union ***data protection law. Facial images should not be retained for longer than is necessary for those purposes, should be deleted as soon as those purposes are achieved and*** should ***not be transferred to third countries or international organisations unless permitted by Union data protection law. Those safeguards are intended to ensure appropriate protection*** of the ***facial image while not prohibiting its use***.

Amendment 3

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) The verification of the fingerprints stored on the storage medium should be carried out only by duly authorised staff of competent national authorities and Union agencies and only when the document is required to be produced by Union or national law.

Amendment 4

Proposal for a regulation

Recital 23

Text proposed by the Commission	*Amendment*
(23) Member States should be able to decide whether to include a person's gender on a document covered by this Regulation. Where a Member State includes a person's gender on such a document, the specifications of ICAO Document 9303 'F', 'M' or 'X' or the corresponding single initial used in the language or languages of that Member State should be used, as appropriate.	(23) ***Without prejudice to the case law of the Court of Justice ([1a]),*** Member States should be able to decide whether to include a person's gender on a document covered by this Regulation. Where a Member State includes a person's gender on such a document, the specifications of ICAO Document 9303 'F', 'M' or 'X' or the corresponding single initial used in the language or languages of that Member State should be used, as appropriate. ***([1a]) Judgment of the Court of Justice of 4 October 2024, Mirin, C-4/23, ECLI:EU:C:2024:845***

Amendment 5

Proposal for a regulation

Recital 26

Text proposed by the Commission	*Amendment*
(26) Where difficulties are encountered in the collection of biometric identifiers, Member States should ensure that appropriate procedures are in place to respect the dignity of the person concerned. Therefore, specific considerations relating to gender and to the specific needs of children and of vulnerable persons should be taken into account.	(26) Where difficulties are encountered in the collection of biometric identifiers, Member States should ensure that appropriate procedures are in place to respect the dignity of the person concerned. Therefore, specific considerations relating to gender and to the specific needs of children and of vulnerable persons should be taken into account. ***Qualified staff should receive training on best practices for collecting biometric identifiers from children and vulnerable persons, ensuring sensitivity to gender and age-specific needs while respecting the dignity of all individuals.***

Amendment 6

Proposal for a regulation

Recital 32

Text proposed by the Commission	*Amendment*
(32) Member States should exchange with each other such information as is necessary to access, authenticate and verify the information contained on the secure storage medium. The formats used for the secure storage medium should be interoperable, including in respect of automated border crossing points.	(32) Member States should exchange with each other such information as is necessary to access, authenticate and verify the information contained on the secure storage medium. The formats used for the secure storage medium should be interoperable, including in respect of automated border crossing points. ***The Commission should promote Member States' cooperation in support of such objectives.***

Amendment 7

Proposal for a regulation

Recital 43

Text proposed by the Commission	*Amendment*
(43) In accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([9]), the Commission should, ***no sooner than*** six years after the date of ***application*** of this Regulation carry out an evaluation of this Regulation, including on the basis of information gathered through specific monitoring arrangements, in order to assess the actual effects of this Regulation and the need for any further action. For the purpose of monitoring,	(43) ***The Commission should report on the implementation of this Regulation two years, and 11 years, after the date of its entry into force, including on the appropriateness of the level of security, taking into account its impact on fundamental rights and data protection principles.*** In accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([9]), the Commission should, six years after the date of ***entry into force*** of this

Text proposed by the Commission	*Amendment*
Member States should collect statistics on the number of identity cards and residence documents which they issued.	Regulation***, and every six years thereafter,*** carry out an evaluation of this Regulation, including on the basis of information gathered through specific monitoring arrangements, in order to assess the actual effects of this Regulation and the need for any further action. For the purpose of monitoring, Member States should collect statistics on the number of identity cards and residence documents which they issued.
([9]) OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.	([9]) OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

Amendment 8

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
By way of derogation from the first subparagraph, the document number may be inserted in zone I and the designation of a person's gender shall be optional.	By way of derogation from the first subparagraph, the document number may be inserted in zone I and the designation of a person's gender shall be optional. ***Where a Member State includes a person's gender on a document covered by this Regulation, the specifications of ICAO Document 9303 'F', 'M' or 'X' or the corresponding single initial used in the official language or languages of that Member State shall be used, as appropriate.***

Amendment 9

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission	*Amendment*
5. 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 digital formats. For the capture of biometric identifiers, Member States shall apply the technical specifications as established by Commission Implementing Decision C(2018) 7767 ([12]) as amended by Commission Implementing Decision C(2021) 3726 ([13]).	5. 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 digital formats. For the capture of ***those two types*** of biometric identifiers, Member States shall apply the technical specifications as established by Commission Implementing Decision C(2018) 7767 ([12]) as amended by Commission Implementing Decision C(2021) 3726 ([13]).

Text proposed by the Commission	*Amendment*
(12) Commission Implementing Decision C(2018) 7767 of 30 November 2018 laying down the technical specifications for the uniform format for residence permits for third country nationals and repealing Decision C(2002) 3069.	(12) Commission Implementing Decision C(2018) 7767 of 30 November 2018 laying down the technical specifications for the uniform format for residence permits for third country nationals and repealing Decision C(2002) 3069.
(13) Commission Implementing Decision C(2021) 3726 of 4 June 2021 amending Annex III to Implementing Decision C(2018) 7767 as regards the list of normative references.	(13) Commission Implementing Decision C(2021) 3726 of 4 June 2021 amending Annex III to Implementing Decision C(2018) 7767 as regards the list of normative references.

Amendment 10

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Other than where required for the purpose of processing in accordance with Union and national law,*** biometric identifiers stored for the purpose of personalisation of identity cards or residence documents shall be kept in a highly secure manner and only until the date of collection of the document and, in any case, no longer than 90 days from the date of issue. After this period, these biometric identifiers shall be immediately erased or destroyed.	3. ***Biometric*** identifiers stored for the purpose of personalisation of identity cards or residence documents shall be kept in a highly secure manner and only until the date of collection of the document and, in any case, no longer than 90 days from the date of issue. After this period, those biometric identifiers shall be immediately erased or destroyed. ***Processing of those data for other purposes shall be subject to the limitations and conditions provided for in national law or Union data protection law.***

Amendment 11

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data.	4. Cooperation with external service providers shall not exclude any liability on the part of a Member State which may arise under Union or national law in respect of breaches of obligations with regard to personal data. ***Member States shall ensure that all external providers comply with Union and national data protection law, and appropriate measures shall be adopted to prevent any unauthorised access or misuse of personal data during outsourced processes.***

Amendment 12

Proposal for a regulation

Article 11 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Biometric data stored in the storage medium of identity cards and residence documents shall only be ***used*** in accordance with Union ***and national law*** for the ***purpose*** of verifying:	***The facial image of the holder*** stored in the storage medium of identity cards and residence documents shall only be ***accessed by duly authorised staff of competent national authorities, Union agencies and private entities*** in accordance with Union ***data protection law*** for the ***purposes*** of verifying:

Amendment 13

Proposal for a regulation

Article 11 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Access to the facial image by private entities shall also require the consent of the holder, unless access regardless of consent is strictly necessary for the purposes set out in the first subparagraph and provided for by Union or national law in compliance with Union data protection law.

Amendment 14

Proposal for a regulation

Article 11 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
The two fingerprints stored in the storage medium shall only be accessed by duly authorised staff of competent national authorities and Union agencies.	The two fingerprints ***of the holder*** stored in the storage medium shall only be accessed by duly authorised staff of competent national authorities and Union agencies ***for the purposes set out in the first subparagraph in accordance with Union and national data protection law***.

Amendment 15

Proposal for a regulation

Article 13 – title

Text proposed by the Commission	*Amendment*
Evaluation	***Reporting and*** evaluation

Amendment 16

Proposal for a regulation

Article 13 – paragraph -1 (new)

Text proposed by the Commission	*Amendment*
	-1. By [two years after the date of entry into force of this Regulation] and by [11 years after the date of entry into force of this Regulation] the Commission shall report to the European Parliament, to the Council and to the European Economic and Social Committee on the implementation of this Regulation, in particular on the protection of fundamental rights and personal data.

Amendment 17

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. No ***sooner*** than [six years after the entry into force 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, to the Council and to the European Economic and Social Committee. The report shall in particular focus on:	1. No ***later*** than [six years after the entry into force of this Regulation], ***and every six years thereafter,*** the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, to the Council and to the European Economic and Social Committee. The report shall in particular focus on:

Amendment 18

Proposal for a regulation

Article 13 – paragraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) the necessity of introducing common security features of identification documents used on a provisional basis in view of their better recognition;

Amendment 19

Proposal for a regulation

Article 13 – paragraph 1 – point d b (new)

Text proposed by the Commission	*Amendment*
	(db) the necessity of further harmonising the security features of residence documents.