



Reports of Cases

Joined Cases C-446/12 to C-449/12

W.P. Willems

v

**Burgemeester van Nuth
and**

H.J. Kooistra

v

**Burgemeester van Skarsterlân
and**

M. Roest

v

**Burgemeester van Amsterdam
and**

L.J.A. van Luijk

v

Burgemeester van Den Haag

(Requests for a preliminary ruling from the Raad van State)

(References for a preliminary ruling — Area of freedom, security and justice — Biometric passport — Biometric data — Regulation (EC) No 2252/2004 — Article 1(3) — Article 4(3) — Use of data collected for purposes other than the issue of passports and travel documents — Establishment and use of databases containing biometric data — Legal guarantees — Charter of Fundamental Rights of the European Union — Articles 7 and 8 — Directive 95/46/EC — Articles 6 and 7 — Right to privacy — Right to the protection of personal data — Application to identity cards)

Summary — Judgment of the Court (Fourth Chamber), 16 April 2015

1. *Border controls, asylum and immigration — Crossing of external borders of the Member States — Common rules and standards of procedures for carrying out checks — Passports and travel documents issued by the Member States — Regulation No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States — Scope — Identity cards — Not included*

(Council Regulation No 2252/2004, as amended by Regulation No 444/2009, Art. 1(3))

2. *Border controls, asylum and immigration — Crossing of external borders of the Member States — Common rules and standards of procedures for carrying out checks — Passports and travel documents issued by the Member States — Regulation No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States — Use — No obligation for Member States to guarantee in their legislation the absence of such use*

(Council Regulation No 2252/2004, as amended by Regulation No 444/2009, Art. 4(3))

1. Article 1(3) of Regulation No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation No 444/2009, must be interpreted as meaning that that regulation is not applicable to identity cards issued by a Member States to its nationals regardless of the period of validity and the possibility of using them for the purposes of travel outside that State.

(see para. 42, operative part 1)

2. Article 4(3) of Regulation No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation No 444/2009, must be interpreted as not requiring the Member States to guarantee, in their legislation, that biometric data collected and stored in accordance with that regulation will not be collected, processed and used for purposes other than the issue of the passport or travel document, since that is not a matter which falls within the scope of that regulation.

As regards all other uses and storage of that data, it is clear from Article 4(3) of Regulation No 2252/2004, which deals with the use of such data '[f]or the purpose of this Regulation', read in the light of recital 5 in the preamble to Regulation No 444/2009, that the use and storage of that data are not governed by the latter regulation. That recital states that Regulation No 2252/2004 is without prejudice to any other use or storage of these data in accordance with national legislation of Member States and that it does not provide a legal base for setting up or maintaining databases for storage of those data in Member States, that matter being within the exclusive competence of the Member States.

(see paras 47, 53, operative part)