

**Proposal for a Council Regulation laying down a uniform format for residence permits for third-country nationals**

(2001/C 180 E/29)

(Text with EEA relevance)

COM(2001) 157 final — 2001/0082(CNS)

(Submitted by the Commission on 22 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Amsterdam Treaty aims establishing progressively an area of freedom, security and justice and confers a shared right of initiative to the Commission in order to take the relevant measures on a harmonised immigration policy.
- (2) The special European Council of Tampere emphasised the need for this harmonised immigration policy and in view of the provisions of the Treaty related to the entry and residence of third-country nationals.
- (3) The Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning a uniform format for residence permits (97/11/JHA) <sup>(1)</sup> confirms the necessity to harmonise the format of residence permits issued by Member States to third country nationals.
- (4) The Joint Action 97/11/JHA should now be replaced by a Community measure.
- (5) It is essential that the uniform format for residence permits should contain all the necessary information and meet very high technical standards, in particular as regards safeguards against counterfeiting and falsification; this will contribute to the objective of preventing and fighting against illegal immigration and illegal residence. It must also be suited to use by all the Member States and bear universally recognisable harmonised security features, which are clearly visible to the naked eye.
- (6) This Regulation only lays down such specifications as are not secret; these specifications need to be supplemented by further specifications which are to remain secret in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data. Powers to adopt such supplementary specifications should be conferred to the Commission, who shall be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas <sup>(2)</sup>.
- (7) To ensure that the information referred to is not made available to more persons than necessary, it is also essential that each Member State should designate not more than one body having responsibility for printing the uniform format for residence permits, with Member States remaining free to change the body. For security reasons, each Member State must communicate the name of the competent body to the Commission and to the other Member States.
- (8) With regard to the personal data to be entered on the uniform format for residence permits, compliance should be ensured with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(3)</sup>.
- (9) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>, they should be adopted by use of the regulatory procedure provided for in Article 5 of that decision.
- (10) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis in the sense of the Protocol integrating the Schengen acquis into the framework of the European Union;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Residence permits issued by Member States to third country nationals shall be in a uniform format and provide space for the information set out in the annex hereto. The uniform format can be used as a sticker or a stand-alone document. Each Member State may add in the relevant space of the uniform format information of importance regarding the nature of the permit and the legal status of the person concerned, in particular information as to whether or not the person is permitted to work.

<sup>(1)</sup> OJ L 7, 10.1.1997, p. 1.

<sup>(2)</sup> OJ L 164, 14.7.1995, p. 1.

<sup>(3)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

2. For the purpose of this Regulation:

- (a) 'residence permit' shall mean any authorisation issued by the authorities of a Member State allowing a third country national to stay legally on its territory, with the exception of:
- (i) visas,
  - (ii) permits issued pending examination of an application for a residence permit or for asylum.
- (b) 'third-country national' shall mean any person who is not a citizen of the Union within the meaning of Article 17 (1) of the Treaty establishing the European Community.

#### Article 2

Additional technical specifications for the uniform format for residence permits relating to the following shall be established in compliance with the procedure referred to in Article 6 (2):

- (a) further security requirements including enhanced anti-forgery, counterfeiting and falsification standards.
- (b) conditions of storage to prevent theft;
- (c) rules for the filling-in of the uniform residence permit;
- (d) other conditions necessary for the implementation of the uniform format.

#### Article 3

The specifications referred to in Article 2 shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission.

Each Member State shall designate one body having responsibility for printing the uniform residence permit. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

#### Article 4

The format, production and use of the uniform residence permit shall comply with Directive 95/46/EC.

Without prejudice to these rules, persons to whom the residence permit is issued shall have the right to verify the personal particulars contained in the residence permit and,

where appropriate, to ask for any corrections or deletions to be made.

No information in machine-readable form shall be included in the residence permit, unless provided for in the Annex hereto, or unless it is mentioned in the relevant travel document.

#### Article 5

This Regulation does not apply to third-country nationals, who are:

- members of the families of citizens of the Union exercising their right to free movement,
- nationals of Member States of the European Free Trade Association party to the Agreement on the European Economic Area and members of their families exercising their right to free movement in accordance with this agreement.

#### Article 6

1. The Commission shall be assisted by the Committee instituted by Article 6 of Regulation (EC) No 1683/95.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month.

#### Article 7

Member States shall issue the uniform form for residence permits set out in Article 1 no later than one year after the adoption of the measures referred to in Article 2(a).

From that time, this Regulation shall replace in the Member State concerned the Joint Action 97/11/JHA.

However, the validity of authorisations granted in documents already issued shall not be affected by the introduction of the uniform format for residence permits, unless the Member State concerned decides otherwise.

#### Article 8

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the EC Treaty.

## ANNEX

(a) **Description**

The residence permit will be produced either as a sticker, if possible in ID 2 format, or as a stand-alone document in ID 1 or ID 2 format. It should be orientated to the specifications set out in the ICAO Document on machine-readable visas (Document 9303 part 2) or on machine-readable travel documents (cards) (Document 9303 part 3). It shall contain the following items:

1. The title of the document (Residence permit) shall appear in the language(s) of the issuing Member State (\*).
2. The document number — with special security features and preceded by an identification letter —.
3. 1. *Name*: surname and forename(s) in that order (\*).
4. 2. *Valid until*: shall indicate the relevant expiry date, or, where appropriate, a word to indicate unlimited validity
5. 3. *Place/date of issue*: the place and date of issue of the residence permit (\*).
6. 4. *Type of permit*: the specific type of residence permit issued to the third country national by the Member State (\*). For the member of the family of a EU citizen, who has not exercised the right of free movement it should be mentioned 'family member'.
7. 5.-9. *Remarks*: Member States may enter details and indications for national use necessary with regard to their rules on third country nationals including indications relating to any permission to work (\*).
8. *Date/Signature/Authorisation*: — if necessary — the signature and seal of the issuing authority and/or the holder.
9. The printed area shall contain the national emblem of the Member State to distinguish the residence permit and provide a safeguard of its national origin.
10. Machine-readable area. The machine-readable area shall conform to ICAO guidelines.
11. The machine-readable area shall contain a printed text indicating exclusively the respective Member State. This text may not affect the technical features of the machine-readable zone.
12. Metallized latent image effect including the country code of the Member State, if a sticker or a non-laminated paper card is used.
13. OVD (kinegram or equivalent sign).
14. If the residence permit is produced as a stand-alone document, an identity photograph shall be affixed and secured with OVD film (kinefilm or equivalent security laminate).
15. The following additional information boxes shall be provided on the back in the case of a stand-alone document:
  - date/place of birth (\*),
  - nationality (\*),
  - sex (\*),
  - remarks (\*).

The address of the permit holder may also be indicated (\*).

(\*) Where this information appears in an official language using non-Latin characters, it should be transliterated in Latin characters.

**(b) Colour, Printing procedure**

The Member States establish the colour and the printing procedure in accordance with the uniform model set out in this Annex and the technical specifications to be established in accordance with Article 2 of the Regulation.

**(c) Material**

The paper used for the residence permit giving personal particulars or other data shall meet the following requirements:

- no optical brighteners,
- duo-tone watermarks,
- security reagents to guard against attempts at tampering by chemical erasure,
- coloured fibres (partly visible, partly fluorescent under UV light),
- UV-fluorescent planchettes.

If a card for inserting personal data is made entirely of plastic, it is not usually possible to incorporate the authentication marks used in residence permit paper. The lack of marks in the materials shall be compensated for by measures in respect of security printing, use of OVDs (OVD = optically variable device), or an issuing technique over and above the following enhanced standards. The essential security features of the material should be of a uniform pattern.

**(d) Printing technique**

The following printing techniques shall be available:

- Background printing:
  - two-tone guilloches,
  - fluorescent rainbow colouring,
  - UV-fluorescent overprinting,
  - effective anti-counterfeiting and falsification motifs
  - reagent inks must be used on paper cards and stickers.

The lay-out of the front side of a card shall be distinguishable from the back side.

- Form printing:
  - with integrated micro printing (unless already included in background printing).
- Numbering:

Printed (where possible with a special style of figures or typeface and in UV-fluorescent ink), or, in cards integrated using the same technique as for the biographical data. If a sticker is used, printed numbering using fluorescent ink and a special style of figures is obligatory.

If stickers or non-laminated paper cards are used, intaglio printing with latent image effect, micro text and optically variable ink shall also be employed. Additional optically variable security devices shall also be used on cards made entirely of plastic, at least through the use of optically variable ink or equivalent measures. The essential features of the security printing should be of a uniform pattern.

**(e) Protection against copying**

A harmonised optically variable (OVD) or equivalent device shall be used on the residence permit sticker or on the front of the residence permit card and shall take the form of diffractive structures (kinegram or equivalent) incorporated into the hot-sealed laminate or as an OVD overlay, or, on stickers or a non-laminated paper card, as metallised OVD (with intaglio overprinting).

(f) **Issuing technique**

To ensure that residence permit data are properly secured against attempts at counterfeiting and falsification, personal data including the photograph, the holder's signature and main issue data shall in future be integrated into the basic material of the document. Conventional methods of attaching the photograph shall no longer be used.

The following issuing techniques may be used:

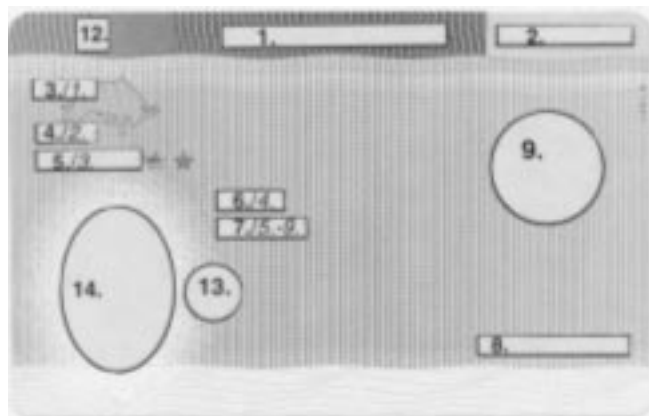
- laser printing,
- thermo-transfer,
- ink-jet printing,
- photographic,
- laser engraving.

To ensure that biographical issue data are adequately protected against attempts at tampering, hot-seal lamination with OVD security laminate shall be made compulsory where laser printing, thermo-transfer or photographic techniques are used.

- (g) Member States have the possibility as regards to point (c), (d) and (e) to introduce further security features in so far as these are in conformity with decisions already taken about these matters.

The technical requirements and the security features shall correspond to the requirements and specifications set out in Regulation (EC) 1683/95 laying down a uniform format for visas.

**Residence Permit for third country nationals in card-form**



**Residence Permit for third country nationals in sticker form**

