



2024/0187(CNS)

31.01.2025

AMENDMENTS

1 - 47

Draft report

Malik Azmani

(PE766.606v01-00)

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

Proposal for a regulation

(COM(2024)0316 – 2024/0187(CNS))

AM_Com_LegReport

Amendment 1
Malik Azmani

Draft legislative resolution
Citation 1 a (new)

Draft legislative resolution

Amendment

- having regard to Council draft (16877/24),

Or. en

Amendment 2
Milan Uhrík, Ewa Zajączkowska-Hernik, Mary Khan
on behalf of the ESN Group

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) The storage of a facial image and two fingerprints ('biometric data') on identity and residence cards, ***as already provided for in respect of biometric passports for Union citizens and residence permits for third-country nationals, represents*** an appropriate combination of reliable identification and authentication with a reduced risk of fraud, for the purpose of strengthening the security of identity and residence cards. *As* the Court of Justice confirmed, the mandatory inclusion of fingerprints on the storage medium is compatible with the fundamental rights to respect for private life and to protection of personal data as guaranteed in Articles 7 and 8 of the Charter.

(16) The storage of a facial image and two fingerprints ('biometric data') on identity and residence cards ***does not represent*** an appropriate combination of reliable identification and authentication with a reduced risk of fraud, for the purpose of strengthening the security of identity and residence cards. ***It is a too strong violation of the right to privacy of the citizens in favor of ever increased possibilities for state control. It also is too big of a risk for cybercriminality: if those fingerprints are stolen from the storage medium on the identity card, they can be used worldwide for all kinds of identity-related fraud and theft. And as they are unique and cannot be changed, the theft of these fingerprints would form a life-long risk for the citizen who is the victim of it. Even if*** the Court of Justice confirmed, ***strictly juridical, that*** the mandatory inclusion of fingerprints on the storage medium is compatible with the fundamental rights to respect for private

life and to protection of personal data as guaranteed in Articles 7 and 8 of the Charter, ***there are other values at stake here, such as a fundamental choice for the privacy of the citizens over ever increasing possibilities for state control, and the strict avoiding of new forms of cybercrime.***

Or. en

Amendment 3

Francisco Assis, Krzysztof Śmiszek, Ana Catarina Mendes, Marco Tarquinio, Emma Rafowicz, Alessandro Zan

Proposal for a regulation

Recital 19

Text proposed by the Commission

(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.

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. Moreover, this Regulation does not provide a legal basis for setting up or maintaining a centralised database at Union level. ***Biometric data processed for the purpose of this Regulation should not be processed for any other purposes, and should not be stored in national or Union level databases.***

Or. en

Amendment 4

Anna Strolenberg

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) This Regulation does not provide a

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.

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. ***Biometric data processed for the purpose of this Regulation should not be processed for any other purposes, and should not be stored in national or Union level databases.***

Or. en

Amendment 5 **Estrella Galán**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(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.

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. Moreover, this Regulation does not provide a legal basis for setting up or maintaining a centralised database at Union level. ***Biometric data processed for the purpose of this Regulation should not be processed for any other purposes, and should not be stored in national or Union level databases.***

Or. en

Amendment 6 **Malik Azmani, Jeannette Baljeu, Lucia Yar, Raquel García Hermida-Van Der Walle**

Proposal for a regulation **Recital 20**

Text proposed by the Commission

(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.***

Amendment

(20) ***The facial image stored in the storage medium of identity cards and residence documents should only be accessed 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. The facial image 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.***

Or. en

Amendment 7 Estrella Galán

Proposal for a regulation Recital 20

Text proposed by the Commission

(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***

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. ***Such a verification should only be carried out by duly authorised staff and only when the document is required to be produced by law. Moreover, biometric data stored for the purpose of the personalisation of***

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.

identity cards or residence documents should 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 of the document. After that period, those biometric data should be immediately erased or destroyed. This should be without prejudice to any other processing of those data in accordance with Union and national law regarding data protection.

Or. en

Amendment 8

Malik Azmani, Jeannette Baljeu, Lucia Yar, Raquel García Hermida-Van Der Walle

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) The verification of the fingerprints stored on the storage medium should only be carried out 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.

Or. en

Amendment 9 Estrella Galán

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) Private entities should be required to obtain the consent of the holder to access the facial image. Consent of the data subject should thus be understood as an additional safeguard and not provide in itself a legal ground for processing by

private entities.

Or. en

Justification

LEFT position remains the rejection of the possibility granted to private entities to have access to the facial image of the document holder. However, in view of the Council's amendments, this is a "fall-back" position amendment to limit its overall position as much as possible. This particular amendment seeks to put forward the positive parts of Council's text, strengthening the data subjects' rights in case access to facial images is granted to private entities

Amendment 10
Estrella Galán

Proposal for a regulation
Recital 20 b (new)

Text proposed by the Commission

Amendment

(20 b) When the identity cards or residence documents are required to be produced by law, private entities should only be able to access the facial image for the purposes of verifying the identity of the holder and they should not store or transmit the facial images.

Or. en

Justification

LEFT position remains the rejection of the possibility granted to private entities to have access to the facial image of the document holder. However, in view of the Council's amendments, this is a "fall-back" position amendment to limit its position as much as possible.

Amendment 11
Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Nikola Bartůšek, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) The specifications of ICAO Document 9303, which ensure global interoperability including in relation to machine readability and use of visual inspection, should be ***taken into account*** for the purpose of this Regulation.

(22) The specifications of ICAO Document 9303, which ensure global interoperability including in relation to machine readability and use of visual inspection, should be ***the benchmark*** for the purpose of this Regulation.

Or. en

Amendment 12

Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Fabrice Leggeri, András László, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

Recital 23

Text proposed by the Commission

(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***.

Amendment

(23) Member States should include a person's ***sex*** on a document covered by this Regulation, ***according to*** the specifications of ICAO Document 9303. ***Displaying the holder's sex enables documents to be used more effectively to identify the holder***.

Or. en

Amendment 13

Paolo Inselvini, Alessandro Ciriani

Proposal for a regulation

Recital 23

Text proposed by the Commission

(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***

Amendment

(23) Member States should be able to decide whether to include a person's ***sex*** on a document covered by this Regulation. Where a Member State includes a person's ***sex*** on such a document, the specifications ***'F' or 'M'*** or the corresponding single

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.

initial used in the language or languages of that Member State should be used, as appropriate.

Or. it

Amendment 14

Alessandro Zan, Krzysztof Śmiszek, Emma Rafowicz, Evin Incir, Cecilia Strada, Pina Picierno

Proposal for a regulation

Recital 23

Text proposed by the Commission

(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.

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, ***according to the case law of the Court of Justice^{1a}.***

^{1a} Judgment of the Court of Justice of 4 October 2024, Mirin, C-4/23, ECLI:EU:C:2024:845

Or. en

Amendment 15

Tomáš Zdechovský

Proposal for a regulation

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Qualified staff should receive

mandatory 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.

Or. en

Amendment 16

Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Nikola Bartůšek, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

Recital 26

Text proposed by the Commission

(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.

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 the specific needs of children and of vulnerable persons should be taken into account.

Or. en

Amendment 17

Paolo Inselvini, Alessandro Ciriani

Proposal for a regulation

Recital 26

Text proposed by the Commission

(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

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 **the sex** and to the specific needs of

children and of vulnerable persons should be taken into account.

children and of vulnerable persons should be taken into account.

Or. it

Amendment 18

Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) A distinguishing sign in the form of the two-letter country code of the Member State issuing the document, ***printed in negative in a blue rectangle and encircled by 12 yellow stars***, facilitates the visual inspection of the document, in particular when the holder is exercising the right of free movement.

Amendment

(28) A distinguishing sign in the form of the two-letter country code of the Member State issuing the document facilitates the visual inspection of the document, in particular when the holder is exercising the right of free movement.

Or. en

Amendment 19

Tomáš Zdechovský

Proposal for a regulation

Recital 32 a (new)

Text proposed by the Commission

Amendment

(32 a) In support of this objective, the Commission, in cooperation with the Member States, should ensure the harmonization of electronic identification systems and the integration of cross-border e-government services. Those measures should enhance the usability and accessibility of identity cards for all Union citizens while maintaining seamless functionality and full interoperability across all Member States.

Amendment 20
Malik Azmani

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) In accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁹, 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, 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.

Amendment

(43) ***The Commission should report on the implementation of this Regulation two years, and 11 years, respectively, after the date of its application, 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-Making⁹, the Commission should, six years after the date of application of this 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.

Amendment 21
Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Nikola Bartůšek, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

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.

deleted

Or. en

Amendment 22

Nadine Morano

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.

Or. fr

Amendment 23

Paolo Inselvini, Alessandro Ciriani

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 ***sex*** shall be optional.

Or. it

Amendment 24

Alessandro Zan, Krzysztof Śmiszek, Emma Rafowicz, Evin Incir, Cecilia Strada, Pina

Picierno

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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.

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. ***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.***

Or. en

Amendment 25

Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. The identity card shall contain, on the front side, the two-letter country code of the Member State issuing the card, ***printed in negative in a blue rectangle and encircled by 12 yellow stars.***

Amendment

4. The identity card shall contain, on the front side, the two-letter country code of the Member State issuing the card.

Or. en

Amendment 26

Milan Uhrík, Ewa Zajączkowska-Hernik, Mary Khan
on behalf of the ESN Group

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

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) 7767¹² as amended by Commission Implementing Decision C(2021) 3726¹³.

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.

Amendment

5. Identity cards shall include a highly secure storage medium which shall contain a facial image of the holder of the card 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) 7767¹² as amended by Commission Implementing Decision C(2021) 3726¹³.

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.

Or. en

Justification

This amendment deletes the obligation for storage of two fingerprints on the identity cards. It is a too strong violation of the right to privacy of the citizens in favor of ever increased possibilities for state control. It also is too big of a risk for cybercriminality: if these fingerprints are stolen, they can be used worldwide for all kinds of identity-related fraud. As they are unique, the theft of these fingerprints would form a life-long risk for the citizen who is the victim.

Amendment 27

Malik Azmani, Jeannette Baljeu, Lucia Yar, Raquel García Hermida-Van Der Walle

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

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) 7767¹² as amended by Commission Implementing Decision C(2021) 3726¹³.

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.

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 those two types* of biometric identifiers, Member States shall apply the technical specifications as established by Commission Implementing Decision C(2018) 7767¹² as amended by Commission Implementing Decision C(2021) 3726¹³.

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.

Or. en

Amendment 28
Estrella Galán

Proposal for a regulation
Article 3 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Children under the age of 12 years *may* be exempt from the requirement to give fingerprints.

Amendment

Children under the age of 12 years *shall* be exempt from the requirement to give fingerprints.

Or. en

Amendment 29
Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint,

Nikola Bartůšek, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) sex of the holder

Or. en

Amendment 30

**Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint,
Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet**

Proposal for a regulation

Article 6 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) on the front-side, the two-letter country code of the Member State issuing the document, ***printed in negative in a blue rectangle and encircled by twelve yellow stars.***

(h) on the front-side, the two-letter country code of the Member State issuing the document.

Or. en

Amendment 31

Estrella Galán

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

3. ***The*** biometric identifiers stored for the purpose of personalisation of identity cards or residence documents ***shall be processed exclusively for that purpose and*** 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

date of issue. After this period, these biometric identifiers shall be immediately erased or destroyed.

immediately erased or destroyed.

Or. en

Amendment 32

Anna Strolenberg

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Biometric identifiers stored for the purpose of personalisation of identity cards or residence documents ***shall be processed exclusively for that purpose***. They 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.

Or. en

Amendment 33

Francisco Assis, Krzysztof Śmiszek, Ana Catarina Mendes, Marco Tarquinio, Emma Rafowicz, Alessandro Zan

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Biometric identifiers stored for the purpose of personalisation of identity cards or residence documents ***shall be processed exclusively for that purpose and*** shall be kept in a highly secure manner and only until the date of collection of the document

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.

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.

Or. en

Amendment 34
Tomáš Zdechovský

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Cooperation with external service providers shall not exclude any liability on the part of a Member State. ***Member States shall ensure that all external providers comply with Union and national data protection law, and additional measures should be adopted to prevent any unauthorized access or misuse of personal data during outsourced processes.***

Or. en

Amendment 35
Malik Azmani, Jeannette Baljeu, Lucia Yar, Raquel García Hermida-Van Der Walle

Proposal for a regulation
Article 11 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 36
Estrella Galán

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:

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 the duly authorised staff of competent national authorities and Union agencies,*** for the purpose of verifying:

Or. en

Amendment 37
Estrella Galán

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.

deleted

Or. en

Justification

Both types of biometric data, fingerprints and facial images, shall only be used for the purposes of this Regulation and only duly authorised staff of competent national authorities and Union agencies shall be able to use them. The deletion seeks to ensure that facial images are not excluded from the provisions, hence, not allowing for the cardholders to use them to identify themselves towards private entities, thus granting them access to their sensitive biometric access via this Regulation.

Amendment 38

Anna Strolenberg
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 11 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The *two fingerprints* stored in the storage medium shall only be accessed by duly authorised staff of competent national authorities and Union agencies.

Amendment

The *biometric data* stored in the storage medium shall only be accessed by duly authorised staff of competent national authorities and Union agencies.

Or. en

Amendment 39
Malik Azmani, Jeannette Baljeu, Lucia Yar, Raquel García Hermida-Van Der Walle

Proposal for a regulation
Article 11 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The two fingerprints stored in the storage medium shall only be accessed by duly authorised staff of competent national authorities and Union agencies.

Amendment

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.*

Or. en

Amendment 40
Estrella Galán

Proposal for a regulation
Article 11 – paragraph 6 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall maintain, and communicate annually to the Commission, a list of the competent national authorities with access to the biometric data stored in the storage medium referred to in Article 3(5). The

Commission shall publish online a compilation of such national lists.

Or. en

Amendment 41
Estrella Galán

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Evaluation

Amendment

Reporting and evaluation

Or. en

Amendment 42
Estrella Galán

Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. ***Two years, and 11 years, respectively, after the date of application 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.***

Six years after the entry into force of this Regulation, ***and every subsequent six years***, 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 43
Malik Azmani

Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. *Two years, and 11 years, respectively, after the date of application of this Regulation, the Commission shall report the European Parliament and to the Council on the implementation of this Regulation, in particular on the protection of fundamental rights and personal data.* 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:

Amendment 44
Francisco Assis, Krzysztof Śmiszek, Ana Catarina Mendes, Marco Tarquinio, Emma Rafowicz, Alessandro Zan

Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. *Within* [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:

focus on:

Or. en

Amendment 45

Roberto Vannacci, António Tânger Corrêa, Susanna Ceccardi, Anna Maria Cisint, Nikola Bartůšek, Fabrice Leggeri, Tom Vandendriessche, Matthieu Valet

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the impact of this Regulation on fundamental rights;*

deleted

Or. en

Amendment 46

Malik Azmani

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) the necessity of introducing common security features of identification documents used on a provisional basis in view of their better recognition.

Or. en

Amendment 47

Estrella Galán

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) a possible use of residence cards as travel documents.

