



EUROPEAN
COMMISSION

Brussels, 30.9.2013
C(2013) 6181 final

COMMISSION IMPLEMENTING DECISION

of 30.9.2013

amending Commission Decision C(2006) 2909 final laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States and Commission Decision C(2008) 8657 laying down a certificate policy as required in the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States and updating the normative reference documents

(Only the Bulgarian, Spanish, Czech, German, Estonian, Greek, , French, Italian, Latvian, Lithuanian, Croatian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States¹, and in particular points (b) and (c) of Article 2 thereof,

Whereas:

- (1) Regulation (EC) No 2252/2004 lays down only those technical specifications for passports and travel documents which are general and not secret. These must be supplemented by additional technical specifications which may remain secret.
- (2) Commission Decision C(2006) 2909 has established the technical specifications for the implementation and the protection of the biometric data in passports issued by Member States. It has been amended by Commission Decision C(2011) 5499 final, introducing a higher level of protection of the biometric data by imposing the implementation of "Supplemental Access Control (SAC) for Machine Readable Travel Documents". Due to the development of new standards in this area, the protection profile and references to these standards related to SAC have to be updated.
- (3) Due to the introduction of a Single Point of Contact by Commission Decision C(2009) 7476 final, an update of the existing Certificate policy established by Decision C(2008) 8657 is necessary to take account of this new situation.
- (4) Furthermore it is necessary for the correct implementation of the Commission decisions to establish test specifications in order to ensure interoperability among Member States.
- (5) Although the new standard prescribes "dynamic binding", with a higher level of security, as a general rule, Member States should until 31 December 2014 be allowed to use "static binding" when issuing passports and travel documents, taking

¹ OJ, L 385, 29.12.2004, p.1.

information from the machine readable zone of the passport, in conformity with the specifications.

- (6) Given that Regulation (EC) No 2252/2004 builds upon the Schengen *acquis*, in accordance with Article 5 of the Protocol on the Position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark notified by letter of 6 June 2005 the transposition of this *acquis* into its national law. It is therefore bound under international law to implement this Decision.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*², The United Kingdom is therefore not bound by this decision.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*³. Ireland is therefore not bound by this decision.
- (9) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement⁴.
- (10) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁵, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁶.
- (11) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU⁷.

² OJ L 131, 1.6.2000, p. 43.

³ OJ L 64, 7.3.2002, p. 20.

⁴ OJ L 176, 10.7.1999, p. 31.

⁵ OJ L 53, 27.2.2008, p. 52.

⁶ OJ L 53, 27.2.2008, p. 1.

⁷ OJ L 160, 18.6.2011, p.19.

- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 6 of Regulation (EC) 1683/95⁸.
- (13) Decisions C(2006) 2909 and C(2008) 8657 should therefore be amended accordingly,
- HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision C(2006) 2909 final is amended as follows:

- (a) Reference point [13] is replaced by the following:

"[13] Advanced Security Mechanisms for Machine Readable Travel Documents, BSI TR-03110 Part 1 and 3, Version 2.10 of 20 March 2012";

- (b) Reference point [14] is replaced by the following:

"[14] Common Criteria Protection Profile Machine Readable Travel Document with „ICAO Application”, Basic Access Control, BSI-CC-PP-0055 (<https://www.bsi.bund.de>)";

- (c) Reference point [17] is replaced by the following:

"[17] Common Criteria Protection Profile for Machine Readable Travel Document with “ICAO Application”, Extended Access Control with PACE, BSI-CC-PP-0056-V2-2012"

- (d) A new reference point [22] is added:

"[22]. Test specifications are set out in BSI TR-03105 Part 3.2 Version 1.3 [<https://www.bsi.bund.de>]".

Article 2

Decision C(2008) 8657 is amended as follows:

- (a) Article 1(1) is replaced by the following:

"(1) According to point 5.5.3 of the Annex to Decision C(2006) 2909 the common certificate policy is established as set out in BSI TR-03139 Version 2.1. [<https://www.bsi.bund.de>]."

- (b) Annex 1 is deleted.

Article 3

Member States can use "static binding" referred to in point 3.5 of BSI TR-03110 Part 1 and 3, Version 2.10 referred to in reference point [13] in Decision C (2006)2909 final, when issuing passports and travel documents until 31 December 2014.

⁸ OJ L 164, 14.7.1995, p. 1.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Croatia, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 30.9.2013

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

