



EU regulatory framework: SAC/PACE- Mandatory standards

DG Home

Unit C2-Visa Policy

Silvia Kolligs-Tuffery

Agenda

- Introduction
- EU Legislation
- Technical Specifications
- Latest developments
- Challenges
- Recap



y PRIMARY LEGISLATION

- § Agreed by direct negotiation between Member State governments.
- § Laid down in the form of Treaties which are then subject to ratification by the national parliaments.

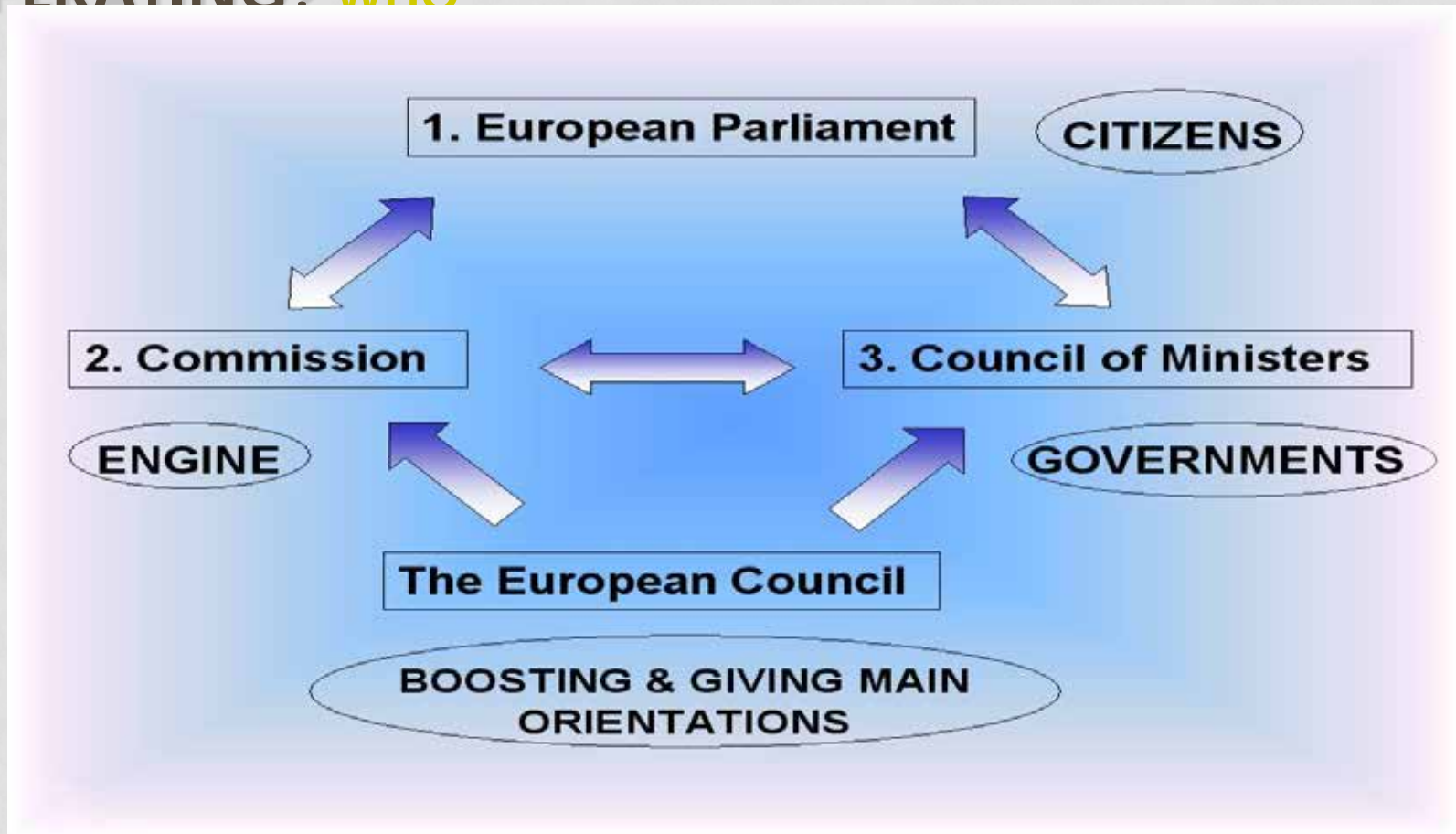
The Treaties on the European Union have been revised several times through:

- ∅ the Single European Act (1987),
- ∅ the Treaty of Maastricht on European Union (1992),
- ∅ the Treaty of Amsterdam (1997), which entered into force on 1 May 1999.,
- ∅ the Treaty of Nice (2001), which entered into force on 1 February 2004.
- ∅ the Treaty of Lisbon (2007), which entered into force on 1 December 2009

y **SECONDARY LEGISLATION** - first level

WHO ? is acting
WHY ? are we acting
WHAT ? are we doing

y HOW ARE THE EUROPEAN INSTITUTIONS OPERATING? WHO



y WHICH ARE THE COMPETENCES ACCORDING TO THE TREATY? WHY

- § **Visa policy**
EU exclusive competence, including uniform format

- § **Residence Permits**
EU competence on the uniform format

- § **Passports and other travel documents**
Member States competence, except common security standards of travel documents [biometrics and minimum (physical) security standards]

y WHICH IS THE KEY EU LEGISLATION? WHAT

§ Visa

- uniform format

(Regulation (EC) 1883/95 as last amended by Regulation (EC) 856/2008)

§ Residence Permit for third country nationals

- uniform format

(Regulation (EC) 1030/2002 as last amended by Regulation (EC) 380/2008)

§ Passports and other travel documents (except ID cards)

– common security standards *incl.* biometrics

(Regulation (EC) 2252/2004 as last amended by Regulation (EC) 444/2009)

y **SECONDARY LEGISLATION** – second level

Technical Specifications

?

WHO ? is acting

WHY ? are we acting

WHAT are we doing

y THE ARTICLE 6 COMMITTEE | who

The Council of the EU gives executive power to the Commission (Comitology) in form of implementing acts (Art 291 of the Treaty).

§ Committee was created by Article 6 of Regulation (EC) 1683/95 laying down a uniform format visa;

§ Committee is chaired by the Commission

§ Committee is composed by experts from Member States

y THE ARTICLE 6 COMMITTEE | why

The technical specifications are set out by the Commission with the support of the Article 6 committee.

Advantage

Easier to adapt due to lighter legislative procedure
(*Commission Implementing Decision*)

Procedure: (simplified)

§ Proposal by Commission

§ Discussion and positive opinion by the Committee

§ Implementing Decision by the Commission

y THE ARTICLE 6 COMMITTEE | what

Article 2 of Visa Regulation:

1.[...]

(a) additional elements and security requirements including enhanced anti-forgery, counterfeiting and falsification standards

(b) technical standards and methods to be used for the filling in of the uniform visa

2.The colours of the visa sticker may be changed in accordance with the procedure referred to in Article 6(2);

y THE ARTICLE 6 COMMITTEE | what

Article 2 of Passport Regulation:

in addition to the above

(a) additional security features and requirements, including enhanced anti-forgery, counterfeiting and falsification standards;

(b) technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access;

(c) requirements for quality and common technical standards for the facial image and the fingerprints.

In accordance with ICAO standards

y THE ARTICLE 6 COMMITTEE | what

Article 2 of Residence Permit Regulation:

in addition to the above

- (d) technical specifications for the storage medium of the biometric features and the security thereof, including prevention of unauthorised access;
- (e) requirements for the quality of and common standards for the facial image and the fingerprint images;
- (f) an exhaustive list of additional national security features which could be added by Member States in accordance with point (h) of the Annex."

-In accordance with ICAO standards

- y **Commission Decisions render ICAO standards mandatory for EU Member States:**
 - § ICAO/MRTD compliance
 - § Biometrics (since 8/2006-6/2009 for passports; 5/2011-05/2012 for residence permits)
 - § [Single Point of Contact (SPOC) (since 05/2012)]
 - § Supplementary Access Control (SAC)/ PACE (Deadline 31 December 2014)

Latest developments on Passports and Residence Permits

Commission Decision of 30/09/2013 on:

- § New Certificate Policy
- § Test Specifications
- § Introduction of Common Protection Profiles for Supplementary Access Control (SAC)/ PACE

Challenges for the Passports

§ No uniform format - only harmonised biometrics and minimum security features;

§ No mandate for Art.6 Committee to work on inspection systems at the borders. *Therefore, no end-to-end harmonised approach.*

In short

§ Commission responsibility on Visa, Residence permits for third country nationals and Passports and other travel documents issued by Member States;

§ Article 6 Committee composed of Member States experts establishing the technical specifications;

§ On-going work in the Member States to implement technical solutions for SPOC and SAC/PACE;

§ **Yet**, plenty of challenges to find workable/ suitable solutions.



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Contact point in DG-HOME:

Silvia Kolligs-Tuffery
silvia.kolligs-tuffery@ec.europa.eu