Council Regulation (EU) No 1417/2013 of 17 December 2013 laying down the form of the laissez-passer issued by the European Union

COUNCIL REGULATION (EU) No 1417/2013

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 7 on the privileges and immunities of the European Union annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, and in particular the first paragraph of Article 6 thereof,

Whereas:

(1) The first paragraph of Article 6 of Protocol No 7 on the privileges and immunities of the European Union ('Protocol') provides that the Council prescribes the form of the *laissez-passer* which are to be recognised as valid travel documents by the authorities of the Member States.

(2) It is recalled that the first paragraph of Article 6 of the Protocol applies to members of the institutions of the Union and servants of the Union, who are subject either to the Staff Regulations of Officials or the Conditions of Employment of Other Servants of the European Union[(1)].

(3) Article 23 of the Staff Regulations of Officials, as well as Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union, lay down the conditions under which the *laissez-passer* is issued to servants of the Union.

(4) In the interest of the Union and in order to comply with the duty of care, the benefit of the *laissez-passer* may be extended, on exceptional basis and upon due motivation, to special applicants.

(5) In any event, a *laissez-passer* does not grant privileges and immunities to its holder.

(6) The *laissez-passer* is to be recognised as a valid travel document by the authorities of the Member States. The Commission should make use of the possibility provided for under the second paragraph of Article 6 of the Protocol to conclude necessary agreements with third countries with a view to recognising *laissez-passer* as valid travel documents for border crossing and within the territory of third countries.

(7) Developments at Union level, in particular the establishment of the European External Action Service, have further enhanced the need for a coherent approach at the international and Union levels.

(8) The form of the *laissez-passer* should be upgraded to achieve enhanced security standards and to contribute to ensuring a proper level of protection against forgery, counterfeiting and falsification. Common security standards and interoperable

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1417/2013. (See end of Document for details)*

biometric identifiers should be integrated into the *laissez-passer* in order to establish a reliable link between the rightful holder and the document, making an important contribution to ensuring protection against its fraudulent use.

(9) In particular, the form of the *laissez-passer* should comply with the security standards and technical specifications applicable to the national travel documents issued by Member States pursuant to Council Regulation (EC) No 2252/2004[(2)]. This allows for compliance with the specifications of the International Civil Aviation Organisation ('ICAO'), in particular those appearing in ICAO Document 9303 on machine-readable travel documents, as they will contribute to protecting the *laissez-passer* against fraudulent use and to having it internationally recognised as a valid travel document. Likewise, the Union should participate in the ICAO Public Key Directory following the applicable ICAO standards and recommended practices with a view to allowing facilitated worldwide validation of *laissez-passer*.

(10) In order to ensure that uniform conditions for future security standards and technical specifications for passports and travel documents issued by Member States apply equally, where appropriate, to Union *laissez-passer*, implementing powers should be conferred on the Commission. Moreover, implementing powers should be conferred on the Commission to establish rules for institutions, agencies or other bodies of the Union, as well as to the European External Action Service (hereinafter referred to as the 'institutions'), in cases of loss, theft, issuance of duplicates and returns of *laissez-passer*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(3)].

(11) The advisory procedure should be used for the adoption of implementing acts ensuring, where appropriate, compliance with future minimum security standards and technical specifications for passports and travel documents issued by Member States adopted pursuant to Regulation (EC) No 2252/2004, which may remain secret in order to prevent the risk of counterfeiting and falsifications. The advisory procedure should also be used for the adoption of implementing acts on the handling of cases of loss, theft, issuance of duplicates and returns of *laissez-passer* by the institutions. Under the advisory procedure the Commission should be assisted by the Committee established by Article 6 of Council Regulation (EC) no 1683/95[(4)].

(12) It should be ensured that no further information is stored in the *laissez-passer*'s electronic medium other than that pursuant to this Regulation and the Annexes thereto.

(13) Each institution, individually or acting together on the basis of service-level agreements, responsible for the processing of the personal data of its own staff or of other agents, and the Commission acting as a central point for processing purposes, should ensure compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council[(5)].

(14) In order to ensure that personal data are not made available to more persons than necessary, it is essential that the Commission coordinate the implementation of this Regulation and designate a single entity having the responsibility for the production and personalisation of the *laissez-passer*. Specific consideration should be given by the Commission to ensure secure access to the personal data contained in the *laissez-*

passer for the purposes of production and personalisation by the authorised single entity ensuring an adequate level of data protection.

(15) Personal data should be kept in the register or by the entity only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights. Personal data should be automatically deleted after a period following the closure of the proceeding. This period of time should be justified and motivated.

(16) In order to prevent falsification and fraudulent use of the *laissez-passer*, the single entity designated by the Commission to produce and personalise the *laissez-passer* should be selected in accordance with the provisions applicable to the award of contracts, in particular those of Regulation (EC, Euratom) No 966/2012 of European Parliament and Council[6], and taking due account of the sensitive nature of the documents to be produced.

(17) In accordance with the principle of proportionality, this Regulation does not go beyond what is necessary to achieve the objectives pursued in accordance with the second subparagraph of Article 5(4) of the Treaty on European Union.

(18) This Regulation should replace Regulation (ECSC, EEC, Euratom) No 1826/69 of the Council[7]. Regulation (ECSC, EEC, Euratom) No 1826/69 should therefore be repealed with effect from 25 November 2015 following a transitional period.

(19) It is necessary to provide for a transitional period from the entry into force of this Regulation until 24 November 2015, when it will still be possible to issue and use *laissez-passer* pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69. However, this transitional possibility should be applied in such a way that, from the moment when *laissez-passer* start being issued pursuant to this Regulation, no more *laissez-passer* are issued pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69, and such *laissez-passer* still in circulation are systematically replaced until 24 November 2015. This approach will limit as much as possible the period during which the two forms of *laissez-passer* circulate simultaneously,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1 The *laissez-passer* shall be accorded solely in the interest of the Union to members of the institutions of the Union referred to in paragraph 2 and its servants. It shall be issued to servants in accordance with the conditions laid down in Article 23 of the Staff Regulations of Officials, as well as Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union. The *laissez-passer* may be issued, solely in the interest of the Union in exceptional cases and upon due motivation, to special applicants pursuant to Annex II.

2 This Regulation shall apply to the institutions, agencies and other bodies of the European Union, as well as to the European External Action Service (hereinafter referred to as the ‘institutions’).

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1417/2013. (See end of Document for details)*

Article 2

Process

1 For the purposes of this Regulation, each institution may conclude agreements with other institutions with a view to creating synergies and alleviating the costs. These institutions shall be responsible for the processing of personal data of staff or special applicants referred to in Article 1(1). Such data shall include the biographical and biometric data used to identify unambiguously the *laissez-passer* applicant, including the facial image and two digital finger prints as biometric features.

2 For the purposes of this Regulation, the Commission shall act as a central point with a view to transmitting the personal data processed by institutions to the entity referred to in paragraph 3.

3 The Commission shall designate an entity to be responsible for designing, producing and personalising the *laissez-passer*, taking into account the sensitive nature of the documents to be produced. It shall do so in accordance with the provisions applicable to the award of contracts, in particular those in Regulation (EC, Euratom) No 966/2012. Any transfer of personal data during the process shall be done in accordance with Regulation (EC) No 45/2001.

4 Each *laissez-passer* shall remain the property of the Union.

Article 3

Linguistic regime

The *laissez-passer* shall be issued in all official languages of the institutions of the Union as indicated in Annex I. The presentation of biographical data shall take into account ICAO recommendations.

Article 4

Validity

1 Without prejudice to Article 5(2), a *laissez-passer* shall be issued for a maximum period of six years and for no less than twelve months subject to the conditions of return specified in the implementing acts adopted in accordance with Article 6(4). The period of its validity shall be adapted to the length of the mandate for a member of an institution, to the length of stay or of posting for an official or to the length of the contract for a temporary agent or for a contract agent.

2 All *laissez-passer* that have expired or have no blank pages for visa affixes must be returned to the issuing authority for formal cancellation or renewal. The *laissez-passer* shall also be returned when its holder leaves his function or service. This paragraph shall also apply to the special applicants referred to in Article 1(1). In any event, when an original holder returns his *laissez-passer*, a dependent family member shall equally return his *laissez-passer*.

Article 5

Personal data - Rights of individuals

1 Persons to whom a *laissez-passer* is issued shall have the right to verify the personal data contained in it, pursuant to Regulation (EC) No 45/2001, and, where appropriate, to ask for its rectification or erasure.

2 Persons for whom fingerprinting is physically impossible shall be exempted from the obligation to provide them. Where fingerprinting of the designated fingers is temporarily impossible, the fingerprinting of the other fingers shall be allowed. Where it is also temporarily impossible to take fingerprints of any of the other fingers, a temporary *laissez-passer* may be issued, having a validity of 12 months or less.

3 The *laissez-passer* shall contain no machine-readable information other than that pursuant to this Regulation.

4 For the purposes of this Regulation, the biometric features in the *laissez-passer* shall only be used for verifying:

— the authenticity of the document;

— the identity of the holder by means of directly available comparable features.

5 The personal data shall be secured, in particular against unauthorised access, and its integrity, authenticity and confidentiality shall be guaranteed.

6 Access to fingerprints on the storage medium in the *laissez-passer* shall only be granted by the Commission to third countries under the conditions set out in Article 9 of Regulation (EC) No 45/2001.

Article 6

Technical specifications and security standards

1 In order to guarantee an equivalent security level, the *laissez-passer* shall comply with the minimum security standards provided for in Regulation (EC) No 2252/2004 and in Commission Decision C(2005) 409 of 28 February 2005 establishing the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States, Commission Decision C(2006) 2909 of 28 June 2006 establishing the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States, Commission Decision C(2008) 8657 of 22 December 2008 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, Commission Decision C(2009) 7476 of 5 October 2009 amending Commission Decision (C(2008) 8657 final) 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, Commission Decision C(2011) 5499 of 4 August 2011 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 Implementing Decision C(2013) 6181 of 30 September 2013 amending Commission Decision C(2006) 2909 final laying down the technical specifications on the