



## EUROPEAN COMMISSION

*Brussels, 28.11.2018  
C(2018) 7915 final*

*Ms Regina BASTOS  
Chair of the Comissão de Assuntos Europeus  
Assembleia da República  
Palácio de S. Bento  
P – 1249-068 LISBOA*

*cc. Eduardo FERRO RODRIGUES  
President of the  
Assembleia da República  
Palácio de S. Bento  
P – 1249-068 LISBOA*

*Dear Chair,*

*The Commission would like to thank the Assembleia da República for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on 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 {COM(2018) 212 final}.*

*In accordance with European Union law on free movement of persons<sup>1</sup>, identity cards can be used by Union citizens as travel documents, both when travelling within the Union and when entering the European Union from non-European Union countries. Currently, security levels of national identity cards issued by Member States and of residence documents for European Union nationals residing in another Member State and their family members vary significantly, which increases the risk of falsification and document fraud.*

*To address these issues, the Commission 2018 Work Programme<sup>2</sup> included the presentation of a legislative initiative (REFIT) to improve the security of identity cards and residence documents issued to Union citizens and their family members who are not nationals of a Member State. The proposal is part of a broader package of measures designed to deny terrorist and criminals the means and space to act<sup>3</sup>.*

*The Commission is pleased that the Assembleia da República shares the view that action at the Union level as envisaged in the proposal is required to enhance European security. The Commission welcomes the assessment by the Assembleia da República that*

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<sup>1</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

<sup>2</sup> [https://ec.europa.eu/info/publications/2018-commission-work-programme-key-documents\\_en](https://ec.europa.eu/info/publications/2018-commission-work-programme-key-documents_en)

<sup>3</sup> [http://europa.eu/rapid/press-release\\_IP-18-3301\\_en.htm](http://europa.eu/rapid/press-release_IP-18-3301_en.htm)

*the proposal is in accordance with the principle of subsidiarity as established by Article 5 of the Treaty on European Union.*

*The Commission has carefully considered the points raised by the Assembleia da República concerning potential advantages of further harmonisation of the design of identity cards (e.g. uniform colour or a graphical reference to the European Union), the mandatory use of ‘identity card’ as the title of the document, and the exemption to take fingerprints of children below the age of twelve.*

*The Commission considered, in its Impact Assessment<sup>4</sup>, to harmonise all key features of national identity cards. Under this option, identity cards would bear the European Union emblem and have the same the colour. Ultimately, the Commission decided that the option featured in the proposal was more proportionate compared to further standardisation, while still ensuring the achievement of the pursued objectives. More specifically, the aim of the proposal is to enhance European security by closing security gaps resulting from vulnerable documents.*

*The Commission proposed to harmonise the title ‘identity card’ so that Union citizens can benefit from improved recognition and acceptance of their identity cards when using them in other Member States. If it is clearly designated as such, border control officials can more easily detect if a document is an identity card and thus if it enables the holder to travel across borders. However, the Commission understands that some Member States, including Portugal, use other well-established designations.*

*The proposal foresees that children under twelve years of age are exempted from the requirement to give fingerprints. This exemption was included to align the proposal with similar rules concerning fingerprints taken for the issuance of passports<sup>5</sup>. However, the Commission takes note of the Assembleia da República’s suggestion to make this exemption optional for Member States.*

*The Commission’s proposal is currently in the legislative process involving both the European Parliament and the Council and hopefully it will be adopted soon.*

*The Commission looks forward to continuing the political dialogue with the Assembleia da República in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Věra Jourová  
Member of the Commission*

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<sup>4</sup> [https://ec.europa.eu/info/law/better-regulation/initiative/225053/attachment/090166e5ba10203a\\_en](https://ec.europa.eu/info/law/better-regulation/initiative/225053/attachment/090166e5ba10203a_en)

<sup>5</sup> Article 1(1) of Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 142, 6.6.2009, p. 1–4).