



EUROPEAN COMMISSION

*Brussels, 19.10.2018  
C(2018) 6670 final*

*Mr Milan ŠTĚCH  
President of the Senát  
Valdštejnské náměstí 17/4  
CZ – 118 01 PRAGUE 1*

*Dear President,*

*The Commission would like to thank the Senát 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 European Union and when entering the Union from third countries. Currently, document 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 and may lead to practical difficulties for citizens when they seek to exercise their right of free movement.*

*The proposal is part of a broader package of measures designed to deny terrorist and criminals the means and space to act<sup>2</sup>.*

*The Commission is pleased that the Senát shares the view that action at Union level as envisaged in the proposal is an important tool in the fight against terrorism and organised crime, as well as a means to lower the risk of document fraud and forgery.*

*The Commission notes the Senát's view that the unified format of the identity cards and of the residence documents remains crucial, especially so with regard to the data checks in the European Union justice and home affairs databases (e.g. information on expulsions and criminal activities); as well as the importance of Member States further*

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

*intensifying their efforts in strengthening the security of these documents regarding the standardised biometric identifiers (i.e. face scan and fingerprints).*

*The Commission also notes the Senát's request to prolong the phasing out periods for the identity cards of Union citizens and residence permits of their third country nationals family members, so that all hardware and software solutions needed for issuing the documents and for subsequent document checks can be put in place.*

*The Commission considers that the phasing-out of identity cards should take into account both the security risk as well as the costs and workload incurred by Member States. The Commission considers that a period of five years strikes the right balance between the frequency with which such documents are usually replaced and the need to fill the existing security gap within the European Union.*

*The proposal does recognise the differences among the security standards of identity cards currently in use. Hence, the proposal foresees a significantly shorter period for the phasing-out of identity cards lacking certain key features, such as machine-readability, while allowing more time to replace identity cards that already partially comply with modern standards.*

*The Commission considers that any further delays in implementing the proposed minimum document security standards, for example by replacing identity cards in circulation only according to their normal life-cycle, could create long-term security gaps and would diminish the effectiveness of and coherence with other recently adopted security measures within the European Union and at its external borders. Therefore, the Commission considers the provisions on the phasing-out to be justified.*

*The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council. The Senát's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.*

*The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing the political dialogue with the Senát in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Věra Jourová  
Member of the Commission*