

## ARTICLE 29 - DATA PROTECTION WORKING PARTY



Brussels, 30 November 2004

Mr Josep BORRELL FONTELLES  
President of the European Parliament  
European Parliament  
Rue Wiertz  
B - 1047 BRUSSELS

**Subject: Proposal for a Council Regulation on standards for security features and biometrics in EU citizens' passports**

Dear President,

The Article 29 Working Party has already in August of this year voiced concerns regarding the introduction of biometric features into passports. It is pleased to note that some of its recommendations have been accepted. It is concerned, however, that a second mandatory biometric feature is now proposed.

With regard to the introduction of such a second mandatory biometric identifier i.e. fingerprints as considered by the Council I would like to draw again your attention to the principles of privacy that have to be duly taken into account prior to implementing such a decision.

Improving the security of identity papers and verifying travellers is without any doubt the objective of introducing biometric features into passports.

However, test results have indicated that procedures based on biometric features neither guarantee the necessary security nor the envisaged ease for travellers because the percentage of false acceptance or false rejection of the passport holder by the recognising security system seems to be high. The Article 29 Working Party, therefore, expresses its reservations as to the use of biometric procedures that have not proved efficient and in particular the compulsory use of biometric features such as fingerprints allowing "one to many" identification and tracing of individuals.

It stresses the fact that the introduction of an additional biometric feature makes it all the more necessary that a secure and watertight system is in place making sure that the fundamental right of privacy is not endangered.

The Working Party has been established by Article 29 of Directive 95/46/EC. It is the independent EU Advisory Body on Data Protection and Privacy. Its tasks are laid down in Article 30 of Directive 95/46/EC and in Article 15 of Directive 2002/58/EC. The Secretariat is provided by:

Directorate E (Services, Copyright, Industrial Property and Data Protection) of the European Commission, Internal Market Directorate-General, B-1049 Brussels, Belgium, Office No C100-6/136.  
Website: [http://europa.eu.int/comm/internal\\_market/privacy/index\\_en.htm](http://europa.eu.int/comm/internal_market/privacy/index_en.htm)

The Article 29 Working Party has not enough information as to which tests have been conducted, their outcome nor on which basis the Council decision has been taken. It accordingly feels that a mandatory second biometric feature at this stage is not desirable without clear information being brought forward to that regard. The Article 29 Working Party calls in this context for utmost transparency concerning the reasons why decisions of such importance for all our citizens have been taken. Due to the relevance of the measure to all our citizens the Article 29 Working Party considers it appropriate that public opinion should be widely sought on this matter to demonstrate that the decision-making process is based on a proper and comprehensive assessment.

It also notes that ICAO only requires one mandatory biometric feature and it, therefore, recommends that the second one should be optional and not mandatory as proposed.

For the Working Party



*The Chairman*  
Peter SCHAAR

This letter has also been addressed to the European Council and the LIBE committee.