



Brussels, 30.9.2013
C(2013) 6178 final

COMMISSION IMPLEMENTING DECISION

of 30.9.2013

**amending Commission Decision C(2002) 3069 laying down the technical specifications
for the uniform format for residence permits for third country nationals**

**(Only the Bulgarian, Croatian, Czech, Dutch, Estonian, English, Finnish, French,
German, Greek, Hungarian, Italian, Swedish, Latvian, Lithuanian, Maltese, Polish,
Portuguese, Romanian, Slovakian, Slovenian and Spanish texts are authentic)**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals¹, and in particular Article 2 (1)(d) and (e) thereof,

Whereas:

- (1) Regulation (EC) No 1030/2002 empowers the Commission to adopt further technical specifications for the residence permit for third country nationals in order to prevent counterfeiting and falsification.
- (2) Commission Decision C(2002) 3069 established the technical specifications for the implementation and the protection of the biometric data in residence permits for third country nationals. It has been amended by Commission Decisions C(2009) 3770 and C(2011) 5478 final.
- (3) Decision C(2009) 3770 introduced the Common Certificate policy for the extended access control infrastructure for residence permits issued by Member States. Due to the introduction of a Single Point of Contact (SPOC) by Commission Decision C(2011) 5478 final, an update of the existing Certificate policy is necessary to take account of this new situation. Decision C(2011) 5478 final introduced a higher level of protection of the biometric data by imposing the implementation of "Supplemental Access Control for Machine Readable Travel Documents". Due to the development of new standards in this area, the protection profiles and references to these standards related to Supplemental Access Control (SAC) should be amended.
- (4) Furthermore it is necessary for the correct implementation of the Commission Decisions to establish test specifications in order to ensure interoperability among Member States.
- (5) Although the new standard prescribes "dynamic binding", with a higher level of security, as a general rule, Member States should until 31 December 2014 be allowed to use "static binding" when issuing passports and travel documents, taking information from the machine readable zone of the passport, in conformity with the specifications.

¹ OJ L 157, 15.6.2002, p. 1

- (6) Given that Regulation (EC) 1030/2002 builds upon the Schengen *acquis*, in accordance with Article 5 of the Protocol on the Position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark notified by letter of 16 October 2008 the transposition of this *acquis* into its national law. It is therefore bound under international law to implement this Decision.
- (7) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*², which fall within the area referred to in Article 1, point C of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.³
- (8) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom gave notice, by letter of 29 December 2003, of its wish to take part in the adoption and application of the Regulation (CE) No 1030/2002.
- (9) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland gave notice, by letter of 19 December 2003, of its wish to take part in the adoption and application of Council Regulation (CE) No 1030/2002.
- (10) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen *acquis*⁴ which fall within the area referred to in Article 1, point C of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁵.
- (11) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point C of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU⁶.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 6 of Regulation (EC) No 1683/95.
- (13) Decision C (2002) 3069 should therefore be amended accordingly,

² OJ L 176, 10.7.1999, p. 36.

³ OJ L 176, 10.7.1999, p. 31.

⁴ OJ L 53, 27.2.2008, p.52

⁵ OJ L 53, 27.2.2008, p. 1.

⁶ OJ L 160, 18.6.2011, p. 19.

HAS ADOPTED THIS DECISION:

Article 1

1. The following Article 1a is inserted:
"Article 1a
The common certificate policy is established as set out in BSI TR-03139 Version 2.1. [<https://www.bsi.bund.de>]."
2. The Annex IIa to Commission Decision (EC) No C (2002) 3069 is amended as follows:
 - (a) Reference point [3] is replaced by the following:
"[3] Advanced Security Mechanisms for Machine Readable Travel Documents, BSI TR-03110, Part 1 and 3, Version 2.10 of 20 March 2012";
 - (b) Reference point [10] is replaced by the following:
"[10] Common Criteria Protection Profile for Machine Readable Travel Document with "ICAO Application", Extended Access Control with PACE, BSI-CC-PP-0056-V2-2012"
 - (c) New reference points [15] and [16] are added:
"[15] Test specifications are set out in BSI TR-03105 Part 3.2 Version 1.3 [<https://www.bsi.bund.de>]
[16] Common Criteria Protection Profile Machine Readable Travel Document with „ICAO Application”, Basic Access Control, BSI-CC-PP-0055, Version 1.10 [<https://www.bsi.bund.de>]"
3. Annex IIb is deleted.

Article 2

Member States can use "Static binding" as referred to in 3.5 of the documents referred to in [3] when issuing passports and travel documents until 31 December 2014.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Croatia, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30.9.2013

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

