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**COMMISSION IMPLEMENTING DECISION**

**of 4.6.2021**

**amending the Annex to Implementing Decision C(2018) 7774 as regards the list of  
normative references**

# COMMISSION IMPLEMENTING DECISION

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## amending the Annex to Implementing Decision C(2018) 7774 as regards the list of normative references

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States<sup>1</sup>, and in particular Article 2, points (b) and (c) thereof,

Whereas:

- (1) Regulation (EC) No 2252/2004 lays down only such technical specifications for passports and travel documents that are not secret. The Commission should adopt additional technical specifications which may remain secret in order to prevent the risk of counterfeiting and falsifications.
- (2) Commission Implementing Decision C(2018) 7774<sup>2</sup> laid down a certificate policy.
- (3) Due to the continuous development of the reference documents, mainly emanating from the International Civil Aviation Organisation, to which the technical specifications for passports refer, those additional technical specifications need to be updated to correspond to the latest technical standards.
- (4) The audit requirements of the existing certificate policy were identified as an obstacle preventing the swift exchange of certificates necessary to access the fingerprint data contained in the storage medium of the passport. Those audit requirements should therefore be amended.
- (5) Given that Regulation (EC) No 2252/2004 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark notified the implementation of Regulation (EC) No 2252/2004 in its national law. It is therefore bound under international law to implement this Decision.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part<sup>3</sup>. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (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

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<sup>1</sup> OJ, L 385, 29.12.2004, p.1.

<sup>2</sup> Commission Implementing Decision C(2018) 7774 of 30.11.2018 laying down the technical specifications regarding the standards for security features and biometrics in passports and travel documents issued by Member States and repealing Decisions C(2006) 2909 and C(2008) 8657.

<sup>3</sup> This Decision falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

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*<sup>4</sup> which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC<sup>5</sup>.

- (8) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of 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*<sup>6</sup> which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>7</sup>.
- (9) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol 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*<sup>8</sup> which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU<sup>9</sup>.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Council Regulation (EC) 1683/95<sup>10</sup>,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Point 7 of the Annex to Commission Implementing Decision C(2018) 7774 is amended as follows:

- (1) normative reference [2] is replaced by the following:  
'ICAO Doc 9303 8<sup>th</sup> edition, Part 9';
- (2) normative reference [4] is replaced by the following:

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<sup>4</sup> OJ L 176, 10.7.1999, p. 36.

<sup>5</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

<sup>6</sup> OJ L 53, 27.2.2008, p. 52.

<sup>7</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of 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* (OJ L 53, 27.2.2008, p. 1).

<sup>8</sup> OJ L 160, 18.6.2011, p. 21.

<sup>9</sup> Council Decision of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol 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*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p.19).

<sup>10</sup> Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

‘International Civil Aviation Organization (ICAO), Machine Readable Travel Documents, Doc 9303, 8<sup>th</sup> edition, 2021’;

(3) normative reference [10] is replaced by the following:

‘ICAO Doc 9303, 8<sup>th</sup> edition, Part 11’;

(4) normative reference [11] is replaced by the following:

‘ICAO Doc 9303 8th edition, Parts 10 and 12’;

(5) normative reference [13] is replaced by the following:

‘BSI TR-03139 Common Certificate Policy for the Extended Access Control Infrastructure for Travel and Residence Documents issued by EU Member States, v2.4’.

## *Article 2*

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Croatia, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, 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 and the Kingdom of Sweden.

Done at Brussels, 4.6.2021

*For the Commission*

*Ylva JOHANSSON*

*Member of the Commission*

