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NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	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 - Mandate for negotiations with the European Parliament

Delegations will find attached a compromise proposal with a view to granting the Presidency a mandate to start negotiations with the European Parliament.

Suggested modifications are indicated as follows:

- new text compared to the Commission proposal is in **bold**;
- new text compared to the previous version (12960/18) is in **bold underline**
- deleted text compared to the Commission proposal is in [...].

2018/0104 (COD)

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**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 21(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The EU Treaties resolved to facilitate the free movement of persons while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of the Treaty on the Functioning of the European Union.

¹ OJ C , , p. .

² OJ C , , p. .

- (2) Citizenship of the Union confers on every citizen of the Union the right to free movement subject to certain limitations and conditions. Directive 2004/38/EC of the European Parliament and of the Council gives effect to that right.³ Article 45 of the Charter also provides for the freedom of movement and residence. Freedom of movement entails the right to exit and enter Member States with a valid identity card or passport.
- (3) Pursuant to Article 4 of Directive 2004/38/EC, Member States are to issue and renew identity cards or passports to their nationals in accordance with national laws. Furthermore, Article 8 of Directive 2004/38/EC provides that they may require citizens of the Union and their family members to register with the relevant authorities. Member States are required to issue registration certificates to Union citizens under the conditions set out therein. Member States are also required to issue residence cards to family members who are not nationals of a Member State and, on application, to issue documents certifying permanent residence and permanent residence cards.
- (4) Article 35 of Directive 2004/38/EC provides that Member States may adopt the necessary measures to refuse, terminate or withdraw any right conferred by this Directive in the case of abuse of rights or fraud. Document forgery or false presentation of a material fact concerning the conditions attached to the right of residence have been identified as typical cases of fraud under the Directive⁴.
- (5) The 2016 Action Plan on document security of December addressed the risk from fraudulent identity cards and residence documents⁵, and the 2017 Citizenship report committed to analysing policy options to improve the security of identity cards and residence documents.
- (6) This Regulation does not require Member States to introduce identity cards or residence documents where they are not provided for under national law, nor does it affect the competence of the Member States to issue other residence documents under national law outside the scope of Union law, for example residence cards delivered to all residents on the territory whatever their nationality.
- (6a) This Regulation does not affect the possibility of Member States to accept, in a non-discriminatory manner, other documents which are not travel documents such as driving licences for identification purposes.**
- (6b) Identification documents issued to citizens whose free movement rights have been restricted in accordance with Union or national law and which expressly indicate that they cannot be used as travel documents should not be considered as falling within the scope of this Regulation.**

³ 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 (OJ L 158, 30.4.2004, p. 77).

⁴ COM (2013) 837 final of 25.11.2013, p. 7 and COM (2009) 313 final of 2.7.2009, p. 15.

⁵ COM(2016) 790 final.

6(c) Travel documents compliant with International Civil Aviation Organisation (ICAO) Document 9303, part 5 (seventh edition), which do not serve identification purposes in the issuing Member States, should not be considered as falling within the scope of this Regulation.

- (7) This Regulation does not affect the use of identity cards and residence documents with eID function by Member States for other purposes nor does it affect the rules laid down in Regulation (EU) No 910/2014 of the European Parliament and of the Council,⁶ which provides for Union-wide mutual recognition of electronic identifications in access to public services and helps citizens moving to another Member State by requiring electronic identification means to be recognised in another Member State. Improved identity cards should ensure easier identification and contribute to a better access to services.
- (8) Proper verification of identity cards and residence documents requires that Member States use the correct title for each kind of document. In order to facilitate checking of the documents in other Member States, the document title should also appear in at least one other official language of the institutions of the Union. **Where Member States already use, for identity cards, well-established designations other than ‘identity card’, they should be able to continue to do so in their official language or languages. However, no new designations other than ‘identity card’ should be introduced in the future.**
- (9) Security features are necessary to verify if a document is authentic and to establish the identity of a person. The establishment of minimum security standards and the integration of biometric data in identity cards and in residence cards of family members who are not nationals of a Member State is an important step to render their use in the Union more secure. The inclusion of such biometric identifiers should allow citizens to fully benefit from their free movement rights.
- (10) The specifications of the International Civil Aviation Organisation (ICAO) Document 9303 (seventh edition, 2015) on machine-readable documents which ensure global interoperability including for machine readability and using visual inspection should be taken into account for the purpose of this Regulation.
- (11) [...]

⁶ Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

- (12) Introducing minimum security and format standards of identity cards should allow Member States to rely on the authenticity of those documents when EU citizens exercise their free movement rights. **Moreover, Member States should exchange the information necessary to authenticate the storage medium and to access and verify the biometric data of the holder of these documents.** While the possibility to provide for additional national features is maintained, it should be ensured that those features do not diminish the efficiency of the common security features or negatively affect the cross-border interoperability compatibility of the identity cards, such as the possibility that the identity cards can be read by machines used by Member States other than those of issue.
- (12a) **Member States should take all necessary steps to ensure that biometric data matches the person to whom an identity card is issued. To this end, Member States could consider collecting biometric identifiers, especially the facial image, by means of live enrolment by the national authorities issuing identity cards.**
- (13) The Regulation [...] **respects** the obligations set in the United Nations Convention on the Rights of Persons with Disabilities ratified by all Member States and the Union⁷. Therefore, the integration of additional features that render identity cards more accessible and user-friendly to people with disabilities, such as visually impaired persons, should be encouraged. **Member States could also explore solutions, for example mobile registration devices, to issue identity cards to persons incapable of visiting the authorities responsible for issuing identity cards.**
- (14) Residence documents issued to citizens of the Union should include certain information to ensure that they are identified as such in all Member States. This should facilitate the recognition of the EU mobile citizen's use of the right to free movement and of the rights inherent to this use, but harmonisation should not go beyond what is appropriate to address the weaknesses of current documents. **Member States could issue these documents in a format complying with the specifications of ICAO Document 9303 (seventh edition, 2015) on machine-readable documents.**
- (15) As regards residence documents issued to family members who are not nationals of a Member State it is appropriate to make use of the same format and security features as provided for in Council Regulation (EC) No 1030/2002⁸ which lays down a uniform format for residence permits for third-country nationals as last amended by Regulation (EU) 2017/1954⁹. In addition to [...] proveing [...] the right of residence they also exempt their holders who are otherwise subject to a visa obligation from the need to obtain a visa when accompanying or joining the citizen of the Union within the Union territory.

⁷ OJ L 23, 26.11.2009.

⁸ Council Regulation (EC) 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1.

⁹ OJ L 286 of 1.11.2017, p.9.

- (16) Article 10 of Directive 2004/38/EC provides that documents issued to family members who are not nationals of a Member State are to be called "Residence card of a family member of a Union citizen". **In order to be easily identified as such, a residence card of a family member of a Union citizen should bear a standardised title and code.**
- (17) Identity cards as well as residence cards of a family member of a Union citizen with insufficient security standards should be phased out taking into account both the security risk and the costs incurred by Member States. In general, a period of **ten years for identity cards and five years for residence cards** should be sufficient to strike a balance between the frequency with which documents are usually replaced and the need to fill the existing security gap within the European Union. However, for cards which do not have important **security** features, [...] **or are not machine readable**, a shorter period of [...] **five** years is necessary on security grounds.
- (18) With regard to the personal data to be processed in the context of the application of this Regulation, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ¹⁰ applies. It is necessary to further specify safeguards applicable to the processed personal data. Data subjects should be made well aware of the existence in their documents of the storage medium containing their biometric data including its contactless accessibility as well as of all instances where the data contained in their identity cards and residence documents are used. In any case, data subjects should have access to personal data processed in their identity cards and residence documents and have them rectified **by way of issuance of a new document.**
- (19) It is necessary to specify in this Regulation the basis for the collection and storage of data on the storage medium of identity cards and residence documents. In accordance with their national legislation or Union law, Member States may store other data on a storage medium for electronic services or other purposes relating to the identity card or residence document. The processing of such data including their collection and the purposes for which they can be used should be authorised by national or Union law. All national data should be physically or logically separated from biometric data referred to in this Regulation.
- (19aa) **This Regulation requires biometric data to be collected and stored in the storage medium of identity cards and residence documents for the purposes of verifying the authenticity of the document and the identity of the holder when the document is required to be produced by law. This is without prejudice to any other processing of these data in accordance with Union and national data protection legislation. This Regulation does not provide a legal basis for setting up or maintaining databases for storage of those data in Member States, which is a matter of national legislation that needs to comply with EU data protection legislation.**

¹⁰ OJ L 119, 4.5.2016, p. 1.

- (19a) In order to ensure that future security standards and technical specifications adopted pursuant to Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third country nationals as last amended by Regulation (EU) 2017/1954 can duly be taken into account, where appropriate, for identity cards and residence cards and permanent residence cards, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. For this purpose, the Commission should be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95. Where necessary, implementing acts may remain secret in order to prevent the risk of counterfeiting and falsifications.
- (20) Member States should apply this Regulation at the latest [...] **24** months after its entry into force. As from the date of application of this Regulation, Member States should issue documents respecting the requirements set out in this Regulation.
- (21) The Commission should report on the implementation of this Regulation after [...] **four** years after its date of application, including on the appropriateness of the level of security. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making¹¹ the Commission should carry out an evaluation of this Regulation on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Regulation and the need for any further action. **For the purpose of monitoring, Member States should collect data on the number of identity cards and residence documents issued.**
- (22) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (23) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union including the respect for private and family life, the right to the protection of personal data, the right to free movement and the right to an effective remedy.

¹¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation strengthens the security standards applicable to identity cards issued by Member States to their nationals and to residence documents issued by Member States to Union citizens and their family members when exercising their right to free movement.

Article 2

Scope

This Regulation applies to:

- (a) identity cards delivered by Member States to their own nationals as referred in Article 4 (3) of Directive 2004/38/EC **with a validity of more than twelve months**;
- (b) registration certificates issued to Union citizens residing for more than three months in a host Member State in accordance with Article 8 of Directive 2004/38/EC and documents certifying permanent residence issued to Union citizens upon application in accordance with Article 19 of Directive 2004/38/EC;
- (c) residence cards issued to family members of Union citizens who are not nationals of a Member State in accordance with Article 10 of Directive 2004/38/EC and permanent residence cards issued to family members of Union citizens who are not nationals of a Member State in accordance with Article 20 of Directive 2004/38/EC.

CHAPTER II

NATIONAL IDENTITY CARDS

Article 3

Security standards/format/specifications

- (1) Identity cards issued by Member States shall be produced in ID-1 format and shall [...] **contain a machine-readable zone (MRZ). They shall be based on the specifications and minimum security standards set out in ICAO Document 9303 (seventh edition, 2015) and shall comply with the requirements as set out in letters (c), (d), (f) and (g) of the Annex of Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals as last amended by Regulation (EU) 2017/1954. The inclusion of 'sex' in the visual inspection zone shall be optional.**
- (2) The document **shall bear the title** ('Identity card') [...] **or another well-established national designation in** the official language or languages of the issuing Member State, **and 'identity card' in** at least one other official language of the institutions of the Union.
- (3) Identity cards shall include a highly secure storage medium which shall contain a facial image of the holder of the card and two fingerprints in interoperable **digital** formats.
- (4) The storage medium shall have sufficient capacity and capability to guarantee the integrity, the authenticity and the confidentiality of the data. The data stored shall be accessible contactless [...]. **Member States shall exchange the information necessary to authenticate the storage medium and to access and verify the biometric data referred to in paragraph 3.**
- (5) **Children under the age of 12 years may** [...] be exempt from the requirement to give fingerprints.

[...]

Where fingerprinting of the designated fingers is temporarily impossible, Member States shall allow the fingerprinting of the other fingers. Where it is also temporarily impossible to take fingerprints of any of the other fingers, they may issue an identity card having a validity of twelve months or less.

Persons whose fingerprinting is physically impossible shall be exempt from the requirement to give fingerprints.

- (5a) **For the purposes of this article, Member States shall apply the standards as established by the provisions of Commission Decision C(2002) 3069 of 14 August 2002 establishing technical specifications for the implementation of the uniform format for residence permits for third country nationals as last amended by [Commission Decision C(2013) 6178 of 30.9.2013.]**
- (6) Member States may enter details and observations for national use as required in the light of their national provisions.
- (7) Where Member States incorporate a dual interface or a separate storage medium in the identity card, the additional storage medium shall comply with the relevant ISO standards and not interfere with the storage medium referred to in paragraph 3.
- (8) Where Member States store data for electronic services such as e-government and e-business in the identity cards, the national data shall be physically or logically separated from the biometric data referred to in paragraph 3.
- (9) Where Member States add national security features to the identity cards, the cross-border [...] **compatibility** of the identity cards and the efficiency of the minimum security standards shall not be diminished.
- (10) Identity cards shall have a maximum period of validity of 10 years. Derogations may be provided for [...] **persons aged 70 and above. Identity cards issued to children under the age of 12 shall have a maximum period of validity of 5 years.**

Article 4

Collection of biometric identifiers

- (1) The biometric identifiers shall be collected by qualified and duly authorised staff designated by the national authorities responsible for issuing identity cards. **In view of ensuring the consistency of biometric identifiers with the identity of the applicant, the latter shall appear in person for each application at least once during the issuance process.**
- (2) **The procedure for collecting biometric identifiers shall take into account the specific needs of children and shall be carried out in accordance with the safeguards laid down in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, in the Charter of Fundamental Rights of the European Union and in the United Nations Convention on the Rights of the Child.** Where difficulties are encountered in the collection of biometric identifiers, Member States shall ensure that appropriate procedures are in place to guarantee the dignity of the person concerned.

Article 5

Phasing out

- (1) Identity cards which do not meet the requirements of Article 3 shall cease to be valid at their expiry or by [...] **ten** years after [*the date of application of the Regulation*], whichever is earlier. [...]
- (2) **By way of derogation from paragraph 1:**
 - (a) ~~i~~Identity cards which **do not meet the minimum security standards set out in ICAO document 9303 part 2 (seventh edition, 2015)** or do not include a functional machine-readable zone (MRZ), **as defined in paragraph 3,** [...] shall cease to be valid at their expiry or by [...] **five** years after [*the date of application of this Regulation*], whichever is earlier-;
 - (b) **identity cards of persons aged 70 and above at [*the date of application of the Regulation*] which meet the minimum security standards set out in ICAO document 9303 part 2 and have a functional machine-readable zone (MRZ), as defined in paragraph 3,** shall cease to be valid at their expiry.
- (3) **For the purpose of paragraph 2, a functional machine-readable zone (MRZ) shall mean:**
 - (a) **a machine-readable zone compliant with ICAO document 9303 part 3 (seventh edition, 2015),**
 - (b) **or, any other machine-readable zone for which the issuing Member State notifies the rules required for reading and displaying the information contained therein, unless a Member State notifies, by [*the date of application of the Regulation*], the Commission about its lack of capacity to read and display this information. The Commission shall inform the concerned Member State and the Council about such a notification accordingly.**

CHAPTER III

RESIDENCE DOCUMENTS FOR UNION CITIZENS

Article 6

Minimum information to be indicated

Residence documents issued by Member States to citizens of the Union shall indicate at least the following:

- (a) the title of the document in the official language or languages of the Member State concerned and at least one other official language of the institutions of the Union;
- (b) the clear reference that the document is issued in accordance with Directive 2004/38/EC;
- (c) document number;
- (d) name (surname and forename(s)) of the holder;
- (e) date of birth of the holder;
- (ea) the information to be included on registration certificates and documents certifying permanent residence issued in accordance with Articles 8 and 19 of Directive 2004/38/EC, respectively;**
- (f) [...]
- (g) [...] **issuing authority.**

CHAPTER IV

RESIDENCE CARDS FOR FAMILY MEMBERS WHO ARE NOT NATIONALS OF A MEMBER STATE

Article 7

Uniform format

- (1) When issuing residence cards to family members of Union citizens who are not nationals of a Member State, Member States shall use the same format **and conditions for the taking of biometric identifiers** as established by the provisions of Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals as last amended by Regulation (EU) 2017/1954, and as implemented by the provisions of the Commission Decision C(2002) 3069 of 14 August 2002 establishing technical specifications for the implementation of the uniform format for residence permits for third country nationals as last amended by [Commission Decision C(2013) 6178 of 30.9.2013].
- (2) By derogation from paragraph 1, a card [...] shall bear the title 'Residence card [...]' or 'Permanent residence card [...]', respectively. **Member States shall indicate that these documents are issued to a family member of a Union citizen in accordance with Directive 2004/38/EC. For this purpose, Member States [...] shall use the standardised code 'Art 10 DIR 2004/38/EC' or 'Art 20 DIR 2004/38/EC', [...] in data field [10] as referred to in the Annex of Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals as last amended by Regulation (EU) 2017/1954.**
- (3) Member States may enter data for national use in accordance with national law. When entering and storing such data, Member States shall respect the same requirements as set out in Article 4, 2nd subparagraph, of Council Regulation (EC) No 1030/2002 as last amended by Regulation (EU) 2017/1954.

Article 8

Phasing out of existing residence cards

- (1) [...] **Residence cards of family members of Union citizens who are not nationals of a Member State which do not meet the requirements of Article 7 shall cease to be valid at their expiry or by five years after [the date of application of the Regulation], whichever is earlier.**
- (2) [...] **By way of derogation from paragraph 1 residence cards of family members of Union citizens who are not nationals of a Member State which do not meet the minimum security standards set out in ICAO document 9303 part 2 (seventh edition, 2015) or do not include a functional machine-readable zone (MRZ) compliant with ICAO document 9303 part 3 (seventh edition, 2015) shall cease to be valid at their expiry or by three years after [the date of application of this Regulation], whichever is earlier.**

CHAPTER V

COMMON PROVISIONS

Article 9

[...] ~~p~~Point of contact

- (1) Each Member State shall designate **at least one central authority**. **Where a Member State has designated more than one central authority, it shall designate which of them will be the [...]** point of contact for the implementation of this Regulation. It shall communicate the name of that authority to the Commission and the other Member States. If a Member State changes its designated authority, it shall inform the Commission and the other Member States accordingly.
- (2) Member States shall ensure that the contact points are aware of and able to cooperate with the existing and relevant information and assistance services at Union level, such as Your Europe, SOLVIT, EURES, bodies foreseen under Article 4 of Directive 2014/54/EU, Enterprise Europe Network and the Points of Single Contact.

Article 10

Protection of personal data

- (1) Without prejudice to the application of Regulation (EU) 2016/679, persons to whom an identity card or residence document is issued shall have the right to verify the personal data contained in the documents and, where appropriate, to ask for rectification [...] **and issuance of a new document**.
- (2) Information in machine-readable form shall only be included in an identity card or residence document in accordance with this Regulation or the national legislation of the issuing Member State.
- (3) Biometric data **shall be** collected [...] **to be stored** in the storage medium of identity cards and residence documents **and** shall only be used in accordance with Union and national law for verifying:
 - (a) the authenticity of the identity card or residence document;
 - (b) the identity of the holder by means of directly available comparable features when the identity card or residence document is required to be produced by law.

Article 11

Monitoring

By 12 months after the entry into force at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.

The monitoring programme shall set out the means by which and the intervals at which the data and other necessary evidence are to be collected. It shall specify the action to be taken by the Commission and by the Member States in collecting and analysing the data and other evidence.

Member States shall provide the Commission with the data and other evidence necessary for the monitoring.

Article 12

Reporting and Evaluation

- (1) Four years after its date of application, the Commission shall report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation.
- (2) No sooner than six years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.
- (3) Member States shall provide the Commission with the information necessary for the preparation of the reports.

Article 12a

Further technical specification

- (1) **In order to ensure, where appropriate, compliance of the identity cards and residence documents referred to in Articles 2(a) and 2(c) with future minimum security standards the Commission shall establish, by means of implementing acts, additional technical specifications, relating to the following:**
 - (a) **additional security features and requirements, including enhanced anti-forgery, -counterfeiting and -falsification standards;**
 - (b) **technical specifications for the storage medium of the biometric features referred to in Article 3(3) and their security, including prevention of unauthorised access and facilitated validation;**

- (c) requirements for quality and common technical standards for the facial image and the fingerprints.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12b(2).

- (2) In accordance with the procedure referred to in Article 12b(2), it may be decided that the specifications referred to in this Article shall be secret and not be published. In that case, they shall be made available only to the bodies designated by the Member States as responsible for printing and to persons duly authorised by a Member State or the Commission.
- (3) Each Member State shall designate one body having responsibility for printing identity cards and one body for printing residence cards of family members of Union citizens and shall communicate the names of such bodies to the Commission and the other Member States. Member States shall be entitled to change their designated bodies and shall inform the Commission and the other Member States accordingly.

Member States may also decide to designate the same body for printing identity cards and residence cards of family members of Union citizens and shall communicate the name of this body to the Commission and the other Member States.

Two or more Member States may also decide to designate the same body and shall inform the Commission and the other Member States accordingly.

Article 12b

Committee procedure

- (1) The Commission shall be assisted by the Committee established by Article 6 of Regulation (EC) No. 1683/95. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- (2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 13

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...] **24** months after its entry into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

For the European Parliament

The President

For the Council

The President
