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**PROPOSAL**

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Delegations will find attached document SWD(2018) 110 final.

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**COMMISSION STAFF WORKING DOCUMENT**

**IMPACT ASSESSMENT**

*Accompanying the document*

**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} - {SWD(2018) 111 final}

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## Glossary

Term or acronym	Meaning or definition
DOVID	Diffraction Optical Variable Image Device
EES	Entry Exit System
eID	Electronic identity
eID card	Card with a chip on which electronic information for identification purposes can be stored
eIDAS Regulation	electronic IDentification, Authentication and trust Services
FADO	False and Authentic Documents Online
GDPR	General Data Protection Regulation
ICAO	International Civil Aviation Organisation
ID card	Identity card
MRTD	Machine readable travel document
MRZ	Machine readable zone
OVD	Optically variable device
PKD	Public key directory
PKI	Public key infrastructure
PRADO	Public register of travel and identity documents
REFIT	Regulatory Fitness and Performance Programme
RFID chip	Radio-frequency identification chip
SIS	Schengen information system
SLTD	Stolen and Lost Travel Document
TCN	Third country national
TCN FAM	Third country national family members
TFEU	Treaty on the functioning of the European Union
YEA	Your Europe Advice

## **1 POLICY AND LEGAL CONTEXT**

### **1.1. Introduction**

European citizens are increasingly mobile. They make hundreds of millions of journeys every year within the EU or entering and leaving its external borders. More than 15 million EU citizens reside in another EU country and more than 11 million working in another Member State<sup>1</sup>. European students and young people increasingly use their free movement rights to do an ERASMUS in another EU country or when joining the European Solidarity Corps.

The free movement of EU citizens relies on ID cards, which can be used by EU citizens as travel documents and also to establish their identity when exercising their right to live in another country ('mobile citizens') after three months. These mobile citizens – and their non-EU family members – also receive documents to prove their residence in their host Member State. These documents (registration certificates, residence cards and permanent residence cards for EU citizens and their non-EU family members) are not travel documents. However, residence cards of non-EU family members of mobile EU citizens used together with a passport give the right to travel visa-free if they travel with or join the EU citizen.

There is no standardisation at the EU level of the information all these documents contain and/or of their security features. There are currently about 250 different versions of ID cards and residence documents in valid circulation in the European Union. This diversity creates insufficient acceptance by public and private entities of both ID cards and residence documents. Insufficient security of both ID cards and residence documents for non-EU family members hampers the free movement of citizens and undermines security within borders. In addition, there have been a number of problems reported related to the issuance, handling and administration of all these documents.

This initiative addresses difficulties in exercising free movement and aims to increase security within the European Union. Security and free movement are inherently linked: in the Preamble to the Treaty on the European Union the Member States are “resolved to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by ensuring an area of freedom, security and justice (...)”

This Impact Assessment is based on the findings of an external study<sup>2</sup>, a public consultation and stakeholder consultation<sup>3</sup> and other sources. *(See Annex 5 for more details on the scope.)*

### **1.2. Policy and legal context**

Europeans consider free movement to be a major achievement of European integration. It covers the right to enter and leave territory of another Member State, as well as the right to stay there. Measures regarding free movement are inseparable from measures introduced to guarantee security within the European Union.

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<sup>1</sup> 2016 annual report on intra-EU labour mobility (2015 data).

<sup>2</sup> CSES: ‘EU policy initiatives on residence and identity documents to facilitate the exercise of the right of free movement’, August 2017

<sup>3</sup> See Annex 2.

The most relevant EU instrument in this context is the **Free Movement Directive** (2004/38/EC)<sup>4</sup> which establishes the conditions for the exercise of the right of free movement and residence (both temporary and permanent) for EU citizens and their family members. This directive lays down that, in conjunction with a valid ID card or passport, EU citizens and their family members may enter and live in another Member State (subject to exceptional restrictions) and may register for residence documentation. The Directive, however, does not regulate the format and minimum standards for ID cards to be used to enter or leave EU Member States. In the same way, it does not provide for specific standards as regards residence documents issued to EU citizens and their non-EU family members.

EU law already provides for standards for security features and biometrics in **passports and travel documents** issued by Member States<sup>5</sup> and on **uniform formats for visas<sup>6</sup> and residence permits for third country nationals<sup>7</sup>**. These standards are also used for local border permits<sup>8</sup> and permits issued in the framework of the EU legal migration *acquis*, but not for the documents under consideration in this impact assessment. In 25 October 2017, a new common design for the **residence permit for third-country nationals** was adopted to improve its security features<sup>9</sup>. This ‘uniform format’ **may** be used for another purpose, such as for residence and permanent residence cards for third country national family members of mobile EU citizens ("TCN FAM cards"), if this purpose is clearly indicated on the card<sup>10</sup>.

The **Schengen Borders Code**<sup>11</sup> sets out procedures for checks on EU and non-EU nationals at the external borders. Border guards have to perform these checks quickly and efficiently and rely on technologies/databases, training and guidance tools to enable them to verify travel documents, including identity cards. The recent amendment of the Schengen Borders Code<sup>12</sup> makes it obligatory to check all persons and verify their travel documents, regardless of the holder's nationality, against the Schengen Information System (SIS) and the Interpol Stolen and Lost Travel Document (SLTD) database. The security features of electronic identity (eID) documents should also be checked when technically possible. Holders of eID documents should be able to use e-gates, freeing up time for border guards to handle other travellers.

To contribute to the modernisation of the border management at the external Schengen borders, to help Member States dealing with ever increasing number of travellers, and to identify over-stays and contribute to EU security, a Regulation establishing an **Entry Exit**

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<sup>4</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 Member States (OJ L 158, 30.4.2004, p. 77).

<sup>5</sup> Regulation (EC) No 2252/2004 (OJ L 385, 29.12.2004, p.1). UK and IE are not part of this measure.

<sup>6</sup> Regulation (EC) No 1683/95 (OJ L 164, 14.7.1995, p.1).

<sup>7</sup> Regulation (EC) No 1030/2002 (OJ L 157, 15.6.2002, p.1).

<sup>8</sup> Regulation (EC) No 1931/2006 (OJ L 405, 30.12.2006, p. 1).

<sup>9</sup> Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (amended in 2017)

<sup>10</sup> Art. 5a of Council Regulation 1030/2002.

<sup>11</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

<sup>12</sup> Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders.

**System (EES)**<sup>13</sup> has been recently adopted. This system will register the entry and exit data of non-EU nationals crossing the EU's external borders who are admitted for a short stay into the Schengen area (maximum 90 days in any 180-day period) including third country family members of EU citizens exercising their free movement rights<sup>14</sup>. However, this system will not register data for third country family member holders of a residence card, as their right to stay/reside is not limited to a short term stay. The system is expected to be operational by the end of 2020.

Again in relation to short stays, in November 2016 the Commission presented a legislative proposal to establish the **European Travel Information and Authorisation System (ETIAS)**. This initiative aims to improve control over who is allowed to enter the EU and who is admitted for a short stay into the Schengen area (maximum 90 days in any 180-day period), including the third country family members of EU citizens exercising their free movement rights. Like the EES, the ETIAS legislative proposal excludes the registration of both EU citizens and of third country nationals holding a residence card<sup>15</sup>, given that their rights to reside are different.

The initiative addresses applications of ID card and residence documents where a person is mobile, crosses a border, travels or temporarily or permanently moves to another country with the intention of residing there. When moving to and residing in other countries certain actions, such as registration at school or opening a bank account are carried out. Usually this will require personal interaction. The ID cards and residence documents addressed should help citizens do these things.

In the future a lot of these actions, however, might be carried electronically. ID cards and residence documents can also serve as platforms for electronic functionalities such as eID<sup>16</sup>, digital signature, etc. which are key to accessing electronic services abroad. ID cards and residence documents are also used by EU citizens and their non-EU family members to identify themselves to public and private entities for instance at polling stations during European elections<sup>17</sup> or to buy specific products. They enable the completion of certain administrative formalities online (e.g. birth certificate requests) or access to certain services (waste recycling facilities in a municipality), for instance<sup>18</sup>.

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<sup>13</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011

<sup>14</sup> Notwithstanding this registration, non-EU family members of EU mobile citizens have the right to stay when they join or accompany the mobile EU citizen.

<sup>15</sup> [http://europa.eu/rapid/press-release\\_IP-16-3674\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3674_en.htm)

<sup>16</sup> eID functionality is included in 16 Member States ID cards (see Annex 5 Table 2.2) and 3 Member States residence cards (BE, LV, SK).

<sup>17</sup> Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in election to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329 of 30.12.1993, p. 34)

<sup>18</sup> This functionality is attached to national cards with eID functionality in some Member States, such as Belgium and Estonia.



This initiative supports this development, however improvement of cross-border access to services is mainly tackled by other initiatives, such as the **eIDAS Regulation** and the **Single Digital Gateway**.

Technical and data protection requirements will have to be respected, so that the main functionalities of ID cards and residence documents (proof of identity and residence and travel documents) are not jeopardised.

The **eIDAS Regulation ('Regulation on electronic Identification and Authentication Services')**<sup>19</sup> entered fully into force on 1 July 2016. This Regulation introduced the EU-wide mutual recognition of electronic identifications in access to public services. The eIDAS Regulation helps citizens moving to another Member State by requiring electronic identification means to be recognised in another Member States. One of the means is to include electronic identification on the identity card. The Regulation is aligned with the objectives of the Digital Agenda for Europe<sup>20</sup>, one of the seven pillars of the Europe 2020 Strategy<sup>21</sup> and thus plays a key role in achieving growth and security in the European Union<sup>22</sup>.

In May 2017 the Commission submitted a proposal for a **Regulation on the Single Digital Gateway**<sup>23</sup>. The General Approach reached in November 2017<sup>24</sup> states that users should have easy, online access to information about, inter alia, travel documents (including ID cards) and residence documents via the 'single portal'.

The **European Commission 2018 Work Programme (REFIT)**<sup>25</sup> includes the presentation of a legislative initiative to improve the security of ID cards and residence documents of EU citizens and of their non-EU family members.<sup>26</sup>

There is support for an initiative on ID cards and residence documents at political level. This initiative addresses the Council's repeated calls to improve the security of identity and

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<sup>19</sup> 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. 73–114).

<sup>20</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A Digital Agenda for Europe', COM/2010/0245 final, (2010).

<sup>21</sup> EUROPE 2020 A strategy for smart, sustainable and inclusive growth, COM/2010/2020 final, (2010). The Europe 2020 Strategy is Europe's ten-year jobs and growth strategy.

<sup>22</sup> eID has been praised as "important enabler of data protection and the prevention of online fraud." <https://ec.europa.eu/digital-single-market/en/e-identification#Article>

<sup>23</sup> COM (2017) 256 final: Proposal for a Regulation of the European Parliament and the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012.

<sup>24</sup> Council document 8838/17 + ADD 1.

<sup>25</sup> This topic was also discussed in the framework of the REFIT Platform, which encouraged the Commission to analyse the feasibility of harmonising identity and residence documents, or any of their key features, with a view to facilitating free movement and tackling the challenges faced by EU mobile citizens in their host countries (REFIT Platform Opinion on the submission by a citizen (LtL 242) on Identity and Travel Documents, 7 June 2017).

<sup>26</sup> The adoption of a legal proposal on ID cards and residence documents is scheduled for 17 April 2018 as part of a security package.

residence documents<sup>27</sup>. Most recently, in 2017, it adopted two sets of **Council Conclusions**<sup>28</sup>, recognising the crucial importance of secured travel and identity documents to tackle the phenomenon of travel document fraud, underlining the importance of security standards of ID cards and residence documents, and called on the Commission to ensure appropriate follow up. These Conclusions followed the Commission's presentation of its:

- 2017 citizenship report, in which the Commission committed analyse policy options to improve the security of identity cards and residence documents
- 2016 Communication on security and mobility<sup>29</sup>, in which the Commission highlighted the need for quality and certainty in identity documents, and
- 2016 Action Plan on document security of December 2016<sup>30</sup>, in which the Commission addresses travel document fraud including identity cards and residence documents.

The **European Parliament in its Resolution** on the EU Citizenship Report 2017, adopted on 12 December 2017<sup>31</sup>, supported the possibility of introducing a European identity card in addition to national identification documents.

At **technical level** there is a more mixed response to a potential initiative, depending on the Member State and the part of the national administration answering. Member States experts in charge of borders largely support harmonisation of security features of ID cards and residence cards, whereas national experts from the FREEMO expert group (in charge of free movement) support to a lesser extent harmonisation of the security features for ID cards and residence documents.<sup>32</sup>

EU citizens and their family members responding to the open public consultation were largely in favour of an EU intervention on ID cards and residence documents largely support the idea of an EU intervention. Around 70% of respondents supported it for ID cards, with almost 75% supporting strong or very strong security features. 70% would even support a European format for ID card.

Certain civil society organisations support Member States phasing out of paper-based identity cards as soon as possible and argue for minimum harmonisation as regards security features and format but without the need ‘that the ID cards should necessarily look exactly the same’.

*More details from the stakeholder consultations are presented in Annex 2.*

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<sup>27</sup> Already in 2005, Member States unanimously adopted Council Conclusions on minimum standards relating to the security of issuing processes for Member States’ identity cards (Council doc. 14390/05). This was followed by a Resolution in 2006 <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014938%202006%20INIT>.

<sup>28</sup> Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud adopted on 27 March 2017 <http://www.consilium.europa.eu/en/press/press-releases/2017/03/27/jha-travel-document-fraud>.

Council Conclusion on the EU Citizenship Report 2017 adopted on 11 May 2017 <http://data.consilium.europa.eu/doc/document/ST-9080-2017-INIT/en/pdf>

<sup>29</sup> COM(2016) 602 final.

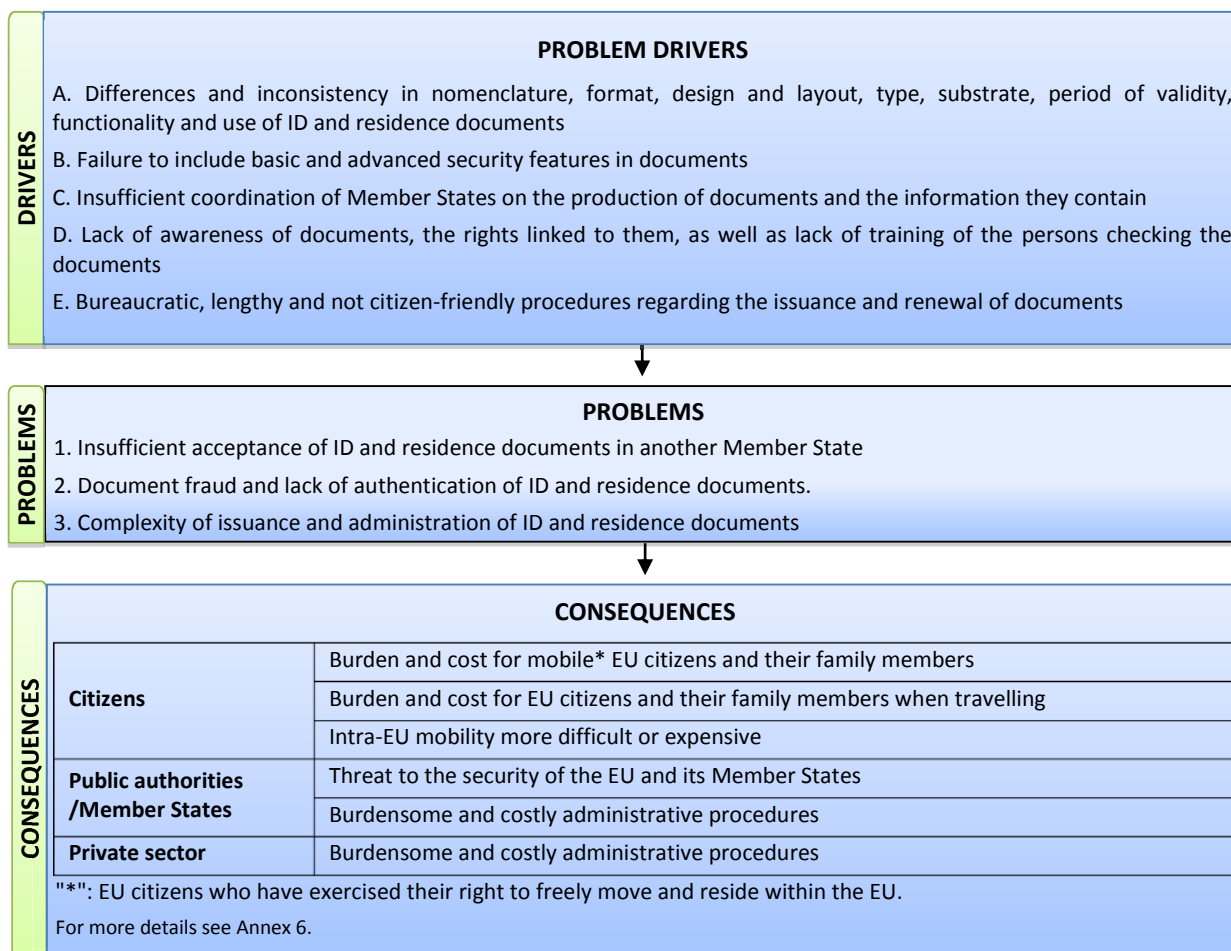
<sup>30</sup> COM(2016) 790 final.

<sup>31</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0487+0+DOC+PDF+V0//EN>

<sup>32</sup> On 24 answers, 15 explicitly supported common security features for ID cards and residence documents (more particularly for third country nationals family members), but only two expressly disagreed.

## 2 PROBLEM DEFINITION

**Figure 2.1 Problem Tree – Initiative on ID and residence documents**



### 2.1. What are the problems (and their drivers)?

#### 2.1.1. *Insufficient acceptance of ID and residence documents in another Member State*

Up to 370 of the 440 million citizens in 26 Member States (DK and UK do not issue ID cards) could hold national ID cards. While Member States are obliged to accept each other's (at least 86 currently circulated versions<sup>33</sup> of) national **ID cards** as travel documents on the basis of the EU free movement acquis, there are no EU identity document standards (*see Table 2.1 in Annex 5 for examples of national ID cards issued*).

<sup>33</sup> CSES study

Member States do not apply a common format, minimum standard information or minimum production standards. Public and private actors must nonetheless all treat all these ID cards, of variable quality, as being of equal evidential value.

**This creates problems:** because of the inconsistent design and information provided, it is often challenging even to identify ID cards as such and verify they are validly issued. This causes citizens to be wrongly turned away at the border or refused boarding on flights, and to be unable to access public or private services they are entitled to. These problems discourage citizens from **exercising their rights to move freely in the Union**. Along with the issues of security and authentication considered below, this means that despite the legal obligation to recognise each other's documents, in practice ID cards issued in one Member State are often not accepted in another.

Compared to ID cards **residence documents** have a narrower function and use. They are usually not used as stand-alone documents but in combination with an identity document to register with an administration, access a service or TCN family members to cross a border without a visa. The order of magnitude of the problems associated with residence documents is therefore somewhat narrower than those for ID cards.

It is estimated that there are at least 181 different types of residence documents issued in the EU with no consistent terminology applied, great variety in their format, the information they bear, and – if needed – their security features.<sup>34</sup>

Not all residence documents include the most relevant data (e.g. date and place of issue). Regarding residence documents for EU citizens there are at least 15 Member States<sup>35</sup> and regarding TCN FAM residence documents 10 Member States<sup>36</sup> where no translation of the title to another EU language is provided.

Not every Member State issues all the various types of residence documents, and certain residence documents, in particular registration certificates, are still very often issued on plain paper (*see Annex 5, Table 2.3 for more details*). There is also some considerable confusion over the legal status and the distinctive role of the various types of residence documents.<sup>37</sup> This confusion and inconsistency among residence documents creates **problems for mobile EU citizens when they have to prove their residence in other Member States**.

As regards insufficient acceptance of documents, there is only indirect evidence, as no public or private entity collects statistics on this. The indirect evidence relies upon citizens affected by this who subsequently report this incident directly to us or via Your Europe Advice, SOLVIT, consultations, REFIT, surveys or other channels. What can be said is that dozens of non-acceptance cases have been reported very regularly throughout the years and that certain incidents of non-acceptance can be attributed to documents issued by certain Member States. Of the 250 respondents to the open public consultation, over a third reported difficulties

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<sup>34</sup> CSES study

<sup>35</sup> AT, DE, EL, ES, FI, FR, IE, HU, IT, LU, MT, PL, PT, SK and UK; the situation for five countries is unknown.

<sup>36</sup> AT, BE, ES, FR, IT, LU, MT, PL, SK and UK

<sup>37</sup> For instance, some EU citizens had been living in Bulgaria using the wrong residence document for several years. On their arrival in the host country they were issued a one year's residence card instead of an EU citizen registration certificate. Your Europe Advice, Quarterly Feedback report January-April 2016, page 26.

regarding acceptance of their national ID cards as proof of ID when dealing with public and private services.

### ***Consequences***

The problems related to the lack of acceptance of ID and residence documents have interrelated consequences for mobile EU citizens, authorities, including border guards, and private sector entities (*for more details see Annex 6 – sections 2 and 3*).

- Difficulties with document acceptance cause delays for citizens when using national ID cards as proof of identity or residence documents as proof of residence to access basic social services (healthcare, childcare etc.), banking and other services in other Member States.
- The use of differing residence documents for TCN family members at borders increases delays or even exposes people to the risk of being wrongly refused entry or passage. For instance Italian and Greek paper ID cards are frequently rejected at certain border checks (e.g. in UK, Germany and Spain). The fact that border control officials are not always familiar with the various identity documents in circulation can also result in more profound consequences, or at least, delays and inconvenience for citizens when exercising their right of free movement due to lengthy document checks. Furthermore, there is a constant and costly need for border control agencies to provide training to officials to deal with the huge variety of different documents and to ensure they are able to detect fraudulent documents.

### ***2.1.2. Document fraud and lack of authentication of ID and residence documents***

Swift and reliable authentication of a document and its holder requires a high quality document. While there are currently no EU standards for national identity documents, there are **international standards for machine readable travel documents** set out in DOC 9303<sup>38</sup> by the International Civil Aviation Organization (ICAO) providing for global interoperability in respect of documentary recognition, authentication and security characteristics. The Passport Regulation<sup>39</sup> which harmonises the security features for passports in the EU, applies this standard, including the parts on biometric e-passports. This can be considered the current state-of-the-art in the EU for secure travel documents.

**Some ID cards and TCN FAM residence cards** are not up to those standards regarding document security (*see Annex 5, Tables 2.2 and 2.3 for more details*). This does not allow for their swift and reliable authentication. Some Member States include biometric data in their ID cards and TCN FAM residence cards and others do not.<sup>40</sup> Physical security features also differ, such as printing techniques and UV (ultraviolet) features.

This makes **fraud** based on the ‘weakest link’ easier. Documents are particularly prone to fraud where they lack key security features or where issuing Member States do not ensure that

<sup>38</sup> This standard is divided into parts which deal with different types of travel document (passport, various sizes of ID cards etc.), and different aspects (biometric identification, electronic security mechanisms). Part 3 provides Specifications Common to all Machine Readable Travel Documents, and can be considered the absolute minimum in terms of document interoperability. Parts 9 to 12 deal with biometrics, its storage, security mechanisms and public key infrastructures (PKI).

<sup>39</sup> 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>40</sup> 13 countries do not use biometrics for their ID cards, as well as five not for their TCN FAM cards.

the digital data contained in the contactless (RFID) chip are sufficiently protected. Forged cards and the prevention and detection of fraud create costs for private and public sector entities.

Three Member States<sup>41</sup> issue ID cards without a functional machine readable zone as set by ICAO DOC 9303 for travel documents. Seven countries<sup>42</sup> issue ID cards without a RFID chip. Thirteen Member States<sup>43</sup> do not include any biometric data. Facial images and fingerprints – included in passports – provide assurance in cases where there is a doubt on the identity of the card holder.<sup>44</sup> Machine readability and RFID chips facilitate this. (*See Annex 5, Table 2.2 for more details.*)

For ID card holders, this **negatively affects the interoperability and efficiency of border checks** across the EU. It means that citizens cannot use them in automatic e-gates, and it means that they are much more likable to be tampered with, much harder to authenticate, thus more susceptible to being misused, which increases the likelihood that they will be rejected wrongly, or that false or misused documents will be allowed to circulate. Security in the Union is reduced, citizens are disadvantaged and risk and cost for authorities and private service providers is increased.

Where TCN FAM residence card are falsified exploiting weak document standards<sup>45</sup>, their bearers could be **wrongly exempted from the visa obligation** at external borders.

A wider security risk to the European Union stems from the fact that, once a person has entered the Schengen Area using a fraudulent document, they can travel on to other Schengen Member States without in principle facing another document inspection.<sup>46</sup>

The European Border and Coast Guard Agency (FRONTEX) has collected statistics on fraudulent ID and residence documents over the last years. The number of documents detected does not seem very high (38 870 ID cards from 2013-2017) but this is based upon a small sample of random checks.

**Table: Document fraud data by FRONTEX** (*for further details see Annex 6 - section 1*)

Fraudulent ID cards (all)	Top 3 countries 2017	Top 3 countries 2017	Top 3 countries 2017
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<sup>41</sup> EL, FR, and IT: This affects around 88.4 million cards. Only EL has mandatory cards from age 14 and above. FR and IT cards are optional. According to figures from the IT authorities 549 IT communes will deliver electronic ID cards from April 2017, covering around 50% of the IT population (<http://servizidemografici.interno.it/it/cie/informazioni>).

<sup>42</sup> AT, EL, FR, IT, PL, RO, and SI

<sup>43</sup> AT, EE, EL, FI, FR, HR, IT (applies to paper cards), MT, PL, RO, SI, SK. BG is excluded from this list as it should deliver contactless ID cards with biometrics from 2018.

<sup>44</sup> It is recognised in the current travel document standards that the only method of relating the person irrevocably to his travel document is to have a physiological characteristic, i.e. a biometric, of that person associated with his travel document in a tamper-proof manner. Following five-year investigation into the operational needs for a biometric identifier which balances effectiveness to achieve this identification purpose with practicality privacy laws, ICAO specified that facial recognition become the globally interoperable biometric technology, accessed contactlessly, with fingerprints or iris recognitions as options in support.

<sup>45</sup> Only 12 Member States issue residence documents for TCN family members which adapt the uniform format (including biometric identifiers) of residence permits for TCNs (Council regulation (EC) No 1030/2002 as amended by Council Regulation (EC) No 380/2008).

<sup>46</sup> The exception are random checks conducted on intra-Schengen flights

reasons) 2013-2017	Counterfeit ID cards	Stolen blank ID	Photo substituted ID
38 870	Romania (775) Italy (752) Greece (636)	Italy (816) France (26) Poland (7)	Italy (367) Greece (185) France (45)

In its 2017 annual risk analysis, FRONTEX underlined that EU Member States' ID cards with fewer security features were facing a higher risk of document fraud, in particular those issued by Italy, Greece, Romania and Bulgaria. Less secure travel documents can be more easily forged and so are more vulnerable than well-secured ones<sup>47</sup>.

In its analysis FRONTEX specified that Italian ID cards are the most reported fraudulent documents, especially counterfeited and stolen blanks Italian ID cards. The impostor phenomenon recorded 9% increase and remained the second most reported fraud type in 2017.

There is a 4% decrease on the external EU borders, while there is a 9% increase on intra-EU/Schengen movements. Top nationalities using fraudulent documents are Ukrainians, Moroccans, Albanians and Iranians, while fraudulent EU documents, in particular ID cards were the most commonly used. Air routes accounted for 74% of all detections, while UK (38%), Germany (13%) and Ireland (12%) are the most affected points of destinations.

By type of fraud the trend depicts 71% on document fraud versus 29% on identity fraud. In the later, 72% are impostors and 28% are fraudulently obtained genuine documents. Counterfeits represent 53% of the document fraud and are more frequent on less secure documents.

According to FRONTEX while at the external borders passports are slightly on the lead, on the intra-EU/Schengen movements the ID cards are by far the most fraudulently document used.

The precise cost of fraud is difficult to estimate but the costs to citizens who are victims of identity theft<sup>48</sup>, and/or their insurers can be considerable, especially when their ID is used to make purchases or carry out monetary transactions. 0.8 M individuals in the EU are affected by identity theft (0.2% of the EU's population) with an average individual loss of around EUR 250 or EUR 2bn at the EU level.<sup>49</sup> ID documents account around 16% of all types of ID thefts<sup>50</sup>, and the average time victims spend trying to resolve each incident of ID abuse theft is up to 12 hours and the average out-of-pocket cost to victim to resolve each identity theft abuse is estimated EUR 354.<sup>51</sup>

<sup>47</sup> At the same time, the agency underlined that it may be easier for border authorities to detect less secure documents than well secured ones.

<sup>48</sup> OECD considers that there is identity theft "when a party acquires, transfers, possesses or uses personal information of a natural or legal person in an unauthorised manner with the intent to commit, or in connection with, fraud or other crimes". It not includes identity documents but also logins, passwords, bank account details and credit card numbers.

<sup>49</sup> Study for an Impact Assessment on a Proposal for a New Legal Framework on Identity Theft, European Commission (2012), Centre for Strategy and evaluation services

<sup>50</sup> US figures: Federal Trade Commission, <https://www.ftc.gov/fact-statistic/facts-statistics-identity-theft-and-cybercrime#Identity%20theft%20and%20fraud%20complaints>

<sup>51</sup> Center of Identity of the University of Texas at Austin estimate. "Public authorities can also be victims of identity theft when their means of identification are used by someone else. This could be done via illegal access to data bases, the forgery of official documents etc. Similar to businesses, public authorities are also used as a

In order to ensure a high level of border control, access to sensitive security relevant document data such as fingerprints, is required. Keys to read this data need to be exchanged among Member States on a bilateral basis. However, the keys to access data change over time and they are not always communicated immediately to the relevant national authorities.

Member States do not cooperate enough in other areas affecting the swift authentication of ID and residence documents. For example, the Council has established two web registries on documents issued by Member States<sup>52</sup>, but many ID cards and residence documents are missing in practice because Member State authorities do not always update them in practice.

### **Consequences**

- Since the authenticity of documents needs to be checked carefully, border checks can take longer when documents lack up-to-date format and security features. For instance, while Directive 2004/38 provides that EU citizens can travel between Member States on the basis of their ID cards, Italian citizens reported being advised by UK border officials to apply for a passport if they want to enter the UK the next time as the Italian ID card was “just a piece of paper”,<sup>53</sup> thus being confronted with obstacles to their free movement. In turn, paper documents make it more challenging to identify whether the person is the rightful holder.
- Even though Member States are supposed to exchange information about all the documents they issue, including valid ID cards,<sup>54</sup> this is often not done.<sup>55</sup> In the Czech Republic, 10 valid ID card versions have accumulated over time and never been phased out. The information shared about them is incomplete, which does not assist easy authentication of documents, which leads both to obstacles to free movement and to security risks.
- In France and Spain, security gaps have been identified by imposters using genuine ID documents, a much larger problem than counterfeited documents. In France, these are often African migrants who speak French fluently, pretend to be French nationals or residents.
- In Poland, human traffickers often help Ukrainian citizens enter Poland, obtain a Polish ID and use that to travel to the UK. Swedish police officers confirmed problems with imposters, stating that it is increasingly difficult to detect cases where persons use genuine documents belonging to another, similar-looking person, i.e. confusing the ‘life image’ and the image on the document. Biometric data, such as fingerprints and facial image, are important to stop this.

### ***2.1.3. Complexity of issuance and administration of ID and residence documents***

Apart from the legally incorrect application of the free movement acquis by Member State administrations which is not the subject of this initiative<sup>56</sup>, problems arise for EU citizens regarding the issuance and administrative handling of ID cards and residence documents.

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source of information to access personal data of data subjects, including staff and clients”; <https://identity.utexas.edu/mitigating-the-impact-of-identity-theft-on-the-economy>

<sup>52</sup> One public, PRADO (Public Register of Travel and Identity Documents), and another restricted to the competent administrations, FADO (False and Authentic Documents Online)

<sup>53</sup> Experience of Italian nationals travelling to Heathrow airport reported in the CSES study. Reticence of UK border guards also reported in the public consultation.

<sup>54</sup> Joint Action of 3 December 1998 adopted by the Council on the basis of Art. K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO) (OJ L 333; 9.12.1998, p.4)

<sup>55</sup> See section 4.4 of the Commission’s Action Plan on travel document fraud, mentioned above.

<sup>56</sup> SOLVIT intervenes when national authorities apply EU law incorrectly and cause problems to mobile EU citizens. 25% of the cases handled by SOLVIT in 2017 refer to problems related to free movement of persons



For example, currently not all Member States offer their citizens the opportunity to request ID cards outside their country<sup>57</sup>. As a consequence, EU citizens need to travel back to their home country to request ID cards, resulting in considerably higher costs. Summing up the number of expatriates from those seven countries suggests that approximately 4.6 M people are affected by this.<sup>58</sup> Most Member States also charge either shipping costs or a considerably higher fee when documents are requested from abroad.<sup>59</sup>

The typical timeframe for obtaining registration certificates varies between Member States. Six EU countries usually issues registration certificates quickly following a successful application.<sup>60</sup> However, EU citizens can face delays and excessive formalities when applying in other countries. Examples of this have been reported in BE, DE<sup>61</sup>, ES, IE<sup>62</sup>, SE<sup>63</sup>, and UK. Although documents are more likely to be issued more quickly if citizens are able to apply for ID and residence documentation online, very few Member States<sup>64</sup> do this.

### **Consequences**

Delays can cause applicants significant inconvenience if they are obliged to wait weeks or even months to obtain a registration certificate. An example from the YEA database concerns a Bulgarian national who moved to Belgium: “[the Bulgarian national] was told that this procedure [to obtain the registration certificate] may last 2 months. Moreover, his bank is asking him [for] this registration certificate to enable him to operate with his bank account where he is paid, and his boss also requires him this document.”

In Spain the procedure for obtaining a residence document requires three separate visits to the immigration office before family members can obtain a card. The family member requests an appointment at the first visit. Once a letter with an appointment is received, s/he must make a second visit to provide fingerprints, signature, photo and pay a fee. At the third visit, s/he collects the card (this can be done by a proxy). An NGO<sup>65</sup> representative underlined that the abovementioned process can be expensive for applicants. This is especially the case if they do not live in a regional capital and need to travel an hour or more to visit the immigration office, which also entails a potential cost in terms of lost working days. *For further details see Annex 6 – section 3.*

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and the right to reside. Very often these problems are linked to visa-free denials and residence documents for family members of EU mobile citizens.

<sup>57</sup> Croatia, Czech Republic, Finland, Hungary, Malta, Romania, Spain do not.

<sup>58</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics) (Numbers used for the calculation is based on Figure 6.)

<sup>59</sup> Only in 6 countries no extra fees are charged (BE, BG, CY, FR, IT, PL).

<sup>60</sup> CY, ES, HU, LU, PL and PT. Article 8(2) Directive 2004/38/EC provides: “The deadline for registration may not be less than three months from the date of arrival. A registration certificate shall be issued immediately, stating the name and address of the person registering and the date of the registration. Failure to comply with the registration requirement may render the person concerned liable to proportionate and non-discriminatory sanctions.”

<sup>61</sup> YEA, Quarterly Feedback report July-September 2015.

<sup>62</sup> YEA, Quarterly Feedback report October-December 2015.

<sup>63</sup> YEA, Quarterly Feedback report October-December 2014.

<sup>64</sup> Application can be done online in Finland and in the United-Kingdom, and the applicant has then to go to the administration to get the document.

<sup>65</sup> Centro de Investigaciones en Derechos Humanos (CIDH) PRO IGUAL.

## 2.2. How will the problem evolve?

It is assumed that some aspects of the problems identified will improve slightly with time because Member States will gradually upgrade their documents. For instance Bulgaria has announced to introduce new ID cards in 2018. Belgium will add mandatory fingerprints to the national ID cards by 2019. Greece has started a tendering process to replace its current paper ID cards. Moreover, EL, IE, PT and RO have recently established the uniform format for their TCN FAM residence documents (*see Annex 5, Tables 2.2 and 2.3 for a more detailed overview about the state of play*).

Such improvements are more likely to address the problems of non-acceptance based on appearance because it may be sufficient to issue documents with a more modern "look and feel" to make documents more acceptable to private or public services, whereas to actually tackle the problem of document fraud more ambitious changes would be needed with substantial inclusion of security features (including biometrics).

It is clear that Member States have not consistently converged on such improvements, as while a number have recently updated the appearance of their ID cards, they have not been consistent in the security features that they have introduced, and some have not introduced biometrics, for instance.<sup>66</sup> Moreover, as the general security level is shaped by the weakest link, a single country issuing weak documents remains sufficient to undermine the overall EU security. For instance, an unsecure Italian ID card could be misused to enter Germany by plane.

Since there is a clear upward trend as regards mobility and travel, it is also likely that any gains through unilateral upgrades will be outweighed by the absolute increase in fraud expected through this development.

**Table: Mobility figures**

Mobility area	Period	Increase/Decrease/Totals
<b>Mobile EU citizens (taking residence)</b>		
Workers <sup>67</sup>	2014-2015	+5.3% (2014: 11.1 million <sup>68</sup> , 2015: 11.3 million)
Retired <sup>69</sup>	2015	(2015: 1.4 million)
Students <sup>70</sup> (Erasmus +)	2015-2016	+15.4% (2015: 628 000, <sup>71</sup> 2016: 725 000 movers)
<b>Travel</b>		
Travel (all reasons) <sup>72</sup>	2014-2015	-0.9% (2014: 1.17 billion, 2015: 1.16 billion trips)
Border crossings (EU/EEA/CH citizens only, entering and leaving Schengen zone) <sup>73</sup>	2020-2025 <sup>74</sup>	+4.2% (2025: 586 million crossings total (417 air; 112 land; 57 sea))

<sup>66</sup> E.g. CZ, FI? And PL have not introduced biometrics in their recently issued ID cards.

<sup>67</sup> Ibid

<sup>68</sup> 2015 Annual Report on Labour Mobility <http://ec.europa.eu/social/BlobServlet?docId=15881&langId=en>.

<sup>69</sup> 2016 Annual Report on intra-EU Labour Mobility.

<sup>70</sup> Erasmus+ Annual report 2016

[https://ec.europa.eu/programmes/erasmus-plus/sites/erasmusplus2/files/annual\\_report\\_2016.pdf](https://ec.europa.eu/programmes/erasmus-plus/sites/erasmusplus2/files/annual_report_2016.pdf)

<sup>71</sup> Erasmus+ Annual Report 2015

<https://ec.europa.eu/programmes/erasmus-plus/sites/erasmusplus/files/erasmus-plus-annual-report-2015.pdf>

<sup>72</sup> Tables on cross border trips of EU citizens (all reasons) [http://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism_statistics)

<sup>73</sup> Technical Study on Smart Borders (October 2014):

In 2015 residents (aged 15 and above) from within the EU28 made an estimated 1.2 billion trips for personal or business purposes which crossed an internal or external EU border.<sup>75</sup> As the volume of EU travel continues to rise, the pressure on the external border and on checks within the territory will also continue to grow.

Simultaneously, the number of EU citizens working or studying in a Member State other than that of their nationality is also steadily increasing. In 2015 around 11.3 million EU28 citizens were working in a Member State other than their country of citizenship. This is an increase of 5.3% on 2014<sup>76</sup>.

Intra-EU mobility reached an annual growth rate of over 5% in recent years<sup>77</sup> and this trend is expected to continue. It is estimated that up to 19.6 million citizens could be affected by problems related to residence in another Member State in the three years up to 2019<sup>78</sup>. Furthermore, due to a high number of citizens travelling in the EU, many citizens could be affected by problems in relation to ID cards when travelling from one Member State to another, or when they reside outside their home country.<sup>79</sup>

Public authorities and private service providers such as banks or airlines will continue to have to handle a large and evolving variety of ID and residence documents presented to them by EU citizens, which requires continuous training as an ongoing cost. Even if mutual understanding regarding currently validly circulating documents improves the cost of maintaining awareness of diverse and probably further diverging documents will remain.

The missing and inconsistent security features in documents will continue to raise security and border management related issues. Even if it is assumed that Member States will incrementally adapt to new technology when issuing such documents and gradually improve the security of ID and residence documents, the remaining inconsistency of identity and residence documents, the lack of simultaneous and coordinated action and the lack of consistent and timely communication, will make the overall problems with acceptance and verification persist.

Although the number of fraud detections fluctuates instead of showing a clear upward trend<sup>80</sup>, it can still be expected that pressure on border control officials will be higher in the foreseeable future due to the upward trend in the number of journeys, increased security concerns, increased requirements for document controls and the general pressure on maintaining efficiency while keeping costs down.

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[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/smart-borders/docs/smart\\_borders\\_executive\\_summary\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/smart-borders/docs/smart_borders_executive_summary_en.pdf).

<sup>74</sup> Figures derived by extrapolation based on stakeholder consultation for Technical Study.

<sup>75</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism_statistics)

<sup>76</sup> 2016 Annual Report on intra-EU Labour Mobility, Elena Fries-Tersch, Tugce Tugran and Harriet Bradley, Second edition May 2017, ISSN: 2529-3281 <http://ec.europa.eu/social/BlobServlet?docId=17165&langId=en>.

<sup>77</sup> See 2016 Annual Report on intra-EU Labour Mobility issued May 2017 <http://ec.europa.eu/social/BlobServlet?docId=17165&langId=en>

<sup>78</sup> CSES study

<sup>79</sup> CSES study

<sup>80</sup> It should be noted though that detected fraudulent documents cannot be equalised with the actual number of fraudulent documents since obviously not every fraudulent document will be detected. The figures can therefore only be used as proxy indicator.

The legitimacy of the principle of free movement will continue to be undermined by its abuse by counterfeiters and fraudsters. Action in relation to ID cards is particularly urgent from a security perspective as otherwise the situation is likely to deteriorate<sup>81</sup>.

As a result, while there is an increasing need to use identity and residence documents and, security gaps notwithstanding, the considerable resultant difficulties in exercising free movement rights will remain or increase.

### **3 WHY SHOULD THE EU ACT?**

#### **3.1. Legal basis**

The Treaties provide for the necessary legal basis for the initiative. Article 20 TFEU (Part Two of TFEU on non-discrimination and citizenship of the Union) establishes Union citizenship and Article 21 TFEU refers to the right to move and reside freely within the territory of the Member States. Article 21 provides for the possibility for the Union to act and adopt provisions with a view to facilitating the right to move and reside freely within the territory of the Member States if action to attain this objective is necessary to facilitate the exercise of this right. The ordinary legislative procedure applies.

Article 77 (3) TFEU (in Part Three, Title V of the TFEU on an area of freedom, security and justice) participates to the policies on border checks, asylum and migration and provides that the Council may adopt provisions concerning passports, identity cards, residence permits or any other such document if action by the Union should prove necessary to facilitate the exercise of the right to move and reside freely (Article 20(2)(a) TFEU) if the Treaties have not provided the necessary powers. In such cases a special legislative procedure applies: the Council shall act unanimously after consulting the European Parliament. The UK and Ireland have a flexible opt-out from the legislation adopted in the area of freedom, security and justice,<sup>82</sup> and Denmark does not take part in the adoption of measures pursuant to this Title<sup>83</sup>.

#### **3.2. Subsidiarity: Necessity of EU action**

Individual Member States have been using their scope for initiatives to improve security and support the right to free movement in relation to ID and residence documents. For example, some Member States have established web registries allowing both public and private sector entities to check the authenticity of documents. However, a common approach to enhancing the security features of documents and establishing the data that documents should provide as a minimum is still missing and results in continuing problems across Member States and an open door to document fraud.

If measures are not taken consistently they will result in even more problems for European citizens, national authorities and businesses. National measures are subject to the obvious limitation that their direct benefits are largely or exclusively confined to a single Member State (or several Member States in case of data exchange and other forms of cooperation),

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<sup>81</sup> According to these data, the number of detected fraudulent ID cards has increased from 6 500 in 2013 to 9 226 in 2015, and the number of such residence documents decreased from 3 073 in 2013 to 2 320 in 2015.

<sup>82</sup> Protocol (No21) on the position of the United Kingdom and Ireland in respect of the Area of freedom, security and justice.

<sup>83</sup> Treaty of Amsterdam, Protocol on the position of Denmark.

whereas addressing systemic problems in relation to free movement clearly requires action with an EU-wide dimension.

There are also real obstacles to free movement (e.g. no acceptance of the visa exemption for TCN family members), a lack of awareness with respect to ID and residence documentation (e.g. no awareness that residence documents are not travel documents), and administrative delays in respect of ID and residence documentation (e.g. a long waiting time after submitting an application and before receiving registration certificates).

Border control authorities and private sector entities are often ill-informed about specific ID and residence requirements, while databases are not updated and the exchange of information does not take place regularly. The national authorities or private sector services lack information about ID cards and residence requirements elsewhere in the EU.

Relying on uncoordinated national initiatives is likely to entail a lack of focus on improving the sharing of information and practical cooperation between EU Member States.

Member States cannot improve the current situation by acting alone, since the underlying problem is that cross-border acceptance and verification of ID and residence documents is hampered due to the problem drivers and root causes described in section 2.1. There is a high likelihood that such problems will persist. Economic discrepancies in Europe, and citizens' increased mobility, knowledge of foreign languages and ease of travel across Europe drive citizens to use their ID and residence documents to exercise their rights.

Since the unanimously adopted Council Conclusions from 2005, where Member States unanimously agreed to work together to establish minimum security standards for national identity cards, including inter alia "to use as a starting point the technical specifications established for the integration of biometrics in the passport in accordance with Regulation (EC) 2252/2004"<sup>84</sup>, there have been a number of political agreements and repeated calls to improve the security of identity and residence documents. Only recently another set of Council Conclusions have been adopted that underpin the same issue.<sup>85</sup>

The Commission itself has made successive calls for such action, including in its Communication on Security and mobility<sup>86</sup> in 2016, not to mention its Action Plan on document security of December 2016<sup>87</sup>.

Despite some progress having been achieved, a considerable number of countries still issue weak documents (13 Member States use no biometrics for their ID cards and at least 16 do not use the uniform format including biometrics for their family member residence documents).

It is therefore unlikely that any further non-binding guidelines, political agreements or recommendations (either from the Council or the Commission) would achieve sufficient progress and address the problems within an acceptable time frame.

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<sup>84</sup> [http://europa.eu/rapid/press-release\\_PRES-05-296\\_en.pdf](http://europa.eu/rapid/press-release_PRES-05-296_en.pdf)

<sup>85</sup> See p 5 footnote 14. Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud adopted on 27 March 2017 <http://www.consilium.europa.eu/en/press/press-releases/2017/03/27/jha-travel-document-fraud>. Council Conclusion on the EU Citizenship Report 2017 adopted on 11 May 2017 <http://data.consilium.europa.eu/doc/document/ST-9080-2017-INIT/en/pdf>

<sup>86</sup> COM(2016) 602 final

<sup>87</sup> COM(2016) 790 final

### ***Stakeholder views:***

While the Council Conclusions of 2017<sup>88</sup> (and with them the security and border protection community) stress the need to reinforce document security, within the free movement community 15 out of 19 Member States, agreed that common security features and a certain or partial harmonisation are required for ID cards. 15 out of 17 Member States also support this for residence documents, and in particular for TCN FAM residence cards.<sup>89</sup>

Some Member States authorities in the field of free movement did not express any preferences for action (e.g. in BE, SE) or favoured the status quo (e.g. authorities in AT, PL) as they did not feel that there are serious obstacles to free movement due to the diversity of ID and residence documentation. Some of them were not aware of any of their citizens experiencing problems in other Member States, and several others argued that the EU should not intervene on ID cards, as it is a national identity issue.

Over two thirds of the EU citizens who responded to the open public consultation<sup>90</sup> were for an ID card harmonised at EU level, and a huge majority (almost 9 out of 10) of those with experience of residence documents saw the advantages of EU harmonisation.

### **3.3. Subsidiarity: Added value of EU action**

EU action can add considerable value in addressing the challenges mentioned above. The current situation affects the security within the EU and at its borders and the opportunity for EU citizens fully to enjoy their free movement rights. External borders and the European Union as a whole have been placed under considerable strain lately. Ongoing challenges have underlined the inextricable link between free movement of persons inside the EU and robust external border management. Measures to enhance security checks on persons entering the EU and to improve external border management are weakened if the main instrument for identifying citizens is problematic even within a national context.

Looking at the ‘weakest link’, it is essential that all Member States comply with minimum standards as regards ID and residence document security and features in order to maintain an adequate level of security within the EU and its borders.

The issuance, handling and administration of ID and residence documents are a national matter. Nevertheless, good administrative practices around the issuance of documents should be effectively communicated across the EU and properly trained at EU level.

As a result, the objectives of any initiative to remedy this situation could not be achieved at a national level and there is a strong argument for EU action. Even if the documents originate from a national competence (notably ID cards), they all have an intrinsic European dimension because of their interconnection with the exercise of free movement.

## **4 OBJECTIVES: WHAT IS TO BE ACHIEVED?**

The objectives of this EU policy initiative are to:

- **improve security within the EU and at its borders, and**

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<sup>88</sup> See FN 28

<sup>89</sup> Consultation in the context of the CSES study

<sup>90</sup> See Annex 2, section 4, results of open public consultation

- **facilitate and promote the EU citizens' and their family members' right to move and reside freely within the EU.**

Such goals complement and reinforce each other, as security and free movement are inherently linked. The abolition of internal border controls in the Schengen Area relies on authorities in the Member States following certain minimum standards with regard to document and border security.

The specific objectives of the initiative are to **reduce document fraud**, to **improve the acceptance and authentication** of the ID and residence documents and **improve the identification of people** based on them, in answer to the problems detailed in section 2.1. In particular document fraud (see section 2.1.2) is aggravated by the wide variety of documents and their lack of security features.

Another specific objective is to **raise awareness** among citizens, national authorities and the private sector about the documents issued, and the right to free movement linked to them.

A cross-cutting overall goal is to **simplify daily life for EU citizens, cut red tape and lower costs both for citizens and private and public entities**, by reducing administrative barriers for citizens and their family members related to the use of ID cards and residence documents, in the exercise of their rights, as well as in the issuance and administrative processes related to the documents. For example, citizens and their family members are often unable to access certain services with their ID and residence documents due to the national authority or private sector actor's non-acceptance of those documents. They are at once faced with administrative delays and hurdles when requesting documents. This results in costs and barriers for them.

The various policy options analysed here intend to achieve these objectives and tackle the problems identified in section 2.1 and the individuals concerned by this initiative are EU citizens and their family members.

## 5 WHAT ARE THE AVAILABLE POLICY OPTIONS?

Currently there is no significant<sup>91</sup> hard or soft law at EU level as regards format, security or process related issues for ID cards and residence documents issued to EU citizens and their family members.<sup>92</sup> It is therefore neither necessary nor possible to include an option in this assessment which could aim to do less or simplify an existing EU framework.

2<sup>93</sup> out of 28 Member States do not issue ID cards (Denmark and the United Kingdom). Their citizens travel in the EU with their passports which already include security features and therefore do not pose the security risks under discussion. Six Member States do not issue registration certificates for EU mobile citizens. Nationals of those Member States could encounter occasional problems when exercising their free movement rights without these documents. However, requiring these Member States to introduce or reintroduce such documents would place a substantial administrative burden both on citizens and on the

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<sup>91</sup> The Council Conclusions on common minimum security standards for national identity cards (1-2 December 2005) were not properly followed up.

<sup>92</sup> With the exception of TCN family member residence cards for which the uniform format as laid out in Council Regulation (EC) No 1030/2002 (as amended by Council Regulation (EC) No 380/2008 and is optional.

<sup>93</sup> Ireland's passport card qualifies as ID card in function according to Art. 4 and 5 of Directive 2004/38/EC.

authorities, for modest benefit to a limited group of citizens. As a consequence, this is excluded from all the policy options considered.<sup>94</sup>

There is no evidence to support the case for optional harmonisation in this context, as this would not tackle the problems arising from the current diversity of documents. Member States might not feel sufficiently encouraged to adopt the necessary changes on an optional basis.

The intervention logic with a view to the policy options chosen is presented in Figure 5.1.

### **5.1. What if there is no EU action?**

The baseline scenarios for the format and security issues for ID cards and residence documentation, and for the process related issues are to maintain the status quo. Three baselines are therefore considered.

At baseline, the situation remains unchanged. Pressure at external borders will increase, and more persons are going to try to irregularly enter the EU and want to exercise free movement by means of document fraud<sup>95</sup> (see also section 2.2). ID cards and residence documents continue to be regulated differently across EU Member States. Based on the experience of the Council Conclusion of 2005<sup>96</sup>, voluntary alignment is not happening or does so at such a slow a pace that it constitutes a security risk within the EU.

There is no evidence that there will be swift convergence regarding the choice of substrate (paper, laminated paper, plastic) and format (ID-1, ID-2, A4 paper document), and security features will still vary providing an opportunity for forgers to target the documents of those countries where the standards are relatively low.<sup>97</sup> Currently, only 2 out of 13 Member States<sup>98</sup> issuing ID cards not compliant with ICAO Doc 9303 plan to upgrade their ID cards' design in the near future.

Member States' policies towards harmonisation will still show discrepancies between EU Member States as policies will continue to be uneven and asymmetrical. For instance, the DE authorities recently introduced e-gates at airports, but due to lacking interoperability, the e-gates can only be used with DE national ID cards. Moreover, differences will be kept among Member States with regard to the use of ID cards to access public and private sector services.

Under the “no policy change” scenario, some measures for residence documents are also already underway, e.g. DE and ES both recently abolished residence cards for EU citizens, but there is no coordination whatsoever of these policies. Cross-border use of electronic identity (eID) functions was boosted by EU legislation (*eIDAS Regulation*).<sup>99</sup> Nevertheless the development of an eID infrastructure is technically challenging and expensive, and a lot of

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<sup>94</sup> Any non-compliance with the legal requirement to produce specific residence documents pursuant to the provisions of Directive 2004/38/EC is not subject of this initiative but a matter of the usual monitoring and infringement procedures.

<sup>95</sup> CSES study

<sup>96</sup> Council doc. 14390/05

<sup>97</sup> For example, the FRONTEX *Risk Analysis for 2016* mentions that the “number of persons aiming to get to the UK with fraudulent documents significantly increased (+70%) compared to 2014. This trend is mostly attributable to the increasing number of Albanian nationals often misusing Italian and Greek ID cards.

<sup>98</sup> E.g. BG is already implementing its plan and should deliver ICAO compliant ID cards from 2018.

<sup>99</sup> 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.



Member States are still quite slow in introducing national ID cards with eID function<sup>100</sup>. If the status quo is maintained, this could lead to continued uncertainty among citizens as to whether they can use eID features with their cards in other Member States.

There are currently big differences with regard to the process-related aspects of ID and residence documents, and these will remain or even increase with the growing mobility of citizens.<sup>101</sup> Whereas several countries already have online application systems for residence cards<sup>102</sup>, the administrative inconveniences, in particular the considerable delays around the issuance of residence documents will also remain. Furthermore, some nationals will continue to not be able to request an ID card when being abroad.

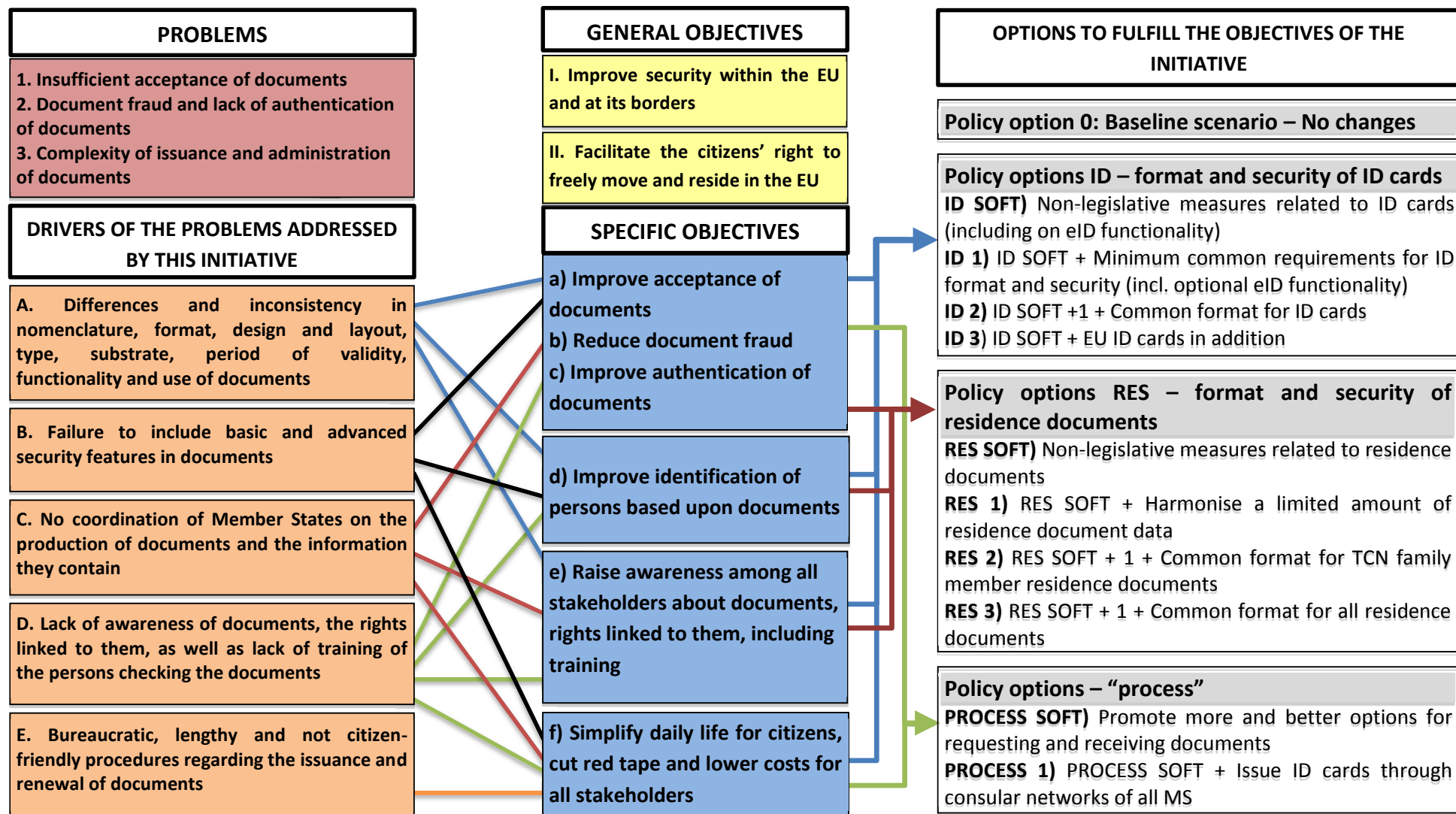
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<sup>100</sup> Member States tend to develop eID features with restricted use, i.e. only for their nationals or with a technology allowing only access to national administration. Implementation of eIDAS needs a lot of work as regards the technologies used and exchange of information between Member States. Without encouragement to open the services across the national borders and to non-nationals, there should certainly be some progress but very slow and subject to the individual good will of Member States.

<sup>101</sup> From the over 20 million visits to the Your Europe portal in 2017, more than 30% were to the travel and residence formalities section. In its turn, YEA replied to more than 8 000 enquiries related to entry procedures and residence rights representing more than 35% of the total number of enquiries received last year. Under the baseline scenario EU mobile citizens and their family members will be able to still count on the information on EU rights published in the Your Europe portal and personalised advice from YEA.

<sup>102</sup> This includes EE and DK (piloting the digitalisation of application procedures for residence documents).

Figure 5.1: Intervention logic of options (ID and residence documents)



## 5.2. Policy Option ID – format and security of ID cards

### **Option ID SOFT** Non-legislative measures related to ID cards

The suggested soft law measures would be mainly directed at preparing stakeholders in the best possible way to deal with the legislative diversity in the EU.

**Awareness raising measures** across the EU to inform citizens better about various obligations and rights in relation to their documents (e.g. through the Your Europe Portal, the Single Digital Gateway<sup>103</sup> and information campaigns with target groups in frequent contact with mobile citizens such as universities and employers from other EU countries).

Soft reinforcement of the authority of SOLVIT centres within their national administration in order to **simplify the daily lives of mobile citizens** in relation to residence documents.

**Capacity-building and training** organised through an EU-wide network. For example, training organised via FRONTEX<sup>104</sup>, CEPOL or OSCE<sup>105</sup> for border control officials.

**Enhanced administrative cooperation** can focus on engaging in best practice sharing with regard to detecting fraudulent documents and practices and on exchanging views about having the necessary equipment in place to check ID cards.<sup>106</sup>

With regard to the practicalities of enhanced administrative cooperation and the further refinement of the technical standards for the documents, the expertise of the **Article 6 Committee** will be of particular use<sup>107</sup> and beneficial to discuss matters in relation to security features of ID cards and residence documents<sup>108</sup>. Other groups composed by Member States experts, such as the FREEMO expert group<sup>109</sup> or Schengen related structures, should also be involved.

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<sup>103</sup> Council document 8838/17 + ADD 1: General Approach to COM 2017) 256 final: Proposal for a Regulation of the European Parliament and the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012

<sup>104</sup> To respond to the vulnerabilities in the travel document inspection process, FRONTEX provides training for border guard officials on document security. FRONTEX also provides consular staff training for visa issuing staff of EU Member States in third countries (3 per year) and 'road shows' which are information sessions and one-week-trainings at airports aimed at first-line officers. At a national level, there are also training courses to help ensure improved border control procedures to check ID cards. .

<sup>105</sup> See further details in the draft report on the implementation of the Action Plan to strengthen the EU response to travel document fraud.

<sup>106</sup> FRONTEX recently launched a technical report - EXP-DOC/ TECH-DOC 1-2017- on "the legal, operational, and technical requirements for document inspection equipment to be deployed during FRONTEX Joint Operations". It takes account of the current European and international legislation/guidance and seeks to provide specific requirements and functionalities for equipment to be purchased by FRONTEX in the context of control operations.

<sup>107</sup> The Article 6 Committee was set up by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas. It is a comitology committee composed of Member States representatives and chaired by the Commission, tasked with establishing the technical specifications of the uniform formats for visas and residence permits for third country nationals, passports, and other documents under EU competence.

<sup>108</sup> Member States will be encouraged to look into the integration of features that make ID cards more accessible and user-friendly to people with disabilities, such as visually impairment. See also feedback from Civil Society Organisations during the Open Public Consultation (September-December 2017).

<sup>109</sup> Register number E02397

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2397&NewSearch=1&NewSearch=1>.

**Databases or web registries** use by Member State authorities shall be fostered. For example, the role of FADO<sup>110</sup> could be further developed as an information sharing tool.

To designate a structured **Points of Contact network**, as main entry and exit points for information exchange in each EU Member State, to provide a route for enquiries from another Member State being routed through to the correct authority<sup>111</sup>.

To inform citizens about the usefulness and functioning of **eID functions** on their (ID or residence) documents to access public and private services, in particular as regards the possibility for cross-border transactions in the Internal Market (which are facilitated by the eIDAS Regulation<sup>112</sup>). To exploit the full potential of cards with eID functionality across the EU, the interoperability of eID infrastructure of the Member States will also need to be improved. The respective forums and working groups will be used for this. Recent policy developments for managing EU sector specific “identities” of citizens (e.g. social security<sup>113</sup>, taxation<sup>114</sup>, and student mobility<sup>115</sup>) will be taken into account.

### **Option ID 1) ID SOFT) + Minimum common requirements for ID format and security**

In addition to the non-legislative measures under ID SOFT this option involves legislative action at EU level to promote the **minimum harmonisation of ID card** features. This largely mirrors the approach taken for passports of EU citizens.<sup>116</sup> This will address the objective to improve internal security but also facilitate free movement.

Firstly, it is required that the ID or identity card should actually *be named* as such (rather than other terms currently used in some Member States)<sup>117</sup>. Secondly, Member States shall require that ID cards are regularly renewed for security reasons. A maximum *validity period* of 10 years for ID cards is proposed<sup>118</sup> (except where under national law facilitation for a specific age group is foreseen, i.e. senior citizens; *see Annex 5, Table 2.2 for more details on validity regimes*).

This option also includes adopting a format with some *common features* such as the information on the card and *minimum security features* taking into account ICAO Doc 9303

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<sup>110</sup> FADO is the summary name for a trio of information and technology systems: Expert FADO, iFADO (Intranet FADO) and PRADO (Public Register of Authentic Documents Online). It is a European image archiving system, set up on the basis of the Council Joint Action 98/700/JHA with a view to helping Member States in managing and identifying authentic and false documents. Subsystem iFADO is intended for law enforcement and document issuing authorities, while PRADO subsystem, available via internet, aims at the ‘non-document-expert’ community.

<sup>111</sup> Responding to some extent to citizen request LtL 242 submitted to the REFIT platform.

<sup>112</sup> 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.

<sup>113</sup> The European Social Security Number aims to create a EU personal identifier for mobile persons whose data will be exchanged in the context of the new Electronic Exchange of Social Security Information.

<sup>114</sup> The Commission has launched a cooperative project whereby information about tax identification numbers that Member States choose to publish is available on a single webpage (European TIN Portal).

<sup>115</sup> "EU student card", see COM(2017) 673 final, Strengthening European Identity through Education and Culture, p.5.

<sup>116</sup> Council Regulation (EC) No 2252/2004 (OJ L 385, 29.12.2004, p.1) and Commission Implementing Decision C(2013) 6181. UK and IE are not part of this measure.

<sup>117</sup> See IE ‘passport card’ or PT ‘citizen card’. In this way border control officials can more easily detect if a document is an ID card and thus if it enables the holder to travel across borders.

<sup>118</sup> This would be in line with ICAO recommended practice set out in Chicago Convention Annex 9 (Facilitation) for Passports (arguments in Note 1 is also applicable for ID Cards)

(see Annex 7, Table 5.1 for detailed list of **mandatory features**). Member States can however freely choose the colour of the ID card. Given the key objective to improve the security of ID cards as travel documents, a mandatory RFID chip including biometrics (*facial image mandatory, fingerprints optional*) is proposed.

The EU data protection acquis shall apply to all aspects of the ID cards and adequate safeguards and protections will be provided for citizens in order to ensure compliance with fundamental rights as provided by the Charter of Fundamental Rights of the European Union ("the Charter"). The data contained in the chip shall be described in a closed list and be protected in its integrity, authenticity, and security. A purpose limitation should be included for the use of the biometric features in IDs, such as that provided in Art. 4 Regulation 2252/2004: *"the biometric features in passports and travel documents shall only be used for verifying: a) the authenticity of the document; b) the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law"*. Exceptions and safeguards must be provided for cases where fingerprints are required from vulnerable persons, to ensure their rights under EU law and the Charter of fundamental rights are upheld, particularly regarding children and individuals who are unable to provide fingerprints. In this sense, the same rules shall apply as for passports: *"children under the age of 12 years are exempt from the requirement to give fingerprints"* (Art 1(1) para 2a (a) Regulation No 444/2009 amending Council Regulation No 2252/2004).

Moreover, in order to ensure the access and accuracy of the data as provided under Article 8(2) of the Charter, the proposal would ensure that data subjects right under GDPR fully apply and guarantee the data subject's right to effective remedies available to challenge any decisions, which shall in any case include an effective remedy before a court or tribunal in line with Article 47 of the Charter, without prejudice to the rights under the general data protection regime.

**Optional elements** can be added as required in the light of the national provisions, such as the address of the holder, the national emblem, etc. Member States could also enter details, for instance numbers which are used for e-government, tax identification, personal identification number or social security. Member States could also incorporate a dual interface or a separate contact chip for additional eID functionality<sup>119</sup>. Such additional storage shall comply with ISO standards and in no way interfere with the RFID chip for biometrics. In parallel but not addressed here (as at this point in time it is considered premature to completely replace physical ID cards by digital identification in particular for travelling throughout Europe), Member States may also develop fully digital mobile phone based identification solutions.<sup>120</sup> Member States can also look into the integration of format features that render the ID cards

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<sup>119</sup> In order to enable eID functionalities, cards need to be compliant with the assurance levels defined in the EU framework (Art 8 eIDAS Regulation and Commission Implementing Regulation 2015/1502), in particular for what concerns authentication to online services. Therefore, such cards shall contain a digital certificate (pair of private and public key) issued under a public key infrastructure (PKI) scheme. Use of and access to the certificate shall be protected with a PIN code known only by the card holder. Authentication based on digital certificate released under a PKI and user verification through PIN can support the assurance levels. To guarantee the protection it is fundamental also how the counterpart (the service requiring for authentication) implements the authentication scheme. To ensure the validation of the documents throughout the EU, certificates must be exchanged. Otherwise it will not be possible to check the authenticity of the chip data.

<sup>120</sup> See for instance <https://e-estonia.com/solutions/e-identity/mobile-id/>

more accessible and user-friendly to people with disabilities, such as visually impaired persons.<sup>121</sup>

A requirement will be introduced to **phase out** all documents currently in circulation and which do not meet the requirements suggested under this option by a fixed deadline<sup>122</sup>.

The deadline should allow sufficient time for the authorities and citizens to cope with the transition to new documents<sup>123</sup>. This option would require that all previous non-compliant versions of ID cards are phased out within 10 years after entry into force of the EU measure. Member States not producing ID cards with a properly functional machine readable zone (MRZ) according to ICAO shall shorten this time period to five years in order to achieve the desired effects more quickly.

### **Option ID 2) ID SOFT) + ID 1) + Common format for ID cards**

In addition to the measures under ID SOFT and ID 1) this option represents a more ambitious approach with measures to **harmonise all key features of national ID cards** beyond ICAO requirements.

The card will bear the EU emblem and the colour will be fixed. The inclusion of fingerprints will be mandatory.

The phasing out of currently circulating old documents will follow the same approach as under option ID 1).

### **Option ID 3) ID SOFT) + EU ID cards in addition**

In addition to the non-legislative measures an alternative legislative instrument to ID 1) and ID 2) can provide Member States with the option to **adopt an EU identity card** in addition to their national ID cards. This EU ID card can be specifically created to serve the purposes of the rights as Union citizen.<sup>124</sup>

The format and security of these additional EU ID cards follow the completely harmonised features as laid out in option ID 2). The production of the cards would still rely upon the Member States.

National ID cards are not addressed by this option. None of the old currently circulating national ID cards will be required to be phased out.

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<sup>121</sup> The features, inter alia, could include the title and the expiry date in Braille, indentations to mark the orientation or the use of a card material that avoids easy slipping. See also feedback from Civil Society Organisations during the Open Public Consultation (September-December 2017).

<sup>122</sup> This is advisable, since documents in a number of Member States do not have an expiration date or they are valid for a long time period. Not phasing out documents would lead to the problem that even if new legal requirements exist, older versions of some national ID cards would still be in circulation and would undermine the objective of introducing minimum common features. Adequate provision should be made in the Member States to ensure that citizens face being deprived of an ID of otherwise unlimited duration are not disadvantaged by the phasing out.

<sup>123</sup> Note that the average validity period of ID cards across EU Member States is 10 years.

<sup>124</sup> Such as the right to free movement, the right to vote in European elections, the right to launch petitions or other initiatives at EU level, etc. This option has been assessed in a recent European Parliament study. May 2016: "The Legal and Political Context for setting up a European Identity Document: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL\\_STU\(2016\)556957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL_STU(2016)556957_EN.pdf)

### 5.3. Policy Option RES – format and security of residence documents

A potential legislative instrument can lay down requirements for only one, some or all of the different residence documents (*see Annex 5, Table 2.3 for more details*). With the exception of TCN FAM residence documents which are used as a visa waiver, there is no evidence suggesting the need to distinguish the different residence documents.

#### **Option RES SOFT) Non-legislative measures related to residence documents**

Soft law measures related to residence documents follow a similar path to the one under ID SOFT) and would include similar activities (Your Europe, Single Digital Gateway<sup>125</sup>, SOLVIT, training, enhanced administrative cooperation, FADO, etc.) and actors (FRONTEX, FREEMO expert group and other Member State expert groups etc.).

Regarding residence documents, awareness-raising<sup>126</sup> will specifically focus on: (i) residence requirements; (ii) the procedure for obtaining different forms of residence documents; (iii) rights and duties in regard to residence documentation.

#### **Option RES 1) RES SOFT) + Harmonise a limited amount of residence document data**

This option will require some **mandatory features** in addition to the non-legislative measures under RES SOFT).

First, the use of the *document title* as referred to in Directive 2004/38/EC (registration certificate, document certifying permanent residence, residence and permanent residence cards to family members of a Union citizen<sup>127</sup>). The document title in the national language shall be repeated in at least one other (maximum two) official languages of the institutions of the Union, in order to facilitate the recognition of the document.

Second, the *document number, name (surname and forenames(s)) of the holder, date of issue, and place of issue* will be required.

There will be no other mandatory requirements, such as regarding the substrate, format, printing technique, etc. On an **optional basis**, other features could be added (e.g. date and place of birth of the holder, nationality of the holder, sex of the holder, address of the holder, date/signature/issuing authority, date/signature/document holder).

The validity of documents will not be affected by this option, because the intervention is too minor to justify quicker replacement of non-compliant TCN FAM cards. The replacement of valid residence documents of EU citizens could create legal uncertainties in relation to Directive 2004/38/EC, and is therefore excluded (**no phasing out**).

#### **Option RES 2) RES SOFT) + RES 1) + Common format for TCN FAM residence documents**

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<sup>125</sup> Measures, such as the single digital gateway (see description under ID SOFT), are designed to increase the knowledge of EU citizens and their family members and help them to exercise their free movement rights without unnecessary delays due to having the wrong information. Furthermore, the measures should help citizens to uphold their rights and increase awareness of their obligations linked to the position of the residence document.

<sup>126</sup> For instance, it was pointed out by consulted stakeholders that family members of EU citizens are not aware of the consequences of not complying with the requirement of communicating any change in their situation that allowed them to obtain the residence document within a maximum period of one month.

<sup>127</sup> To save space on documents in card format, in further technical specifications adopted by Member States the use of standardised codes instead of the full document title could be agreed (e.g. ‘fam.res.Art.10 Dir. 2004/38’ for TCN FAM residence card).

As only TCN FAM residence documents act as visa waivers, there is a substantive argument that only these should be improved. In addition to soft law measures (RES SOFT) and a harmonisation of a limited amount of residence document data (RES 1) this option therefore suggests harmonising TCN FAM residence documents.

TCN FAM residence cards and permanent residence cards will draw on the specifications set out in the ICAO document 9303 and use the **common uniform format for residence permits**<sup>128</sup>, including biometrics (both mandatory facial image and fingerprints). (*See Annex 7 Table 5.2 for a list of all mandatory and optional features.*)

As for ID cards, the collection of personal data under this option should be implemented with strong fundamental rights checks, guarantees and balances and ensure full compliance with the Charter of Fundamental Rights of the European Union and applicable data protection legislation, including the rights of the data subject and right to effective remedy. Moreover, insofar as this option entails the mandatory collection of fingerprints relating to minors<sup>129</sup>, measures shall provide for robust fundamental rights safeguards and protection measures in light with Article 24 of the EU Charter on Fundamental Rights<sup>130</sup>.

The card will be made entirely of a substrate compliant with ICAO Doc 9303 (lasting for at least 10 years), using specific printing techniques and be a specific colour.

Documents not compliant with any of the mandatory elements based upon the uniform format as stipulated by the latest legislation (Regulation (EU) No 2017/1954) should be **phased out** within 10 years. However, Member States, whose current TCN FAM residence documents do not even comply with the older uniform format under Council Regulation (EC) No 380/2008 will need to phase those documents out within 5 years after the proposed legislation enters into force. No phasing out for residence documents issued to EU citizens.

### **Option RES 3) RES SOFT) + RES 1) + Common format for all residence documents**

In addition to the requirements under RES SOFT) and RES 1) this option will involve establishing a harmonised common format not only for TCN FAM cards but for all types of residence documentation as referred to by Directive 2004/38/EC. The harmonised format will be again the uniform format used for residence permits (see RES 2).

Due to their impact on border and other security, **phasing out** is again required for old non-compliant TCN FAM residence documents. The validity of existing residence documents issued to EU citizens should not be touched upon for legal reasons, even if their format will be harmonised (see RES 1). There will be no phasing out under RES 3) for residence documents issued to EU citizens.

## **5.4. Policy option PROCESS – process regarding the issuance of ID cards and residence documents, as well as Member States sharing information about the related processes**

### **Option PROCESS SOFT) Promote more and better options for requesting and receiving documents and improving Member States sharing information about related processes**

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<sup>128</sup> As enshrined in Council Regulation 1030/2002, lately amended by Regulation (EU) No 2017/1954.

<sup>129</sup> For residence permits the capture of fingerprints is compulsory as of six years of age (Art 4b Council regulation (EC) No. 380/2008 amending Regulation (EC) No. 1030/2002.

<sup>130</sup> As indicated as technically feasible in the JRC study 'Fingerprint Recognition for children'; EUR 26193 EN; ISBN 978-92-79-33390-3Children', 2013.



This option includes the **promotion of online application tools**.<sup>131</sup> When promoting such online tools, security requirements will be carefully taken into account, such as the need to have at least one physical contact with the applicant when issuing a ID and residence document including biometric data. Moreover, state-of-the-art safeguards regarding data security and protection need to be respected.

Moreover under this option, Member States should step up the sharing of information and views on issues they all face relating to the production, issuing and use of ID cards and residence documents. Furthermore, experiences regard the abolition of certain types of documents can be exchanged (e.g. Member States stopping the production of residence cards for EU citizens and the phasing out of old versions of ID cards). The listed EU-wide fora, such as the FREEMO expert group (see also ID SOFT and RES SOFT) will also be better used to exchange Member States experiences in this regard.

### **Option PROCESS 1) PROCESS SOFT) + Issue ID cards through consular networks of all Member States**

A potentially effective solution to mobile EU citizens' problem of renewing ID cards is to issue ID cards through the consular network.

In addition to the soft law under PROCESS SOFT, PROCESS 1) will thus require the Member State consular networks to issue ID cards to their mobile citizens on a mandatory basis. This will be linked to the requirement not to charge citizens more for this service than the costs in the home country for requesting ID cards (except for the additional shipping costs).

## **6 WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?**

This section explains the impacts of the given set of policy options described above in comparison with the **dynamic baseline scenario** (see also section 2.2 and 5.1). Actions and measures on ID cards and residence documents tackle different "instruments" (types of documents with different functions, uses and legal value) and cannot be compared with each other. Equally, process related issues cannot be compared with format related issues. Hence, there are no relevant interdependencies between them and the impacts of each "instrument/measure" for (a) ID cards, (b) residence documents and (c) process-related issues are therefore discussed and assessed separately.

The impact assessment attends particularly to potential impacts on three groups: citizens, business including small and medium sized enterprises, and public administration.

Member States' authorities and the private sector are reluctant to share data regarding the production and issuance of national documents, as well as the costs associated with the use of those documents. As a result, precise quantification of impacts (in particular aggregate impacts) of the different options is hardly possible. It is however fair to assume that the costs of policy change and implementation for most options would be set off by the reduction of costs to citizens, business and public authorities. These costs are, especially for citizens, mainly 'hassle' costs<sup>132</sup>, a very broad category of costs that vary greatly from individual to individual and as a result are even more difficult to quantify.

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<sup>131</sup> Examples for such tools exist in Denmark, Finland, and the UK.

<sup>132</sup> A non-monetary effort and inconvenience a citizen incurs in ordering, maintaining, using or disposing of an ID card or residence document.

Many of the implementation and operation-related costs are based on estimates of monetary costs and possible cost savings for public administrations and private service operators. In addition there could be considerable intangible gains and benefits.

All options should have **wider economic and social impacts**. It is safe to assume that the more effectively hurdles for free movement are removed the more positive these impacts will be. Reduced constraints on cross-border mobility could potentially have benefits for a quite wide range of economic sectors. Whether **SMEs** are affected to the same extent as larger companies by facilitated freedom of movement is difficult to assess.

Rendering documents more secure will also contribute to the level of **security** within the EU and the Member States, since it would be more difficult to falsify documents and to enter the EU based on falsified documents. Fraud in accessing social benefits should also be reduced. Moreover, this could also be a promoter of **social inclusion** with the affected individuals feeling they are treated on an equal basis to nationals of the host country and being generally able to access the same public and private sector services.<sup>133</sup>

As regards **environmental impact**, facilitation of free movement can increase air traffic, which would however be impossible to attribute directly to any option implemented. The environmental costs of a potentially increased plastic card production (depending on the option chosen) are rather low and negligible.<sup>134</sup>

**Fundamental rights** are also affected. There are three main rights affected by the policy initiatives: Article 45 of the Charter of Fundamental Rights of the EU (CFEU) on freedom of movement, and Article 7 CFEU on the respect of private life read and Article 8 on the right to the protection of personal data.

We assume that all the policy option positively affect the right of freedom of movement and residence. By strengthening the security of ID and residence cards and dependent services, all policy options aim at facilitate free movement of persons and residence, particularly for TCN.

Additionally, the policy options, particularly on the residence cards, present ancillary benefits/impact for other fundamental rights such as Articles 39 and 40 CFEU, since the exercise of political rights would be facilitated while residing in a Member State other than their country of origin. Moreover, some of the policy options will have a positive impact in Article 26 CFEU (the right to integration of persons with disabilities), as they will have a targeted positive impact by facilitating the reading of documents.

The processing, including collection, access and use of personal data falls under Article 8 of the Charter of Fundamental Rights of the European Union because it constitutes the processing of personal data within the meaning of that article.<sup>135</sup> Accordingly, **data**

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<sup>133</sup> CSES study (feedback from stakeholder consultation).

<sup>134</sup> [http://www.icma.com/ArticleArchives/CarbonFootprint\\_SE2-12.pdf](http://www.icma.com/ArticleArchives/CarbonFootprint_SE2-12.pdf) : For the production of a rather complex ID-1 card 50g CO2 equivalent is a realistic assumption. The carbon footprint of the annual global plastic card production for all purposes (credit cards, ID, mobile telecommunications, etc.) is estimated to be around 200 000 tons CO2 equivalent and compares to the carbon footprint of an average US village of 5 000 inhabitants. If 10% of the EU ID card holders (entire EU population except for UK and DK above the age of 15 in 2016:= 372 M people) renew their ID card every year (which is the typical replacement rate for cards with an average validity of 10 years) the annual carbon footprint of the EU ID card production is around 1 860 tons CO2 equivalent and would therefore amount to the annual carbon footprint of an average US village of 47 inhabitants.

<sup>135</sup> See e.g. CJEU, Cases C 92/09 and C 93/09 Volker und Markus Schecke and Eifert EU:C:2010:662, paragraph 47; see, as regards Article 8 of the ECHR, Eur. Court H.R., Leander v. Sweden, 26 March 1987, § 48,

**protection** including data security shall be implemented in light of the relevant EU *acquis*<sup>136</sup>. Options, which require the processing of the personal data of citizens including collection, access and use of personal data, affect the right to the protection of personal data under the Charter. Interference with this fundamental right must be justified, and this will be analysed specifically in this section.

The CJEU established the criteria for justification of such interference in the context of Regulation 2252/2004 in Case C-291/12 Schwarz v Stadt Bochum, ECLI:EU:C:2013:670. It recalled that limitations to Charter rights must be ‘provided for by law, respect the essence of those rights, and, in accordance with the principle of proportionality, [be] necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others’ and found that the objective ‘to prevent the falsification of passports and the second, to prevent fraudulent use thereof’ met those criteria.

No derogation from the data protection regime is envisaged and clear rules, conditions and safeguards shall be considered as appropriate. In particular, nothing in these initiatives shall provide a legal basis for the centralised storage of data collected thereunder or for the use of such data for purposes other than that of verifying the authenticity of the document and the identity of the holder by means of directly applicable comparable features when the ID are required to be produced by law.<sup>137</sup>

## **6.1. Impacts of the options for ID cards**

### **General impacts**

**Free movement of persons:** Through better awareness of rights<sup>138</sup> ID SOFT) will have a positive impact on free movement of persons, including labour mobility. Laying down a limited harmonisation of national ID cards (ID 1) or a completely harmonised ID card (ID 2) will reduce the negative effects of the diversity of documents and improve the acceptance of IDs because e.g. paper-based ID cards will be replaced in Member States still issuing them. The effect of ID 3) is lower because national ID cards are not phased out, and thus the problems related to national ID cards remain.

**Reduction of document fraud:** By enhancing administrative cooperation, such as exchanging information about fraudulent documents through FADO and more training (FRONTEX), ID SOFT) will reduce document fraud. ID 1) will require the addition of security features and make documents even less vulnerable regarding falsification. Under ID 2) fingerprints will be added and further reduce the likelihood of counterfeiting. In general ID 3) has a less significant positive impact than ID 1 and 2) because national ID cards are not phased out.

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Series A no 116; Rotaru v. Romania [GC], no. 28341/95, § 46, ECHR 2000-V; and Weber and Saravia v. Germany (dec.), no. 54934/00, § 79, ECHR 2006-XI).

<sup>136</sup> 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) (Text with EEA relevance) and/or Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

<sup>137</sup> (see Art. 4 Regulation 2252/2004).

<sup>138</sup> See Art 4 and 5 Directive 2004/38/EC: right to enter and exit an EU Member State with an ID card.

**Reduction of identity theft:** ID SOFT) will help to reduce identity theft caused by ID cards (also as a consequence of its effect on reducing document fraud). The impact of the options ID 1) and ID 2) will be even more significant because the upgraded security features will help to tackle a root cause of identity theft. The effect of ID 3) is less significant because the other national ID cards are not phased out.

**Security (reduction of crime, fraud<sup>139</sup>, terrorism):** Soft law measures will help to reduce crime and improve security including at the borders through enhanced administrative cooperation, such as optimised information exchange between police forces. For combating all types of serious crime the availability of fingerprints on ID cards has added value because fingerprints could be checked against databases (e.g. Prüm checks, Europol Information System). ID 2) (where fingerprints are mandatory) has therefore a more positive impact than ID 1), also regarding the detection of criminals and the reduction of crime and terrorism. Although ID 3) also foresees mandatory fingerprints, its impact on the reduction of crime is again weaker than under ID 2) because national ID cards are not phased out. Regarding the reduction of fraud the effects of ID 1) and 2) will be more or less equal because – on the contrary to the security agencies - private and public services affected will not have access to fingerprints.

**Fundamental rights:** Beyond reinforcing Article 45 CFEU, ID SOFT) will have a positive (albeit very limited) effect on the rights of persons with disabilities (Art. 26 CFEU) by creating a forum (e.g. drawing from the expertise of the Article 6 Committee) to discuss the specific needs of disabled persons (such as Braille for visually impaired) in relation to ID cards. All the legislative options will add to this effect by encouraging Member States to voluntarily opt for specific features on their ID cards that increase the accessibility for disabled persons.

The exercise of fundamental political rights (Arts. 39-40 CFEU) as well as the exercise of the right of petition (Art. 44 CFEU) will be positively impacted by the soft law measures because better acceptance of ID cards will facilitate the participation of mobile EU citizens in elections or the launch of a petition through easier registration.<sup>140</sup> All the regulatory options will have a positive impact in a similar extent.

Both soft-law and regulatory options will improve the security of ID cards and reduce document fraud, which reinforces the individual's right to liberty and security (Art. 6 CFEU) by enabling national authorities to better prevent and detect identity theft.

The fundamental rights to a private and family life under Article 7 CFEU, and the right to the protection of personal data under Article 8 CFEU are negatively impacted, particularly by the regulatory options ID 1-3.

Data processing will be involved in all options. ID SOFT) will not significantly change data processing as compared to the baseline. ID 1) will require biographical data and an obligatory facial image, which needs to be encrypted. For this purpose cryptographic keys need to be exchanged with the specific services (border guards, police).

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<sup>139</sup> Fraud here refers to acts of criminal deception intended to result in financial or personal gain with the help of fraudulent documents, such as unlawful claims towards social security services or insurances.

<sup>140</sup> Benefits for European democratic rights and for the citizens' initiative were detailed in the European Parliament's study on the legal and political context for setting up a European identity document [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL\\_STU\(2016\)556957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL_STU(2016)556957_EN.pdf)

ID 2) and ID 3) will extend this requirement to fingerprints and certain biometric data will be collected. As this is currently not done under national ID schemes (though for national passports), more people will be affected in their protected rights. Nevertheless, it is established that the use of biometrics of the type proposed and accessible in the manner proposed (as under the Passports Regulation<sup>141</sup>) are justified by the objectives of reducing travel document fraud, improving the acceptance and authentication of the ID and improving the identification of people based on them, and are proportionate to achieving these objectives, particularly in terms of extending their use to the entire EU population who possess national ID cards which can be used as travel documents.

The question of how Member States set up their national databases to store biometrics is not touched upon by any policy option in keeping with the principle of the administrative autonomy of the Member States, though naturally any implementation will have to be compatible with EU law and the fundamental rights it protects.

The right of the individuals to access their personal data, rectification and objection is not impacted by any of the options, and no derogation to the general data protection regime will be created.<sup>142</sup>

There is therefore no change as compared to the baseline under any option. Data processing activities by private services which might be accelerated through better acceptance of documents will only use biographical data which have been already used so far, i.e. none of the options will have a significant impact as compared to the baseline.

In addition to the EU-wide mutual recognition of electronic identifications in access to public services<sup>143</sup>, cross-border data use deriving from cards with eID functionality will require specific work on personal data safeguard mechanisms. Data processing activities by private services will be certainly fostered through better use of cross-border eID functionality (optional under ID 1), ID 2) and ID 3)). Should Member States opt for such functionalities this will bear additional risks which must be addressed by safeguards.<sup>144</sup>

**Table 6.1 Summary table on the general impacts under the Policy Option ID**

	BL	ID SOFT	ID 1	ID 2	ID 3
<b>Functioning of the internal market</b>					
• Free movement of persons	0	+/++	++/+++	+++	++
<b>Security</b>					
• Reduction of document fraud	0	+	++	++/+++	+/++
• Reduction of identity theft	0	+	++/+++	++/+++	+/++
• Reduction of fraud	0	+	++/+++	++/+++	+/++
• Reduction of terrorism risk	0	+	++	++/+++	+/++
• Criminal's chances of detection	0	+	++	++/+++	++

<sup>141</sup> Regulation No 2252/2004.

<sup>142</sup> Specific access rights should be provided (with possibility of erasure and rectification) as is done in Art. 4 of the Passports Regulation. As it is already currently the case for such data, data processing activities of biometric data will only be carried out by competent authorities (border guards, police). Further safeguards could be considered.

<sup>143</sup> eIDAS Regulation

<sup>144</sup> In compliance with the EU data protection acquis, in particular with 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).

• Reduction of number of criminal acts	0	+	++	++/+++	+ / ++
• Improve security including at the borders	0	+	++	++/+++	+ / ++
<b>Fundamental rights</b>					
• Liberty and security (Art 6 CFEU)	0	+	+	+	+
• Private and family life (Art 7 CFEU)	0	0/-	-/--	--/---	--
• Protection of personal data (Art 8 CFEU)	0	0/-	-/--	--/---	--
• Integration of persons with disabilities (Art 26 CFEU)	0	+	+ / ++	+ / ++	+ / ++
• Political rights (Art 39-40, 44 CFEU)	0	+ / ++	+ / ++	+ / ++	+ / ++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

## **Impacts on citizens**

**Reduction of administrative burden:** With non-legislative measures (ID SOFT), citizens will be better informed about their rights and obligations (e.g. via the Single Digital Gateway) in respect to ID cards before relocating to another Member State and before engaging in intra-EU travel. Through soft law promoting a more and better use of (cross-border) eID functionality online procedures to make cross-border purchases can be further simplified. The additional elements under the legislative options can further reduce the administrative burden for citizens, (e.g. by making it possible to use e-gates at airports with an ID card). Since under ID 3) national ID cards are not phased out, the positive impact is not as high as for ID 1) and 2).

**Reduction of hassle costs:** Under ID SOFT) citizens will continue to experience differences in respect to ID cards across the EU. Nevertheless, e.g. training measures for border guards should already reduce the hassle costs for citizens crossing borders. The potential cost savings to citizens (e.g. from quicker border checks) will increase with progressive harmonisation of ID cards (from ID 1 to 2). The exact amount, however, cannot be quantified. The benefits and cost savings of ID 3) to citizens are likely to be limited, since all Member States will likely still need also to accept national ID cards. Therefore, potentially many citizens would not apply for an (extra) EU ID card.

**Awareness:** Citizens' awareness is mainly improved through non-legislative measures (e.g. Your Europe and in the future the Single Digital Gateway). None of the legislative options has a large impact on awareness.

**Access to services:** The impact of the different options is similar as for free movement. Access is facilitated with a similar (ID 1) or identical layout of ID cards (ID 2 and 3). Citizens can expect to face fewer problems when traveling to other Member States and in accessing private sector services (e.g. opening bank accounts or making use of other private/public services where an ID card is required). Quantification of these effects is however not possible.

**Compliance costs:** Soft law implies no compliance costs for citizens. So does ID 3), since the additional EU ID card is voluntary. Under any legislative measure the implementation foresees that the production of cards with upgraded features is initiated as early as possible. Old not compliant cards will be in principle replaced naturally after they expire. However, to tackle the most imminent security features missing, a card will need to be replaced before the originally defined expiry date because it does not fulfil the requirements as referred to by the phasing out regime. This could also create some replacement costs to citizens in those cases when the country charges its citizens for a renewal of the card. However, a simple technical upgrade (such as from contact to contactless chip) should not render the production of a card

more expensive. Replacement costs would be equally high under option ID 1) and ID 2) as the phasing out regime would impact on the same countries and citizens under both options.<sup>145</sup>

**Social impacts:** The impacts of the various options on employment levels and social inclusion generally mirror the impacts on free movement of persons. The higher the awareness about ID cards, the better their acceptance and the smoother their authentication, the more positive will be the effects for mobile EU citizens and their family members when integrating into the labour market and the social system of another Member State.

**Table 6.2 Summary table on the impacts on citizens under the Policy Option ID**

Impacts on citizens	BL	ID SOFT	ID 1	ID 2	ID 3
<b>Economic</b>					
• Reduction of administrative burdens	0	+	++/+++	++/+++	+/++
• Reduction of hassle costs	0	+	++/+++	+++	+/++
• Awareness	0	+	+	+	+
• Access to public and private services	0	+	++	++/+++	+/++
• Compliance costs	0	0	-/-- (15M+63M) <sup>146</sup>	-/-- (15M+63M) <sup>146</sup>	0
<b>Social</b>					
• Employment levels	0	+	++/+++	++/+++	+/++
• Social Inclusion	0	+	++/+++	++/+++	+/++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### **Impacts on businesses**

**Compliance costs:** There are no compliance costs for companies under any option because any technical upgrades to read cards will be voluntary.

**Cost savings at pre-boarding checks and when opening a bank account:** Private sector entities such as banks or airlines will continue to have to deal with a large variety of documents under ID SOFT) but awareness raising measures and training could speed the process up when dealing with EU mobile citizens. Currently, it takes banks longer on average to open a bank account for non-national EU citizens than for nationals due to longer background checks. This applies also to airlines carrying out pre-boarding checks on nationals and non-national EU citizens. If procedures were as quick for non-national EU citizens for nationals EUR 3.9M could be annually saved when opening a bank account and EUR 12.4M for pre-boarding checks.<sup>147</sup> It can be assumed that ID cards under ID 1) are sufficiently harmonised to achieve the same impact as under full harmonisation under ID 2).

<sup>145</sup> Around 15M citizens in BE, BG, EL, ES, HU, RO, SK need to replace their ID cards earlier because holding an ID card in those countries from a certain age is mandatory. Another around 63M ID cards from CZ, FR, IT, SI are only issued at the request of the citizens but might also be affected by quicker replacement.

<sup>146</sup> Around 15M citizens in BE, BG, EL, ES, HU, RO, SK need to replace their ID cards earlier because holding an ID card in those countries from a certain age is mandatory. Another around 63M ID cards from CZ, FR, IT, SI are only issued at the request of the citizens but might also be affected by quicker replacement.

<sup>147</sup> Calculations in the CSES study, based upon feedback from *IATA* and *Airlines for Europe*, as well as individual banks from the Member States.

The costs for private sector services of having to deal with an additional EU ID card under ID 3) would most likely be higher than any potential benefit to them from it. At best it can thus be assumed that ID 3) is cost neutral compared to the baseline.

**Awareness:** The proposed sector-oriented training sessions and the improved FADO functionalities (ID SOFT) should help raise awareness of the layout of the different types of documents. As they include the soft law measures the legislative options will have the same impact on awareness.

**Reduction of training costs:** Training via associations as proposed under ID SOFT) will save costs invested in training. This will lead to more efficiency in handling different types of documents. The training costs of banks and airlines will be lower if ID cards comply with the ICAO standards as set out by policy options ID 1) and 2).

**Companies producing the cards:** The companies will benefit from activities carried out under ID SOFT), e.g. awareness raising, the direct exchange of Member States and private sector association experts, as well as the information retrieved via the single digital gateway. ID 3) will offer an opportunity to companies to produce a limited number of fully harmonised EU ID cards which will not replace national ID cards. ID 2) will do this on a larger scale. Under ID 1) each Member State will do its own national tendering process based upon ID card requirements that will be Member State specific, and it is more likely that more companies across the EU will benefit from this situation.

**Table 6.3 Summary table on the impacts on businesses under the Policy Option ID**

Impacts on businesses	BL	ID SOFT	ID 1	ID 2	ID 3
<b>Economic</b>					
• Compliance costs	0	0	0	0	0
• Cost savings pre-boarding checks - time	0	+	++ (12.4M/yr)	++ (12.4M/yr)	0
• Cost savings in private services (bank) - time	0	+	++ (3.9M/yr)	++ (3.9M/yr)	0
• Awareness	0	+	+	+	+
• Reduction of training costs	0	+	+ / ++	++ / +++	0 / +
• Companies producing the cards	0	+	++ / +++	++	+ / ++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### **Impacts on public authorities**

**Costs of guidance, dissemination, awareness-raising, training:** Soft law measures will build on existing structures<sup>148</sup> and activities in the Member States and at EU level. Under ID SOFT) (as well as included under all legislative options) there will be certain costs for e.g. awareness raising and information campaigns, support for citizens' requests, a Points of Contact system within Member States to facilitate exchange of information and checks on documents or an improved FADO (PRADO) web registry.

Following the implementation of soft law measures national administrations and border control officials will be more aware of the layout, design, security features of documentation

<sup>148</sup> For example it is proposed that awareness-raising measures are routed via SOLVIT since it has a presence in all 28 Member States. EU-wide training workshops and capacity-building could be based on existing FRONTEX workshops. Enhanced administrative cooperation mechanisms could take place drawing on the expertise of the Article 6 Committee.



in other EU countries. Although not possible to determine exactly how this could also reduce cost, in particular by increasing efficiency in border and local administrations which issue and check documentation. EU-wide training workshops and capacity-building will be based on existing FRONTEX workshops. Increased training will have a positive impact on the detection of fraudulent documents. Such activities across the EU could cost around EUR 11 M per year.<sup>149</sup>

**Costs of enhancing regulatory and advisory bodies:** Enhanced administrative cooperation mechanisms will be via e.g. the Member States expert groups on document security and its sub-groups and the FREEMO expert group. The additional costs for tasking these groups will be marginal.

**Remove regulatory complexity:** ID SOFT) will not remove any regulatory complexity. ID 1) will largely harmonise and ID 2) fully harmonise the Member States rules on format and security of ID cards, whereas ID 3) will even add further complexity by establishing another ID card with specific format and security features.

**Compliance costs – implementation:** Under the legislative options ID 1) to 3) public administrations will have to invest administrative and financial resources, hardware and software updates in changing the format and security of ID cards. In particular the upgrade to chips and biometrics will add some costs.<sup>150</sup> Nevertheless, equipment to issue passports is already available and can also be used for the issuance of ID cards.

Under ID 1) at least 19 Member States<sup>151</sup> will require a certain upgrade, whereas under ID 2) this is the case for all 26 Member States which currently produce ID cards. Under option ID 3) all Member States would need to establish a new card which – at the request of the citizens - would be issued in addition to the national ID cards.<sup>152</sup>

As option ID 2) and 3) establish a fully harmonised format for national ID cards, the production costs would be marginally higher than for ID 1). Moreover, the obligatory use of fingerprints would also increase these options' overall implementation costs.<sup>153</sup>

The same reading equipment at border control points used for passports could be used for verifying biometric ICAO-compliant ID cards, meaning the cost of additional card reader infrastructure to fully implement policy options ID 1) to 3) would be marginal.<sup>154</sup>

**Compliance costs (production) – phasing out:** Member States either already fulfil the basic requirements or the phasing out of non-compliant ID cards will mostly coincide with the natural replacement cycle of usually 10 years. ID cards from EL, IT and FR do not possess fully functional machine readable zones (MRZ) and would thus incur higher additional costs because of the quicker phasing out foreseen under options ID 1) and 2).

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<sup>149</sup> Cost estimate for those non-legislative measures across the policy options. See Annex 4 (section 2) and the CSES study for details. There is some EU funding available to cover these measures.

<sup>150</sup> The additional compliance costs for adding RFID chips to already produced plastic cards are however negligible. There are no data available to calculate the costs for adding biometric identifiers to ID cards.

<sup>151</sup> ID cards from BG, CY, HU, LV, LT, LU, and NL already comply with the requirements as proposed under ID 1). For DE ID cards, which have already a very high level of security, only the date field indicating the sex is missing and needs to be added.

<sup>152</sup> It seems unlikely that this function could be assumed on an EU level since it would mean that a pan-European database of citizen data and a EU-wide printing facility needs to be set up. This seems not to be possible both from a feasibility point of view and from a data protection/privacy point of view.

<sup>153</sup> The management of databases storing biometric identifiers is not addressed by this initiative.

<sup>154</sup> This has been confirmed by FRONTEX; see CSES study.

Moreover, a number of other Member States (BE, BG, CZ, ES, HU, RO, SI, SK) issue specific cards for senior citizens with longer or indefinite validity which – if replaced – would also bear some additional costs after the ten-year transition phase, again for both options ID 1) and 2). The total cost for phasing out in all cases will amount to EUR 778.3M.<sup>155</sup> ID 3) does not foresee any phasing out and is thus cost neutral.

**Time savings – public services:** Public services, such as national social security providers will continue to have to deal with a large variety of documents under ID SOFT) but those non-legislative measures will speed up processes. With increasing harmonisation of ID cards under ID 1) and 2) procedures can be as quick for non-national EU citizens as for nationals. ID 3) would not add anything here because another ID card would just add complexity. At best ID 3) will be cost neutral.

**Time savings – border control:** Border guards deal with diverse ID cards. Through training of border officials, the use of FADO/PRADO and other measures ID SOFT) could save time and thus costs.

Simultaneously, however, border control authorities will further benefit from common features in ID cards, such as under ID 1) and 2), as this would substantially facilitate the procedures at borders and could again facilitate the detection of fraudulent cards, thus increasing security. It is shown that if ID cards were more largely harmonised and checks for non-national EU citizens would be as fast as for nationals<sup>156</sup>, considerable cost savings of around EUR 17.1M per year could be obtained throughout the EU.

Under ID 3) none of the current ID cards will be replaced but instead another document will be added to the numerous documents that are already subject to border checks.

**Access to social protection systems:** The social protection systems will benefit from increased awareness of document formats and security features under ID SOFT), as this reduces scope for abuse. ID 1) and 2) will further reduce document fraud, whereas adding another document under ID 3) that will not replace other documents will not.

**Governance and good administration:** Beyond removing regulatory complexity governance will benefit both from non-binding soft law, and from some harmonisation of ID cards because the authentication of the documents and the identification of persons will be improved. In online services eID functionality on ID cards could speed up bureaucratic processes, cut paperwork and reduce administrative spending.

**E-government:** eID functionality will be optional under all options. Apart from general capacity building and contributions by research and innovation from non-legislative measures there is no additional effect from legislative measures.

**Table 6.4 Summary table on the impacts on public authorities under the Policy Option ID**

Impacts on public authorities	BL	ID SOFT	ID 1	ID 2	ID 3
<b>Economic</b>					
• Costs of guidance, dissemination and awareness-raising,	0	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>

<sup>155</sup> See Annex 3 and 4 for more precise calculation of the cost estimate.

<sup>156</sup> See illustrative case p. 102, CSES study.

<sup>157</sup> See Annex 4 - section 2 (Annual costs for non-legislative measures across the EU)

training					
• Costs of enhancing regulatory and advisory bodies	0	-/0	-/0	-/0	-/0
• Remove regulatory complexity	0	0	+ / ++	++	-
• Compliance costs – implementation	0	0	--	---	-- / ---
• Compliance costs – phasing out	0	0	-- / --- (778.3M)	-- / --- (778.3M)	0
• Time savings – public services	0	+	++	++	0
• Time savings – border control	0	+	++ (17.1M/yr)	++ (17.1M/yr)	0
<b>Social</b>					
• Access to social protection systems	0	+	++	++	+ / ++
• Governance and good administration	0	+	++	++	+ / ++
• E-government	0	+	+	+	+

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

## 6.2. Impacts of the options for residence documents

### General impacts

**Free movement persons:** Soft law measures, such as awareness raising about the rights linked to residence documents<sup>158</sup>, have a positive impact on the free movement of persons, including indirectly on labour mobility. The more harmonised residence documents across Member States are (from RES 1 to 3), the higher is the positive impact because the consequences of the diversity of documents are reduced.

**Reduction of document fraud:** By enhancing administrative cooperation, such as exchanging information about fraudulent documents through FADO/PRADO and more training, RES SOFT) will reduce document fraud. The more security features are progressively added from RES 1) to 3) the less prone they are to counterfeiting.

**Security (reduction of crime, fraud, and terrorism):** Soft law measures (e.g. training) will contribute to reducing crime and improving security within the EU and at its borders because administrations, border guards and police will be more aware about false residence documents. Streamlining formats for and adding security features under RES 2) and 3), such as mandatory fingerprints to TCN FAM cards, may be particularly beneficial to internal security. The main effects will be on border security.

**Fundamental rights:** By creating more harmonised and robust TCN FAM cards the policy options RES 2) and 3) have clearly some impact on private and family life (Art 7 CFEU) because unjustified denial of their holders' entry at the borders or their boarding of planes entering the EU will become less likely.

<sup>158</sup> See Art 8, 10, 16 and 20 of Directive 2004/38/EC.

By taking up the discussion in the relevant forum, such as the Member States expert groups on free movement and on document security (RES SOFT) will have a positive effect on the rights of persons with disabilities (Art 26 CFEU). No additional effect will be achieved by the legislative options.

Both soft-law and regulatory options will contribute equally to preventing the current forgery of documentation, which reinforces the individual's right to liberty and security (Art. 6 CFEU) by enabling national authorities to better prevent and detect identity theft.

The obligation to collect personal data affects the protection of Articles 7 and 8 CFEU. RES SOFT) will not significantly change data processing compared to the baseline. The harmonisation of the very limited amount of data for other residence documents (for EU citizens) under RES 1) will not change these requirements. Apart from the name of the holder, which is already an indispensable feature of any document, the minimum data proposed (title of the document, document number, place and date of issue...) are administrative data which aim to increase the acceptance of the documents by other stakeholders. Higher impacts on fundamental rights are anticipated by policy options RES 2) and RES 3), since they include an obligation to collect mandatory biometrics.

The use of biometrics can have positive impacts on reducing the risk of mistaken identity and also contribute to addressing protection risks for children (such as children going missing or falling victims of trafficking). Because the collection, storing and processing of such data affects the fundamental rights of protection of private life and personal data as enshrined in the CFEU, any measures need to be implemented, corresponding to the safeguards already applied for the biometric data required under the Residence Permit Regulation with a set of complementary safeguards to fully comply with data protection acquis<sup>159</sup>. This is particularly relevant for those cases where minors over the age of six are under options RES 2) and RES 3) will be required to provide fingerprints and other biometric features.<sup>160</sup> Article 24 of the Charter emphasises that the best interests of the child must be a primary consideration in all actions public authorities and private actors take concerning children. This also applies to fingerprinting.

The right of the individuals to access, rectification and objection is not impacted by any of the options. Specific access, erasure and rectification rights should be provided, including an effective remedy before a court or tribunal in line with Article 47 of the Charter. Data processing activities of biometric data for residence documents (especially TCN FAM cards) will only be carried out by competent authorities (border guards, police).

**Table 6.5 Summary table on the general impacts under the Policy Option RES**

	BL	RES SOFT	RES 1	RES 2	RES 3
<b>Functioning of the internal market</b>					
• Free movement of persons	0	+	+ / ++	++	++ / +++
<b>Security</b>					
• Reduction of document fraud	0	+	+ / ++	++	++ / +++
• Reduction of fraud	0	0 / +	+	+ / ++	++
• Reduction of terrorism risk	0	0 / +	0 / +	0 / +	0 / +

<sup>159</sup> Regulation No 1030/2002.

<sup>160</sup> Art. 24 CFEU obliges the public authorities to treat a child's best interests as a primary consideration when processing such data. The RES 2) and 3) requirements do not go beyond those already in place for the residence permit regulation and protections should therefore be aligned in this respect.

• Criminal's chances of detection	0	0/+	0/+	0/+	0/+
• Reduction of number of criminal acts	0	0/+	0/+	0/+	0/+
• Improve security including at the borders	0	+	+	++	++
<b>Fundamental rights</b>					
• Liberty and security (Art 6 CFEU)	0	+	+	+	+
• Private and family life (Art 7 CFEU)	0	+	+/++	++	++
• Protection of personal data (Art 8 CFEU)	0	0	-	-/--	--
• Integration of persons with disabilities (Art 26 CFEU)	0	+	+	+	+

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

## **Impact on citizens**

**Reduction of administrative burden:** Non-legislative measures (RES SOFT) will reduce the administrative burden on citizens, because information about residence documents and the rights linked to them will be more easily available including via the promotion of the single digital gateway. No large effects by the other legislative options.

**Reduction of hassle costs:** RES SOFT) will improve the acceptance of certain residence documents (through raising awareness). With progressively increasing harmonisation level of format and security of residence documents in all EU countries (from RES 1 to 3) it would be more likely that problems of acceptance and authentication of documents are reduced. This will reduce hassle costs.

**Awareness:** RES SOFT) will have a positive impact on the awareness of mobile EU citizens and their family members of their residence documents via the non-legislative measures, such as the information citizens will retrieve via the single digital gateway.

However, as under RES 3) all residence documents – despite their differences in document titles and function (see Directive 2004/38/EC) – will have the same format this could create also more confusion among citizens.

**Access to public and private services:** The impact of the different options on access to public and private services will mirror the impact on reduction of hassle costs and free movement. When EU citizens open a bank account or want access to social security the acceptance of progressively harmonised residence documents will be improved and authentication procedures will be accelerated. Particularly relevant is the improved acceptance of TCN FAM cards under option RES 2) and RES 3) because the use of the uniform format for those cards will increase the probability that TCN family members are not wrongly denied boarding of planes when entering the EU.

**Compliance costs:** Whereas RES SOFT) will not add any compliance costs for citizens and RES 1) no significant costs, the phasing out regime for TCN FAM cards under RES 2) and 3) will require that the affected TCN FAM card holders<sup>161</sup> in up to 21 countries<sup>162</sup> to need to replace their documents before their expiry date. How much they will charge family members of EU citizens for this will depend on the individual Member State.

<sup>161</sup> Only TCN FAM permanent residence cards are affected by the phasing out because the validity of TCN FAM residence cards does not exceed 5 years (see section 2.1 and CSES study).

<sup>162</sup> All countries except DE, LT, NL (and probably since changes recently introduced EL, IE, PT, RO)

**Time savings at the border:** Under RES SOFT) EU citizens and their family members will benefit indirectly from training of officials because they will verify TCN FAM cards<sup>163</sup> more quickly at the external borders. RES 2) and 3) will further reduce waiting times at the borders for TCN family members due to a harmonised standard document for TCN FAM cards across the EU which could be easily checked by border officials.

**Social impacts:** The effects of the different options on employment levels and social inclusion will mirror the effects on free movement of persons.

**Table 6.6 Summary table on the impacts on citizens under the Policy Option RES**

Impacts on citizens	BL	RES SOFT	RES 1	RES 2	RES 3
<b>Economic</b>					
• Reduction of administrative burden	0	+	+	+	+
• Reduction of hassle costs	0	+	+/++	++	++/+++
• Awareness	0	+	+	+	0/+
• Access to public and private services	0	+	+/++	++	++/+++
• Compliance costs	0	0	-/0	-/--	-/--
• Time savings at the border	0	+	+/++	++	++
<b>Social</b>					
• Employment levels	0	+	+/++	++	++/+++
• Social inclusion	0	+	+/++	++	++/+++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### **Impact on businesses**

**Awareness:** With soft law measures there will be more awareness and support via different channels about document features (FADO, single digital gateway...).

**Reduction of training costs:** RES SOFT) will help to reduce costs by bundling training with help for private sector associations. The more harmonised the documents (from RES 1 to RES 3), the lighter the training requirements which does again reduce costs.

**Cost savings in private services – time:** The more harmonised the documents are the more benefits for businesses (banks, estate agents, insurance companies etc.) which require a residence document together with an ID when carrying out services. The time for checking documents will be reduced. However, as for citizens, an identical format for all types of residence documents as under RES 3) with slightly different function (registration certificate, TCN FAM card, etc.) might also create some confusion when these documents are used for private sector services.

**Cost savings at pre-boarding checks – time:** As for private services cost savings, RES 2) and RES 3) will have particular benefits by harmonising the security features of TCN FAM cards,<sup>164</sup> to be easily accepted in all EU Member States when checked before boarding. This will reduce the airlines' liability costs for wrongly denying boarding to passengers carrying a valid but low quality TCN FAM card.

<sup>163</sup> TCN FAM cards function as visa waiver.

<sup>164</sup> Used as visa waiver.

**Companies producing the cards:** RES SOFT and 1) will not change the production system of documents. The switch from the current format to the obligatory uniform format for TCN FAM cards under RES 2), and all residence documents under RES 3) will however create a rather small opportunity for card manufacturers, including SMEs.

**Table 6.7 Summary table on the impacts on businesses under the Policy Option RES**

Impacts on businesses	BL	RES SOFT	RES 1	RES 2	RES 3
<b>Economic</b>					
• Awareness	0	+	+	+	+
• Reduction of training costs	0	+	+ / ++	++	++ / +++
• Cost savings in private services - time	0	+	+ / ++	++	++
• Cost savings at pre-boarding checks - time	0	+	+ / ++	++	++
• Companies producing the cards	0	0	0	+	+ / ++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### **Impact on public authorities**

**Costs of guidance, dissemination and awareness-raising, training:** RES SOFT) will largely rely upon the activities of public administrations. They need to adjust their activities to their needs and possibilities. In particular, enhanced administrative cooperation between Member States (FREEMO expert group, etc.) to exchange information about residence documents issued will produce substantial benefits for the Member States involved. As in practice soft law measures for options ID, RES, PROCESS are bundled, the cost estimate will follow a similar logic as for ID cards.

**Costs of enhancing regulatory and advisory bodies:** There will be only marginal costs to task the relevant bodies (FREEMO expert group, expert group on document security) with discussions about the format and security of residence documents.

**Remove regulatory complexity:** The more documents' format and security is harmonised the more regulatory complexity across the EU Member States is reduced.

**Time savings – border control:** There is some effect on speedier border checks through better awareness and training related to TCN FAM cards used as visa waiver (RES SOFT). The limited harmonisation of certain data (RES 1) will have no greater impact. RES 2) and 3) will however increase time saving through the implementation of harmonised TCN FAM cards.

**Time savings – public services:** Mirroring the general effects on free movement increasing harmonisation will have a positive impact on quicker procedures for public services. Under RES 3) the expected benefit will contribute to removing problems for the 7.2 million residents in other Member States. However, it is not possible to quantify what benefits can be expected, since it will be impossible to link any benefits directly to the policy change proposed.

**Compliance costs – implementation:** By asking for a limited amount of data to be harmonised, RES 1) will not place a substantial burden on public administrations but ensure that residence documents contain a minimum of information relevant for administrative

purposes EU-wide. At least 19 Member States will have to correct or translate the title of the documents.<sup>165</sup>

Under RES 2) at least 21 Member States<sup>166</sup> will need to upgrade their production for TCN FAM cards. And as there is currently no single Member State that issues its entire set of residence documents in compliance with the uniform format, under option RES 3) all 28 Member States will have to adapt their existing production for residence documents.

**Compliance costs– phasing out of TCN FAM cards:** As regards the phasing out of old non-compliant documents, at least 14 Member States<sup>167</sup>, not using yet the uniform format, will need to bear some additional costs for the quicker 5-years transition period. The only cards to be phased out prematurely are some of the TCN FAM permanent residence documents, whereas TCN FAM residence cards are anyway naturally replaced within a five years cycle. The additional cost that Member States would have to bear under RES 2) and 3) will amount to EUR 3.1M<sup>168</sup>.

**Reduction of number of queries:** Better acceptance and authentication of harmonised TCN FAM documents under RES 2) and 3) will reduce the number of queries made by the national authorities concerning the TCN family member's Schengen visa exemption.

**Table 6.8 Summary table on the impacts on public authorities under the Policy Option RES**

Impacts on public authorities	BL	RES SOFT	RES 1	RES 2	RES 3
<b>Economic</b>					
• Costs of guidance, dissemination and awareness-raising, training	0	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>
• Costs of enhancing regulatory and advisory bodies	0	-/0	-/0	-/0	-/0
• Remove regulatory complexity	0	0	+	+/++	++
• Time savings – border control	0	+	+	++	++
• Time savings – public services	0	+	+/++	++	++/+++
• Compliance costs – implementation	0	0	-/0	-	--/---
• Compliance costs – phasing out of TCN FAM cards	0	0	0	- (3.1M)	- (3.1M)
• Reduction of number of queries	0	0	0	++	++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### 6.3. Impacts of the options for PROCESS

#### General impacts

**Free movement of persons:** PROCESS SOFT) will foster free movement of persons by promoting more citizen-friendly administrative procedures, such as online applications for

<sup>165</sup> AT, BE, BU, CZ, DE, EE, EL, ES, FR, HR, HU, IT, LU, MT, PL, PT, SK, UK; Formats for DK, FI, IE, LT and SE are unknown and they may also be concerned.

<sup>166</sup> All countries except DE, LT, NL (and probably since changes recently introduced EL, IE, PT, RO)

<sup>167</sup> See FN 165

<sup>168</sup> See Annex 3 and 4 for more precise calculation of the cost estimate.



residence documents. In respect to option PROCESS 1), requiring all consulates to issue ID cards to their citizens in addition, will clearly facilitate free movement for citizens of those countries<sup>169</sup> where this is currently not possible. This will also have a positive impact on labour mobility and cross-border services.

**Reduction of document fraud:** Promoting robust online procedures, such as under PROCESS SOFT, will have a very limited impact on the reduction of document fraud. Moreover, Member States will share information about production and issuance processes, as well as whether they have stopped producing a certain document. Under PROCESS 1) the effect on document security is the same because issuing an ID card via the consular network is not more secure than travelling back to the home country and personally applying for a document at a local authority.

**Improve security including at borders:** Based upon the positive impacts on the reduction of document fraud (see above) soft law will contribute to improving the general security level including at the external borders.

**Fundamental rights:** PROCESS SOFT) will have a positive effect on the rights of persons with disabilities (Art 26 CFEU) by creating online procedures to receive documents. Moreover, persons with disabilities accessibility will be improved via the possibility to apply for ID documents via the consular network (PROCESS 1).

Because data processing will be involved with both options, Articles 7 and 8 CFEU are affected and adequate safeguards will be required, compatibly with the data protection *acquis* and in alignment with those already described for the ID and RES options. The right of the individuals to access, rectification and objection is not impacted by any of the options. Access, erasure and rectification rights an effective remedy would be ensured in line with requirements of the data protection *acquis* and Article 47 of the Charter

**Table 6.9 Summary table on the general impacts under the Policy Option PROCESS**

	B L	PROCESS SOFT	PROCESS 1
<b>Functioning of the internal market</b>			
• Free movement of persons	0	+	+ / ++
<b>Security</b>			
• Reduction of document fraud	0	+	+
• Improve security including at the borders	0	+	+
<b>Fundamental rights</b>			
• Private and family life (Art 7 CFEU)	0	- / 0	- / 0
• Protection of personal data (Art 8 CFEU)	0	-	-
• Integration of persons with disabilities (Art 26 CFEU)	0	+	++

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

### **Impact on citizens**

**Reduction of administrative burden:** Online application for residence documents will reduce the administrative burden on citizens (PROCESS SOFT). If consulates provide their

<sup>169</sup> Croatia, Czech Republic, Finland, Hungary, Malta, Romania and Spain.

nationals with the opportunity to request ID documents via the consulate this will also substantially reduce the administrative burden on mobile EU citizens (PROCESS 1).

**Awareness:** Through soft law measures awareness will be raised about opportunities for application online, as well as via the consular network.

**Reduction of hassle costs (cost of the trip):** After soft law measures under PROCESS SOFT), citizens will most likely have fewer problems e.g. requesting residence documentation or opening bank accounts where residence certificates need to be presented. Under PROCESS 1) the benefits for expatriates can be quite substantial, as the opportunity to apply for an ID card via a consulate will save a potentially costly trip back to their home country which would otherwise be needed to renew the ID card.

**Shipping costs:** Only relevant for PROCESS 1). The costs of shipping the card from the Member State where the card is produced to the consulate is charged to the citizen.

### **Impact on public authorities**

**Costs of guidance, dissemination and awareness-raising, training:** The costs for soft law measures are a part of the overall soft law package as discussed under the ID SOFT) and RES SOFT) options. Measures can be adjusted to the needs of the Member States.

**Costs of enhancing regulatory and advisory bodies:** Tasking the usual groups, such as the FREEMO expert group or the expert group on document security with exchanging process-related information will not add significant costs

**Remove regulatory complexity:** No effect under soft law. PROCESS 1) will simplify and harmonise the regulatory framework for issuing ID cards via the consular network.

**Reduction of administrative costs:** Public authorities can save administrative costs if application procedures are undertaken online as proposed under PROCESS SOFT). As there is little evidence available on the administrative costs of issuing residence documents, it is impossible to calculate the precise gains but extrapolating the Danish case<sup>170</sup> argues for substantial cost savings. Under PROCESS 1) this cost saving will be partially offset by the administrative costs of issuing ID cards via the consular network.

**Compliance costs – implementation:** No compliance costs for soft law (PROCESS SOFT), as non-binding. PROCESS 1) will involve only costs for those seven Member States that currently do not issue ID cards via their consular network.<sup>171</sup> There are two types of costs. First, those Member States will incur costs to establish the process for issuing the ID cards. Second, excluding shipping costs, they will only be able to charge the same amount for issuing the document via the consular network as for issuing it within their home administration. The costs cannot be calculated due to a lack of data.

**Table 6.10 Summary table on the impacts on citizens and public authorities under the Policy Option PROCESS**

	BL	PROCESS SOFT	PROCESS 1
<b>Impacts on citizens - Economic</b>			
• Reduction of administrative burden	0	+ / ++	++
• Awareness	0	+	+

<sup>170</sup> In the case of Denmark a rough estimate is that the new online system should lead to a 40% to 50% time-saving for public authorities.

<sup>171</sup> Croatia, Czech Republic, Finland, Hungary, Malta, Romania and Spain

• Reduction of hassle costs (cost of the trip)	0	+	++
• Shipping costs	0	n/a	-
<b>Impacts on public authorities - Economic</b>			
• Costs of guidance, dissemination and awareness-raising, training	0	- (11M/yr) <sup>157</sup>	- (11M/yr) <sup>157</sup>
• Costs of enhancing regulatory and advisory bodies	0	-/0	-/0
• Remove regulatory complexity	0	0	+
• Reduction of administrative costs	0	++/+++ (40-50%) <sup>172</sup>	+/++
• Compliance costs – implementation	0	0	-/--

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

## 7 HOW DO THE OPTIONS COMPARE?

Based on the assessment of the likely various impacts (economic, social, security and fundamental rights impacts) and their distribution across stakeholders (citizens, businesses and public authorities) under section 6, this section compares the different options with regard to their effectiveness, efficiency, coherence with other (EU) policies and their compliance with the proportionality principle.

Options are compared within each policy instrument and it is ensured that the preferred options for the ID cards, for the residence documents and for the process related-issues do not change if the choice of options changes for the other policy instruments. For example, choosing a solution addressing format and security of ID cards is independent of choosing the format and security of residence documents (or the choice of a solution for addressing process-related issues). Finally, it shall be clear that ranking the preferred options is independent from the choices made elsewhere.

Multi-criteria analysis is used in this report to compare the different options within each policy instrument. This methodology is chosen in particular due to the difficulty to quantify impacts and to take into consideration some distributional concerns.

### 7.1. Comparing the options for ID cards

**Effectiveness:** ID SOFT will rather effectively contribute to tackle some of the root causes (lack of awareness, bureaucratic procedures) of the problems (see 2.1) but not completely address the problems of insufficient acceptance and lacking authentication of ID cards because format and security of ID cards will not be upgraded with soft law measures. Promoting (optional) eID functionalities on ID cards can simplify the daily life of citizens as referred to by the opinion of the REFIT platform.<sup>173</sup>

Option ID 1) will demonstrate a high degree of effectiveness by a fair level of harmonisation of format and security features. ID 1) will reduce document fraud and identity theft and reduce hassle costs and administrative burden on citizens. There will be, for example, less uncertainty among airlines as to whether a document makes the holder eligible to travel. This

<sup>172</sup> If DK system for online application system of residence cards is extrapolated to all ID and residence documents, as well as countries.

<sup>173</sup> REFIT Platform Opinion on the submission by a citizen (LtL 242) on Identity and Travel Documents, 7 June 2017.

will simplify the daily life for citizens and also effectively save time and costs (cut red tape) for businesses.

Option ID 2) will address the same issues as option ID 1) and even be more effective at achieving the specific objectives of reducing document fraud and improving document authentication. As a specific feature substantially contributing to combating crime and improving security, fingerprints will be obligatory and ID cards will be further harmonised. This will simplify the work of stakeholders, such as border control officials and private sector service providers.

Option ID 3) will establish the same layout and same security features for ID cards as under ID 2), but will not address the specific objectives as effectively as ID 1) and ID 2), since national ID cards will still co-exist alongside the voluntary EU ID card.

**Efficiency:** Whereas the efficiency of ID SOFT is variable depending on the activity implemented and adaptable to the specific Member State needs, ID 1) will involve some costs for several countries (changing substrate, printing, etc.) but also create substantial intangible benefits (see section 6.1).

With slightly higher benefits than ID 1), ID 2) will bear substantially higher costs for implementation and management (mainly due to mandatory fingerprints) and is, as a result, also less efficient than ID 1).

ID 3) will be less efficient than ID 1) and 2) because the benefits from introducing an additional EU ID card with mandatory fingerprints but not harmonising at all the national ones will not substantially outweigh the costs. ID 3) does not bear phasing out costs like ID 1) and 2) but the general implementation costs are almost as high as for ID 2), because a harmonised card including the management of fingerprint data needs to be established.

In the long run, all legislative options ID 1) to 3) might reduce some costs due to economies of scale within the production process.

**Coherence:** Both non-legislative and legislative ID options will be compatible with the existing EU framework of initiated EU policy initiatives, such as the initiative launched to establish a European Social Security Number.

The coherence of the proposed soft law measures is also ensured, as they are delivered through existing forums to minimise costs and to avoid a disproportionate administrative burden. Using non-legislative measures to promote eID functionality is coherent with the existing framework, such as eIDAS. eIDAS is aligned with the objectives of the Digital Agenda for Europe, which plays a key role in achieving growth in the EU. However, recent events<sup>174</sup> have also shown that very strong safeguards are required to avoid hacking and fraud of national cards with eID functionality (optional feature under all legislative options).

The coherence of option ID 1) will be high as no major amendments to the current situation are foreseen. Furthermore, most ID cards in most countries already meet most of the basic requirements. For option ID 1) and ID 2) documents will basically follow the standards as established for passports<sup>175</sup> or residence permits<sup>176</sup>.

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<sup>174</sup> <http://www.zdnet.com/article/estonias-id-card-scrisis-how-e-states-poster-child-got-into-and-out-of-trouble/> and <http://www.zdnet.com/article/id-card-security-spain-is-facing-chaos-over-chip-crypto-flaws/>

<sup>175</sup> Council Regulation (EC) No 2252/2004

<sup>176</sup> 'Uniform format' as prescribed by Regulation 1030/2002

ID 1) and ID 2) would be particularly coherent with the existing EU Action Plan on travel document fraud, as they would address the security gap for ID cards. The Action Plan, as well as the related Council Conclusions, do not specify whether fingerprints should be mandatory or not. Therefore both ID 1) and ID 2) can be regarded as equally coherent.

Policy Option ID 3) could lead to incoherence with current national ID cards and to duplication, as national ID cards and EU ID cards will both need to be valid in parallel.<sup>177</sup>

**Proportionality**<sup>178</sup>: ID SOFT) will rely on existing frameworks for their implementation. Soft law does not require Member States to change existing legislation or to fundamentally change national practices. Simultaneously a positive effect can be expected since awareness and knowledge of all involved stakeholders will be improved.

Option ID 1) will only require changes to a relatively small number of Member States<sup>179</sup> while potentially having a major positive impact in clarifying the status and functionality of ID cards. It will require citizens to provide biometric data in the form of a photograph (which is in no case a new requirement). Nevertheless, as this will be compulsory in those states for which ID cards are compulsory, adequate safeguards will be required.

Option ID 2) goes beyond ID 1) in its ambition to harmonise having a higher positive effect on security but also creating higher cost and requiring additional safeguards to respect certain fundamental rights (in particular the right to the protection of personal data) (*see above Effectiveness and section 6.1*).

Under options ID 2) and ID 3) citizens will be required to provide their fingerprints when ID cards are requested. This obligation interferes with the fundamental rights to privacy and data protection<sup>180</sup>. While in the *Schwarz* case the CJEU held that the interference with regard to passports is proportionate to the objective of maintaining security, in the context of ID cards the threshold for satisfying the necessity test may be higher, because ID cards are compulsory in some Member States in which fingerprints are not currently collected.

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<sup>177</sup> This would not be the case however if one document would only be used for travel purposes and the other for other purposes within the country that issued the document.

<sup>178</sup> The proportionality test ensures that any policy measure is limited to what is necessary to achieve its objectives. During the consultation several Member States stated that matters related to ID cards touch upon national sovereignty and that far-reaching EU action in this field would not be proportionate to the aims being pursued. At the same time, it should be underlined that an attempt by a Member State to save costs by reducing the security features on the ID and residence documents they produce may have negative consequences on security for other Member States and of the security of the Union as a whole.

Interference by a public authority with individuals' right to data protection may be necessary in the interest of national security, public safety or the prevention of crime (See Art. 53 EU Charter on Fundamental Rights and Art. 8, Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No 5), Council of Europe, 4.11.1950.). The jurisprudence of the Court of Justice and of the European Court of Human Rights establishes the conditions under which such restrictions may be justified: if it is lawful, if it pursues a legitimate aim and if it is necessary in a democratic society. Interference with the right to privacy is considered necessary if it answers a pressing social need, if it is proportionate to the aim pursued and if the reasons put forward by the public authority to justify it are relevant and sufficient (See *Marper v the United Kingdom*, European Court of Human Rights judgment, Strasbourg, 4.12.2008.). As noted above, these principles have been interpreted in the context of the data requirements of the current Passports Regulation (Council Regulation (EC) No 2252/2004).

<sup>179</sup> Only, EL, FR and IT will need to phase out a considerable number of ID cards before their expiry date under ID 1), as well as ID 2).

<sup>180</sup> Only, EL, FR and IT will need to phase out a considerable number of ID cards before their expiry date under ID 1), as well as ID 2).

In terms of document security, a completely harmonised common document, like under ID2 or 3), could also mean that the impact of falsification will be much greater than if only one country's document were falsified. An analogous issue is created through the implementation of a common contactless chip standard.

Representing an additional and not a replacement card regime, policy option ID 3) also highlights the question of where the data contained on the ID cards will be stored.<sup>181</sup> Given existing Member State practices which do not require centralisation of storage, the outcomes envisaged under ID 3) can clearly be achieved without them. However, ID 3) is a mere add-on and does not considerably change and influence the system in relation to national ID cards. It will not address most of the problems defined and encountered by stakeholders. ID 3) is therefore the least proportionate option.

**Table 7.1 Comparison of the options within the Policy Option ID**

Criteria	BL	ID SOFT)	ID 1)	ID 2)	ID 3)
<b>Effectiveness towards the objectives</b>					
Improve authentication of documents and reduce document fraud	0	+	++/+++	+++	+/++
Improve acceptance of documents	0	+	++	++	+/++
Simplify daily life for citizens and cut red tape	0	+	++	++	+/++
<b>Efficiency</b>					
Costs	0	-/0	-	--	-
Benefits	0	+	++/+++	+++	+/++
(COSTS VS BENEFITS)		0/+	+/++	+	0/+
<b>Coherence (with other policies<sup>182</sup>)</b>	0	+	+	+	0
<b>Proportionality</b>	0	+/++	+	0/+	-

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

As a result of the comparison of the options (*see Annex 4 for a detailed assessment on the comparison of the options based on a multi-criteria analysis*), there are two optimal ranking solutions where ID 1) always ranked first. The two optimal ranking solutions are:

- Option ID 1), followed by ID 2), followed by ID SOFT), followed by ID 3) and followed by the baseline scenario;
- Option ID 1), followed by ID 2), followed by ID 3), followed by ID SOFT) and followed by the baseline scenario.

Therefore, ID 1) is identified as the preferred option in both optimal solutions. Although less effective than ID 2), it is more efficient and proportional. ID 1) also address all specific objectives satisfactorily and leaves the Member States as much scope as possible for national

<sup>181</sup> Storing all data in a central database at the EU level should be discounted from the outset: currently many Member States do not even have central registries for their own citizens, and such a centralised store would raise great data protection concerns.

<sup>182</sup> In particular Fundamental rights, data protection and digital policies

decisions about a document that they regard as an “expression of the identity of their country” (see Annex 2 – section 3 stakeholder views).

## 7.2. Comparing the options for residence documents

**Effectiveness:** Soft law measures under RES SOFT will contribute to addressing the problems. Nevertheless the root causes of the problems (differences and inconsistency of documents, missing security features in particular for TCN FAM cards) will not be effectively targeted (see section 6.2).

Progressive legislative harmonisation of format and security of residence documents (from RES 1) to 3) will mean increasing effectiveness, as this will also increasingly reduce document fraud and acceptance and authentication of documents by facilitating the work of national authorities.

This will mean that – given the order of magnitude of residence documents for EU citizens in circulation – options RES 1) and RES 2) will solve the same share of the problems identified in 2.1 for residence documents of EU mobile citizens. However, RES 2) will also target security gaps in TCN FAM cards, which have an important function as visa waivers at the external borders. RES 2) is thus more effective than RES 1).

RES 3) will address format and security features of all documents and will thus address all the root causes of the problems of all the residence documents. The increased streamlining of all documentation will mean that authorities will be more familiar with all documents regardless where they are issued.

Under RES 3) the initiative’s specific objectives (reduce document fraud, improve acceptance and authentication of documents, raise awareness and simplify the lives of all target groups) will be addressed. There will therefore be greater effectiveness in carrying out authenticity checks, which might be quicker. The overall harmonisation under RES 3) will also potentially further simplify the daily life for citizens. However, at the same time harmonising residence documents with different function and use can also cause some confusion which would outweigh some of the additional positive effects by RES 3). This means that overall RES 2) and RES 3) are equally effective as regards their potential to simplify the daily life for citizens.

**Efficiency:** RES SOFT) is adjustable to the needs of a Member State and is therefore relatively cost neutral. RES 1) will not create any significant compliance costs, since production standards will not need to be changed.

Some Member States already use the uniform format for TCN FAM cards, which will therefore trigger some but not substantial compliance costs under RES 2). If only one type of document needs to be printed and only adapted to the specific residence status, the authorities will only need one type of machinery, one procedure and one type of material to issue different documents. In practice, the uniform format for residence documentation should contain all the necessary information and meet very high technical standards, in particular regarding safeguards against counterfeiting and falsification. The format will also be suited to use by all the Member States and bear universally recognisable harmonised security features, visible to the naked eye.<sup>183</sup>

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<sup>183</sup> Recital 5 of Council Regulation 1030/2002.

If this is extended to the other types of documents related to residence status (RES 3) there will be even greater economies of scale. However there will also be very substantial and much bigger investment (costs) in changing printing techniques, etc. for all other documents. This will by far outweigh the additional benefits of RES 3) and thus make this option less cost-efficient than all the others.

**Coherence and proportionality:** The remarks made with respect to ID cards about the issue of proportionality in the context of interference with fundamental rights as enshrined in the Charter, and in particular the fundamental rights to private and family life and the protection of personal data, apply mutatis mutandis to this section.

The more the residence documents across Member States are harmonised (in ascending order from RES 1) to 3) the more likely it is that the problems described in section 6.2 will be addressed (see effectiveness above). Improved security of the TCN FAM cards (with their specific function) will be achieved by RES 2) and RES 3) by mandatorily adopting the uniform format. This will be particularly coherent with the treatment of other TCNs receiving a residence permit. Simultaneously RES 2) and RES 3) will guarantee that the TCN FAM cards are properly marked, so that the specific rights of TCN family members under Directive 2004/38/EC are properly flagged.

As noted in section 6, creating a level playing field in the treatment of TCNs with respect to the application of the residence permit format does mean that in some Member States biometric data will have to be collected and stored, and in some cases this will be for minors aged over 6 years. While this does mean that particular case would have to be taken to ensure that adequate safeguards are in place if these options are implemented, the requirements for biometric data would not go beyond those already in place under the residence permit regulation, and are necessary in that context.

Directive 2004/38/EC puts each specific residence document type (e.g. registration certificates, TCN FAM residence cards) in the specific context of the provisions of the free movement acquis. A complete harmonisation of all residence documents will therefore only make sense if the objectives and provisions related to those residence documents, as referred to in Directive 2004/38/EC, are the same. This is not the case and reduces the coherence and proportionality of a solution like under RES 3) requiring harmonisation of all documents, no matter what their use is.

**Table 7.2 Comparison of the options within the Policy Option RES**

Criteria	BL	RES SOFT)	RES 1)	RES 2)	RES 3)
<b>Effectiveness towards specific objectives</b>					
Improve authentication of documents and reduce document fraud	0	0/+	+ /++	++	++ /+++
Improve acceptance of documents	0	0/+	+ /++	++	++ /+++
Simplify daily life for citizens and cut red tape	0	0/+	+ /++	++	++
<b>Efficiency</b>					
Costs	0	0	- /0	-	-- /---
Benefits	0	+	+ /++	++ /+++	+++
(COSTS VS BENEFITS)	0	+	+	+ /++	0 /+



Criteria	BL	RES SOFT)	RES 1)	RES 2)	RES 3)
<b>Coherence (with other policies)</b>	0	0/+	+	+	0/+
<b>Proportionality</b>	0	0/+	+	+	0/+

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

Based on the multi-criteria analysis methodology for comparing the different options, in the two optimal ranking solutions RES 2) always ranked first (for more details on the methodology see Annex 4). Therefore, despite option RES 3) being slightly stronger in effectiveness, option RES 2) is selected as preferred option due to its better scores on efficiency, coherence and proportionality.

### 7.3. Comparing the options for PROCESS

**Effectiveness;** PROCESS SOFT) will simplify the life of citizens by promoting more speedy and comfortable ways for requesting ID and residence documents, Adding the possibility to request ID cards via the consular network in PROCESS 1), will be even slightly more effective and promote the general policy objectives of facilitating free movement. Both options will – to a lesser extent – also contribute to improving security via a very limited impact on document fraud (see also section 6.3).

**Efficiency:** Overall, the costs related to both PROCESS options are considered minimal. Promoting the use of an online tool for requesting ID and residence cards can be adapted to each Member State's needs. The costs to the countries currently not providing ID card renewal via consular networks can be regarded as higher but still limited. The benefits should outweigh the costs for both options, in particular for citizens living abroad. As a result both options under PROCESS can be regarded as equally efficient.

**Coherence:** Option PROCESS SOFT) will be coherent with the EU e-Government Action Plan 2016-2020. PROCESS SOFT) is also compatible with the possibility to request information about the rights and obligations linked to ID and residence documents, as proposed through the single digital gateway (SDG).

The original proposal to the Single Digital Gateway<sup>184</sup> envisaged that citizens will be able to request and renew inter alia ID cards via the single digital gateway. However, this possibility was deleted during negotiations because Member States were concerned about abuse/fraud if these procedures were fully online and also because some Member States require biometric checks etc.<sup>185</sup> The feature to require all Member States to issue ID cards through consular networks set out in PROCESS 1) is thus not entirely coherent with the current framework in this respect.

**Proportionality:** under PROCESS SOFT) the intensity of action will be adjusted to the needs of each Member State. PROCESS 1) will require a legal intervention into the Member States administrative procedures related to document issuance. This is hardly acceptable to Member States (see also coherence above).

**Table 7.3 Comparison of the options within the Policy Option PROCESS**

<sup>184</sup> COM (2017) 256 final: Proposal for a Regulation of the European Parliament and the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012

<sup>185</sup> Council document 8838/17 + ADD 1

Criteria	BL	PROCESS SOFT)	PROCESS 1)
<b>Effectiveness (towards objectives)</b>			
Reduce document fraud	0	+	+
Simplify daily life for citizens and cut red tape	0	+	++
<b>Efficiency</b>			
Costs	0	0	-/0
Benefits	0	+	+ / ++
(COSTS VS BENEFITS)	0	+	+
<b>Coherence (with other policies)</b>			
	0	+	-/0
<b>Proportionality</b>			
	0	+	-

Note: The evaluation is based on a scale of 10 steps from very negative impact (---) to very positive impact (+++)

"0" indicates no change (i.e. neutrality)

As a result of the comparison of options using the multi-criteria analysis (*for more details see Annex 4*) option PROCESS SOFT) ranks first in the unique optional ranking solution, in particular because of its higher scores in coherence and proportionality.

#### 7.4. How sensitive are the preferred options to using different weights for the criteria?

The multi-criteria analysis presented uses equal weights between the individual criteria. When equal weights are used between the individual criteria, effectiveness (adding the three sub-criteria) gets the highest weight (50% for ID and RES options and 40% for PROCESS option). A sensitivity test was carried out to see if the conclusions of the multi criteria analysis are stable when applying different weights (*see Annex 4*).

The preferred options are kept, even if

- (i) Equal weights are used between the categories of criteria (25% each for effectiveness, efficiency, coherence and proportionality)
- (ii) Efficiency gets the highest weight (50% weight used for efficiency)
- (iii) Coherence gets highest weight (50% weight used for coherence)

In case the proportionality criterion gets the highest weight, only the preferred option for ID policy area changes (ID SOFT instead of ID 1). For the other policy areas (RES and SOFT) the previous results of the preferred option are kept.

A further test is to look at the specific objectives of this initiative and increase the weight of the individual effectiveness sub-criteria. We can focus on the options presented towards the:

- (i) Security specific objective:

Option ID 1) and Option RES 2) are the preferred options. This outcome changes if a weight around 1/3 is given to the criterion 'Improve authentication of documents and reduce document fraud' (and all the other criteria with equal weight). In this case, Option ID 2) (including mandatory fingerprints) and Option RES 3) (harmonising all residence documents) are the preferred options. PROCESS SOFT is still the preferred option under these circumstances.

- (ii) Free movement objective:

Option ID 1) is the preferred option unless the weight attributed to the criterion ‘Improve acceptance of documents’ is very close to 1. Option ID 2) would be in this case the preferred option. Regarding RES option, RES 1 is the preferred option unless a weight around 1/3 is given to the criterion. RES 3 would be the preferred option in this case.

## 8 PREFERRED OPTION

### 8.1. The preferred options

Following the comparison of policy options in section 7, Table 8.1 shows the options found most suitable to promote the objectives of improving security at borders and internally within Member States, and freedom of movement.

**Table 8.1: Overview about the preferred option(s) and the measures included**

Policy options	Non-legislative measures	Legislative measures
ID cards (p.25)	ID SOFT)	ID 1)
Residence documents (p.29)	RES SOFT)	RES 2) (includes RES 1)
Process (p.30)	PROCESS SOFT)	-

The selected policy options follow a set of minimum standards for document format and security and thus make border control more effective and more secure. Regarding free movement, the preferred policy options diminish ‘hassle costs’ to EU citizens when crossing the border and when accessing private and public sector services.

Non-legislative measures will allow for adaptable tailor-made support for the work on documents, but also on the administrative processes regarding issuance, renewal and handling of documents. Soft law support will also connect the discussion about documents in the context of security and free movement to other identity management, sectoral debates such as in taxation, social security or student mobility.

The issuance of ID and residence documents is a national prerogative and this will remain unchanged. As shown above, the selected options respect the principles of proportionality and subsidiarity, as they do not disproportionately intrude on national policy, requiring more modest harmonisation than, e.g., the uniform EU driving licence.

In the long run a potentially large number of ID card holders (more than 300 M) will profit from a more secure ID card format but only a very limited number of people (around 15 M) will be required to quickly renew their cards and the respective Member States' obligation to hold an ID card from a certain age (*see Annex 8 Figure 8.1*).

### 8.2. Combined impact of the preferred options

The principal impact analysis of the preferred options is described in the previous sections 6 and 7. Here only the aggregate impacts of the preferred options compared with the baseline scenarios (no EU intervention) are presented.

#### **Phasing in**

After entry into force of legislation all new ID cards and residence documents will need to be produced based on the requirements in line with the preferred option and the more detailed technical specifications to be laid down by a Technical Committee<sup>186</sup>.

A few countries<sup>187</sup> produce documents which already fully comply with those proposed requirements. All the other Member States will need to upgrade their new ID cards, TCN FAM documents, and residence documents to mobile EU citizens.

This may have a financial impact, although compared to the baseline, the additional costs related to a simple upgrade might not be substantial. For example, the upgrade of biographical data, such as in the case of the German ID card, or the title, such as in the case of IE, should have no significant cost impact. Similarly, the material cost of an ID card with a contactless chip will not be significantly higher than for a card with a contact chip (such as in FI). However, the shift from a paper ID card without biometrics to a plastic card with biometrics, such as in EL, will obviously mean higher cost. The costs related to new card reader infrastructure and an additional handling of biometric data could be even more expensive. However, since all Member States already handle their passports under the technical conditions set under the preferred option for ID cards, any additional costs in this regard will be very limited.

For TCN FAM cards the upgrade for at least 21 countries will be to meet the requirements of the 'uniform format' as introduced by the respective legislation on residence permits.<sup>188</sup> This will range from simply adding the title in another EU language (e.g. SK) which will have no relevant cost impact to switching from an ordinary paper card to the fully fledged card respecting the 'uniform format' (e.g. AT).

The simple upgrade of the residence documents for mobile EU citizens, i.e. adding either the document number, the correct title of the document and its translation, or the date/place of issue, in 24 Member States will not have any relevant financial impact. There will be no other changes in format and production required from Member States.

*See Annex 8, Figures 8.2-3 and Tables 8.2-4 for a more detailed analysis of the preferred option's impact for each document type and Member State. A more detailed presentation per Member State ("country fiches") is included in Annex 10.*<sup>189</sup>

### **Phasing out**

A phasing out is foreseen for ID cards and TCN FAM cards but not for residence documents issued to EU citizens (e.g. registration certificates), as this would create legal uncertainties regarding the free movement acquis. The phasing out regime simply serves the purpose of accelerating the upgrade. Hence, a quicker phasing out of old documents is foreseen where the requirements regarding security are more urgent. Should it be decided to further accelerate the phasing out, this would imply higher and increasing costs (*see also Annex 4 section 1*).

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<sup>186</sup> See in a similar way Art 2 and 5 of the Council Regulation (EC) No 2252/2004 (security features and biometrics in passports).

<sup>187</sup> BG, CY, HU, LV, LT, LU, and NL for ID cards, DE, LT, NL (and probably EL, IE, PT, RO which have recently introduced changes that need to be monitored) for TCN FAM cards; CY, NL, RO, and SI for residence documents issued to EU citizens.

<sup>188</sup> Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (amended in 2017)

<sup>189</sup> The impact of the non-legislative measures is not included, since these measures are non-binding and adjustable to each Member State's needs.

For **ID cards** phasing out within 10 years will be required for AT, BE, CZ, EE, FI, DE, ES, HR, IE, MT, PL, PT, RO, SK, SI, SE. For most ID cards the validity of cards is already up to 10 years. This means the phasing out will not create additional costs because they will be naturally replaced within 10 years.

BE, CZ, ES, RO, SK, SI however have produced cards with longer validity for senior citizens (see Annex 5, Table 2.2). The same applies to BG and HU whose new ID cards are compliant with the preferred option but nevertheless some old cards issued to senior citizens will need to be replaced. These cards will therefore need to be phased out earlier than foreseen which will have a financial impact. However, this will concern a very limited part of the population, as, if we count the deadline for adoption of the Regulation (2 years), finalisation of the standards by a committee (1 year) and the 10 years phasing out, only seniors above 68 (RO), 71 (for BG), 73 (SK), 78 (HU), 83 (CZ, ES and SI) and 88 (BE) will be concerned in the respective Member States.

Phasing out within five years will be required for ID cards which do not have a fully functional machine readable zone (MRZ) allowing for basic interoperability and a form of automated checks of EU citizens' identification. This will impact on EL, FR and IT, since ID cards will need to be renewed considerably faster than the 15 years foreseen in EL and FR and the 10 years foreseen in IT.

For **TCN FAM cards** phasing out within five years will be required when the TCN FAM cards are not currently based on the uniform format for residence permits. This will create no additional financial impact for the phasing out of TCN family member residence cards because their validity is always five years and they will be therefore naturally replaced in this time frame.

However, phasing out TCN FAM permanent residence cards (which are usually valid for 10+ years) within five years will bring additional costs in at least 14 states (AT, BG, CY, CZ, DK, ES, FI, HR, HU, IT, LU, PL, SI and UK). EL, IE, PT, and RO have announced that they are currently implementing the uniform format but if they do not manage in time, this will also affect their phasing out of TCN FAM permanent residence cards.

*Tables 8.5-7 in Annex 8 give an overview about any compliance cost for phasing in and out regimes for each document type and Member State, including quantification if possible. A broad analysis of cost savings is provided in section 8.3 (REFIT). An overview of cost and benefits (quantified as far as possible) is presented in Annex 3. For a cost estimate of a range of freely adjustable soft law activities see Annex 3 and 4.*

The wider **economic and social impacts** of the preferred option have been discussed in the previous sections 6 and 7.

The legislative proposal affects **fundamental rights** in five main areas:

- i. to citizens liberty and security (Article 6 Charter FEU),
- ii. to their private and family lives (Article 7), and the protection of their personal data (Article 8),
- iii. to the integration of persons with disabilities (Article 26 CFEU),
- iv. to their political rights (Articles 39-40 and 44 CFEU),
- v. to their freedom of movement and residence (Article 45 CFEU).

The elimination of the problems identified in the exercise of free movement and to security through the non-legislative and legislative measures proposed naturally yield a positive

impact on liberty and security and free movement rights. The protection of disability rights and political rights can be improved in principle under the non-legislative measures if they are included as an objective of the enhanced coordination and dialogue pursued.

The provisions on ID cards and on uniform format residence cards including biometrics affect the protection of private life and personal data (Article 7 and 8 CFEU), because they involve the collection, storage and processing of personal data, including biometric data (facial image and potentially fingerprints) about the bearer of the card.

EU law on data protection<sup>190</sup> applies to personal data processed in application of any regulation related to ID and residence documents including the right of data subjects to have access to personal data processed in their documents and have them corrected. The protection of fundamental rights is ensured principally by safeguards which are based on or directly reference to existing provisions of identical or parallel legal frameworks for achieving the same results, either in national ID card schemes, or through alignment to other EU instruments including the Passport Regulation framework.

The question of data protection is much more acute in how and the extent to which Member States will store biometrics in national databases of identities and issued cards. The preferred option does not tackle this, and the civil registry databases are not within the scope of any future proposal. In any case the initiative shall not provide a legal basis for the centralised storage of data collected thereunder or for the use of such data for purposes other than that of the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law (as set out e.g. in Art. 4 Regulation 2252/2004).

As regards the inclusion of fingerprints, account has to be taken of the case law of the Court of Justice. The Court concluded in C-291/12 ('Michael Schwarz v Stadt Bochum') that although the taking and storing of fingerprints in passports constitutes an infringement of the rights to respect for private life and the protection of personal data, the inclusion of fingerprints in passports is lawful given the general objective of preventing illegal entry into the EU and the protection of fraudulent use of passports. However, given that the ID cards serve more purposes than crossing the border and given the different traditions in Member States for the use of ID cards, it is not self-evident that the same conclusion could be drawn.

The collection of personal data under this option should be implemented with strong fundamental rights checks, guarantees and balances and ensure compliance with the Charter of Fundamental Rights of the European Union and EU data protection legislation. Particularly, insofar as this option entails the mandatory collection of fingerprints relating to minors, measures shall provide for robust fundamental rights safeguards and protection measures in light with Article 24 of the EU Charter. The preferred option would ensure safeguards and guarantee the data subject's right applicable under GDPR including the right to effective remedy.

For TCN FAM residence documents, the preferred option is precisely aligned to the existing arrangements for the issuance of residence permits for TCN, where data on the cards issued, including fingerprints, are specifically encrypted and secured. This means that some Member

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<sup>190</sup> 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) (Text with EEA relevance).

States will begin collecting biometric data for the TCN family member of EU citizens if their existing procedures did not provide for this, including for minors aged over 6 years

The general safeguards to be provided for biometrics are:

- For chip verification the chip shall contain a digital certificate, exchange of certificate (PKI);
- Adequate state-of-the-art encryption level to protect data on the chip (Basic Access Control for alphanumeric data and facial image; Extended Access Control for fingerprints if included);
- The data contained in the chip must be described in a closed list;
- A purpose limitation should be included, such as “biometric features in passports and travel documents shall only be used for verifying: a) the authenticity of the document; b) the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law;
- Exceptions and safeguards must be provided for cases where fingerprints are taken (age limitation as referred to by the Passport Regulation);
- Furthermore, Member States could decide to exclude central storage of the fingerprints of their citizens and only store them on the chip.<sup>191</sup>
- Ensure that the right to access, rectification and erasure of the data stored is fully applied.

The potential of the ID card provisions to facilitate EU-wide mutual recognition of electronic identification in access to public and private services is an additional consideration which was taken into account when preparing these safeguards. When used to accessing digital services and to secure information stored on the card the following requirements shall apply:

- To enable eID functionalities, cards need to be compliant with the assurance levels defined in the EU framework (Art 8 eIDAS Regulation and Commission Implementing Regulation 2015/1502)<sup>192</sup>;
- Data used via such eID functionalities must be clearly separated from the biometric data;
- Such cards shall contain a digital certificate;
- Certificates must be exchanged;

The cost of the safeguards for biometrics should be comparable to the passport and the residence permit framework. Moreover, basic infrastructure and knowledge can be re-applied to ID cards and TCN FAM residence cards. Nevertheless the exact costs for biometrics, as

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<sup>191</sup> Some national implementations of biometrics in ID already provide safeguards as we suggest, and indeed take further steps, such as in Germany, where fingerprints are only stored and processed for the purposes of ID card production, and subsequently only stored on the ID card itself, with all other copies of this biometric information being destroyed (no central database).

<sup>192</sup> See FN 119.

well as for the eID management cannot be quantified, as Member States did not share any basic data that could be used to model the cost.

The harmonisation of the very limited amount of data for other residence documents (for EU citizens) under the preferred option will not change the requirements for data protection. Apart from the name of the holder, which is already an indispensable feature of any document, the required minimum data proposed (title of the document, document number, place and date of issue...) are administrative data which aim to increase the acceptance of the documents by other stakeholders. Other optional personal data of the document holder will be processed according to usual data protection requirements.

### 8.3. REFIT (simplification and improved efficiency)

REFIT Cost Savings – Preferred Option(s)		
Description	Amount	Comments
Annual cost savings for accelerated border checks across EU-28 (recurrent)*	EUR 17.1M	Figures drawn from CSES study estimates <u>Beneficiaries</u> : Public administration (border guards)
Annual cost savings for accelerated pre-boarding checks across EU-28 (recurrent)*	EUR 12.4M	Figures drawn from CSES study estimates <u>Beneficiaries</u> : Businesses (airlines)
Annual cost savings for accelerated document checks across EU-28 when opening a bank account (recurrent)*	EUR 3.9M	Figures drawn from CSES study estimates <u>Beneficiaries</u> : Businesses (banks)
Cost savings through improved document quality of TCN FAM cards (recurrent)	Fewer rejections of TCN family members at EU borders resulting in reduced costs to travellers; reduced handling and compensation payments for authorities and airlines; reduced denial-of-boarding costs (lost sale) for airlines.	Not quantifiable – border authorities and airlines do not collect such data <u>Beneficiaries</u> : citizens, businesses (especially airlines through liability for unjustified denial of boarding)
Reduced hassle costs through improved acceptance of more secure documents (recurrent)	Quicker, more reliable access to relevant public and private services, reduced administration, staff training and business risk costs, reduced costs of fraud, increased opportunities to provide services to non-nationals	Not quantifiable – while some indications of costs were obtained for certain elements, most was either commercially sensitive or not provided by national authorities. <u>Beneficiaries</u> : citizens, business, public administration
Reduced hassle costs through swifter and more efficient processes for requesting and renewing ID and residence documents (recurrent)	Streamlined online processing reduces staff and administration costs, reduces costs of providing services abroad (where done), reduces need for journeys	Not quantifiable – data on such document applications is not collected. <u>Beneficiaries</u> : citizens, public administration
Reduced hassle costs through better awareness of document formats and the rights linked to the documents (recurrent)	Reduced administrative and training costs, reduced costs of rectifying errors and compensating for rights wrongly denied, reduced loss of time and denial of service to citizens.	Not quantifiable – data on such issues is not collected by national administrations or business. <u>Beneficiaries</u> : Citizens, businesses, public administration



## 9 HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

Implementation will be monitored in terms of the measures adopted at the EU and Member State level to implement the legislative and non-legislative measures deriving from the preferred option. The Commission should also submit an implementation report to the European Parliament and the Council three years after the entry into application of the legislative measures.

The assessment of impacts will probably have to rely on an essentially qualitative methodology (e.g. an analysis of feedback from national authorities and other key stakeholders such as citizens groups and business representatives) on the extent to which implementation of the preferred policy option achieves the desired impacts and contributes to the achievement of the general aims of EU intervention. It is unlikely that it will be possible to establish a causal link between any quantitative data, for example, trends in the number of citizens exercising their free movement rights, and the measures envisaged in the preferred policy option on a specific document.

It is envisaged that some contextual information will be collected on a periodic basis, i.e. developments not intentionally related to the policy intervention, although they may be influenced by it. The key developments in this context relate to free movement, namely trends with regard to cross-border mobility (for ID cards) and trends with regard to the number of non-nationals residing in different Member States (for residence documents).

It is envisaged that national authorities will introduce monitoring systems so that the data needed for the key performance indicators can be collected<sup>193</sup>. Nevertheless, it will be important to adopt a realistic approach to monitoring the implementation of the preferred policy option and not to over-burden national authorities. Consultations with Member States will be needed to determine the most appropriate frequency of data collection and reporting but an annual cycle could be suggested. The data collected at Member State level will then have to be analysed on the EU level.

Apart from the national activities, monitoring at the EU level could complement this, for example, through FRONTEX or Member States expert groups. Similarly, some EU-level coordination of national monitoring activities will be needed (e.g. to define a common template for data collection) as well as the collation and analysis of information provided by national authorities.

It should be noted that some relevant information is already shared at the EU level. In particular, information can be retrieved to a certain extent from the FADO/PRADO web registry. This provides an overview of documents in circulation at Member State level and it explains the features included in these documents. However, the web registry is not always

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<sup>193</sup> National authorities already gather some of the data needed to feed in the indicators system (e.g. number of residence documents issued per year, number of non-national EU citizens residing in a country, costs in relation to producing documentation (in some cases). However, more comprehensive data on for example border control checks (e.g. numbers of documents that were not valid, statistics on e-gates, etc.), costs of digital application systems, costs of documents in circulation, will be needed with approaches being harmonised across the EU Member States.

updated for all Member States and thus the system needs to be improved to serve as data source for the preferred option monitoring purposes.

*See Annex 9, Table 9.1 for a more detailed summary table.*

## **Annex 1: Procedural information**

### **1. Lead DG, Decide Planning/CWP references**

DG JUSTICE AND CONSUMER AFFAIRS

DECIDE PLANNING: 2016/JUST/050

CWP 2018: REFIT initiatives: An Area of Justice and Fundamental Rights Based on Mutual Trust (9.ID cards and Residence Documents): Legislative Initiative to improve the security of ID cards and residence documents of EU citizens and of their non-EU family members. This initiative responds to an opinion of the REFIT Platform. (legislative, incl. impact assessment, Art. 21 and/or 77(3) TFEU, Q2 2018)

### **2. Organisation and timing**

Commission responds to an opinion of the REFIT platform in April and June 2017 and to the developments at Council level.

A Commission inter-services steering group (ISG) was established in September 2014 for preparing this initiative. The following DGs and services were invited to the inter-services group included: General Secretariat (SG), Legal Service (SJ), Migration and Home Affairs (HOME), Internal Market, Industry, Entrepreneurship and SMEs (GROW), Education, Youth, Sport and Culture (EAC), Employment, Social Affairs and Inclusion (EMPL), Communications Networks, Content and Technology (CNECT), Joint Research Centre (JRC), Mobility and Transport (MOVE), Human Resources and Security (HR), Taxation and Customs Union (TAXUD). The ISG met 7 times in the period from September 2014 to January 2018 and an additional written consultation before the submission to the RSB was held in January 2018.

### **3. Consultation of the RSB**

The Regulatory Scrutiny Board (RSB) received the draft version of the present impact assessment report on 24 January 2018, as well as upon request a shortened version on 31 January 2018.

The RSB meeting was held on 21 February 2018, and the RSB delivered a positive opinion on 23 February 2018. The table below shows how this report takes into account the RSB comments.

<b>RSB comment</b>	<b>How it was incorporated in the IA</b>
(1) The report should present a more complete discussion of fundamental rights implications of the proposed initiative. In view of the sensitive nature of the (biometric) information that would be stored on the ID and residence documents, the report needs to be more specific on how data protection would be ensured. It should describe the measures and techniques used to restrict access to personal data. Bearing in mind the differences between Member States, it should also identify the costs for implementing safeguards, such as setting up	<p>A more complete discussion of the fundamental rights implications (in particular on data protection) has been incorporated in section 8.2. Safeguards and mitigation measures, as well as techniques to restrict access to personal data are better described and explained.</p> <p>The cost related to these measures cannot be quantified, as Member States do not share any such data with the Commission.</p>

access control systems with the relevant technical measures.	
(2) The comparison of the options should reflect in how far the choice of the preferred option changes if objectives are weighted differently in the multi-criteria analysis. Reflecting possibly differing outcomes of the analysis, depending on political preference, would make the report better at informing the decision-making process.	The results of a sensitivity test of the preferred option are inserted in section 7.4 and Annex 4.
The report could better motivate the scores of the options in Tables 7.1, 7.2 and 7.3. Some options might have received the same score for different reasons, without the reasons for this having been spelled out.	Better motivations of the scores of the options in Tables 7.1, 7.2 and 7.3 have been integrated in section 7.
(3) The context description could elaborate on the arguments of opposing stakeholders, and explain to what extent they contrast with strong political support expressed in other instances, i.e. through Council Conclusions. The report could better reflect the views of the Member States, including potential disagreements within national administrations.	The views of stakeholders were elaborated and summarised in the context description (section 1.2).
Furthermore, the report could improve the presentation of Member States' intentions and national plans for upgrading ID and residence documents. The report should make it clearer to what extent unilateral Member State action is insufficient to address security concerns, in particular given that the problems of fraud seem to be circumscribed to a small number of countries. In this regard, it should better demonstrate the necessity of introducing binding legislation at EU level, as compared to a recommendation or soft law measures.	How the problem would further evolve and the Member States' intentions and plans have been better explained in section 2.3.  The necessity to introduce binding legislation instead of establishing another set of non-binding political guidelines and recommendations was sketched out in section 3.2 Subsidiarity: Necessity of EU action.
Also, the report could also better explore the synergies and connections with other initiatives, as regards facilitating access to services.	A description of initiatives, such as the eIDAS Regulation, has been included in section 1.2.
(4) The report could provide further evidence to illustrate the magnitude of the problem and its expected future evolution. It could better substantiate the links between weak document security for ID and residence documents and fraud. The report could present in a more prominent way the available data on the use of fraudulent documents or misuse of genuine cards. Contributing to the need for secure documents is the increasing number of security controls in conjunction with the increased	The magnitude of the problem was better elaborated in section 2.1. More details recently reported by FRONTEX regarding fraudulent documents were added.  The problems of citizens to access services are laid out in Annex 6 section 2 and 3.

number of travellers. Additionally, the report could give more information on citizens' problems to access services with their ID and residence cards.	
The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables. The Board considers that costs related to the introduction of new ID and residence cards could be quantified more extensively.	More extensive quantification is not possible because there is a lack of reliable data. This did not allow for far-reaching extrapolations or modelling.
Some more technical comments have been transmitted directly to the author DG.	<p>A regards the technical comments received the following changes were implemented in the final IA report:</p> <ul style="list-style-type: none"> <li>- Main text and Annexes were merged into one document.</li> <li>- The summary tables on the individual impacts by policy option were incorporated in section 6.</li> <li>- Complementary initiatives on border security and management were integrated in section 1.2.</li> </ul>

#### 4. Evidence, sources and quality

The Commission awarded a contract to the Centre for Strategy & Evaluation Services (CSES) to carry out a study on 'EU policy initiatives on residence and identity documents to facilitate the exercise of the right of free movement', August 2017.

The Commission additionally drew on other sources to gather evidence that was used to support this impact assessment. This included for example:

- A review of the concepts of the initiative was carried out by the Commission's Joint Research Centre.
- A study established by Milieu for the European Parliament "The Legal and Political Context for setting up a European Identity Document, May 2016.<sup>194</sup>
- A consultation of Member States within the FREEMO expert group
- A public consultation from September to December 2017

<sup>194</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL\\_STU\(2016\)556957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL_STU(2016)556957_EN.pdf)

## **Annex 2: Stakeholder consultation**

### **1. Stakeholders mapping**

The main stakeholders categories identified overall are:

- Citizens/individuals – EU citizens living and/or traveling in an EU Member State other than their Member State of nationality. EU citizens living in an EU Member State other than their Member State of nationality, travelling to and returning from a third country, particularly to and from third countries which permit entry and exit using an EU national ID card. Non-EU family members of the former and the latter.
- Public authorities – National authorities of the Member States which issue ID cards to their own nationals and residence documents to EU citizens and their third country family members. National authorities which deal directly with and in particular provide services (such as schooling, housing, healthcare) to non-national EU citizens and their third-country family members. National authorities which control the external EU border.
- Industry/business/workers' organisations – Businesses which provide services to EU citizens from other Member States, particularly businesses which are required by law or policy to establish the identity and/or residence of such EU citizens when providing services, such as banks, airlines, insurance companies, other transport carriers and their organisations.

EU citizens from Member State which issue ID cards (all Member States except for UK, DK and IE) are the main stakeholders with respect to the aspect of this consultation which considers ID cards, as these are the most commonly used proofs of identity in these Member States, and are also very commonly used as travel documents within the EU, and outside the EU where relevant (EU Member States have bilateral arrangements with many third countries to allow entry and exit of Member State nationals to those third countries using ID cards).

All EU citizens living in a Member State other than their own are the main stakeholders with respect to the aspect of this consultation which considers residence documents, because they are the citizens who must rely on these documents to prove their residence status, and who have direct experience of the status quo in this respect. The third country family members of EU citizens living in a Member State other than their state of nationality also have a strong interest in this consultation because their residence document exempt them from visa when they travel in the EU.

### **2. Consultation methods**

The consultation process combined tools of a more general reach such as a public consultation with more targeted consultations of stakeholder groups. Part of the consultation process, especially regarding technical information requiring analysis of data, was carried out by an external contractor.

The following types of consultation activities have been carried out:

- Online open public consultation of 12 weeks (12 September to 5 December 2017) in three parts, one each targeting EU citizens, the third country family members of EU citizens living in a Member State other than their state of nationality, and Industry/business/workers' organizations, respectively. The open public consultation did not contain questions specifically addressed to the Member States and public authorities, due to the excessively technical nature of the information which needs to be gathered. They were approached by means of a questionnaire/survey and interviews instead. However, the consultation remained open to the Member States and Public Authorities, should they wish to participate. The open public consultation questionnaire was made available in 23 official languages with possibility to respond in any of them.
- Targeted interviews were used to gather information from specific groups of stakeholders (e.g. collection of information on current costs and impacts of potential options) by the external contractor who conducted 69 interviews with NGOs, companies producing cards and documents and businesses requiring proof of identity to conclude services, academics experts<sup>195</sup>. A specific questionnaire targeted businesses during the public consultation with 15 replies.
- A first questionnaire/survey for the Member States was carried out by an external contractor, followed by 53 interviews of national authorities<sup>196</sup>. This tool was used due to the need of collecting technical information (legislation, specimen of documents etc.).
- A questionnaire to Member States was sent through the FREEMO expert group, on security features of ID and residence documents, costs and possibilities of EU harmonisation, with an answer from 24 Member States<sup>197</sup>. 15 Member States agreed that common security features and a certain or partial harmonisation are required for ID cards, and the same number supported this for residence documents, and in particular for TCN FAM residence cards.<sup>198</sup>
- Structured and semi-structured interviews were carried out by an external contractor with the authorities of all the Member states, as mentioned above (53 individual interviews in all Member States except the United-Kingdom).
- Semi-structured discussion was conducted at two meetings of the Expert Group on Free Movement on 4 May and 16 November 2017, discussing the result of the questionnaire sent to the group and the support for a harmonisation at EU level.

### **3. Results from the consultation in the context of the external study**

#### ***All document types***

Soft law measures (ID SOFT, RES SOFT) with regard to all types of documents are favoured by many stakeholders that have been consulted (e.g. national authorities in HU, SK, FI and HR and civil rights organisations in BE, ES and SE).

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<sup>195</sup> CSES study; list of interviewees per Member States in Annexe A.

<sup>196</sup> CSES study; list of interviews in the annexe A. The interviewees were representatives of the national authorities competent for ID and/or residence documents, in most cases Ministries of Interior, Home Affairs or Migration.

<sup>197</sup> Spain, Croatia, Italy and the United-kingdom did not send any answer.

<sup>198</sup> For ID cards: CY, CZ, EE, EL, FI, IE, LT, LU, LV, NL, PT, RO, SI, SE, SK; For residence documents: For residence documents: EL, IE, LU, BU, CY, CZ, EE, FI, HU, LT, LV, NL, PL, SI, SK.

A widely supported proposal of a quite specific nature is for more regular updates of the FADO/PRADO database with document specimen.<sup>199</sup>

The Council stressed the importance of security of ID cards and residence documents in two Council conclusions adopted in 2017.<sup>200</sup>

### ***ID cards<sup>201</sup>:***

The DE Ministry of Interior asked that the Council Resolution<sup>202</sup> on minimum security standards of identity cards from 2006 should be “*extended to include the minimum security guarantees for electronic identifications (eIDs), since the eIDAS Regulation provides for the mutual recognition of national eID solutions.*”

Within the free movement expert community, introducing security features (ID 1 or ID 2) is favoured by many national authorities (such as those in BG, CY, DE, EL, FI, IE, PT, RO, SI, and SK). However, it has also been argued that in particular harmonisation for ID cards should not go beyond minimum features, since documentation ‘is an expression of the identity of each country’ (e.g. SK), and since it could facilitate falsification of documents as counterfeiters would need to deal with fewer versions of ID cards across Europe (e.g. BG). Amongst those who favour (limited) action at the EU level, the starting point is a willingness to accept a certain degree of diversity as long as ID cards are machine-readable (functional MRZ) and contain a microchip with biometric data. Linked to this, phasing out paper-based and old plastic ID documents which are not machine-readable and can be easily forged is seen as highly desirable.

There are very mixed views on the scope for action at the EU level to promote harmonisation of ID cards. For instance, some of the national authorities (primarily Ministries of Interior in AT, CZ, HR, DK, NL, MT and PL) explicitly stated they did not see the necessity of a legislative measure on ID cards. In contrast, national authorities in some other countries (e.g. CY and EE) advocated EU measures to lay down minimum requirements with regard to key security features and the inclusion of biometrics to help prevent fraud.

Amongst the private sector and the NGO stakeholders opinions were very mixed with around half of those consulted indicated that no legislative action is necessary or that they are not really concerned by the issue, while the others argued that harmonisation could be beneficial.

An EP study<sup>203</sup> assessed the added value of introducing an additional European identity card in order to facilitate political participation at the EU level. The study argues that an EU ID card (ID 3) would enhance democratic participation rights at the EU level and

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<sup>199</sup> CSES study

<sup>200</sup> Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud adopted on 27 March 2017 <http://www.consilium.europa.eu/en/press/press-releases/2017/03/27/jha-travel-document-fraud> and Council Conclusion on the EU Citizenship Report 2017 adopted on 11 May 2017 <http://data.consilium.europa.eu/doc/document/ST-9080-2017-INIT/en/pdf>

<sup>201</sup> Mostly based upon CSES study and the DG JUST consultation of Member States in 2017

<sup>202</sup> Resolution of the Representatives of the Governments of the Member States, meeting within the Council on 4-5 December 2006, on minimum security standards of identity cards valid for travel issued by Member States.

<sup>203</sup> May 2016: “The Legal and Political Context for setting up a European Identity Document: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL\\_STU\(2016\)556957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556957/IPOL_STU(2016)556957_EN.pdf)



facilitate free movement. However, the report also referred to the limited legal and political feasibility of and challenges for setting up an interoperable European identity card given the current legislative and political context.

### ***Residence documents:***

In order to increase clarity of the legal status and the functionality of residence cards it was mentioned explicitly by authorities in several Member States (e.g. Austria and Lithuania) that it will be helpful to require Member States to print the title of the document in both the original and the English language on the document and when not equivalent also mention the terminology used in Directive 2004/38/EC on the document (RES 1).

Some national authorities in LU, FR and EL suggested that, as already implemented by a number of Member States, TCN family members of EU citizens should hold residence cards in the uniform format of residence permits for TCNs (RES 2). FRONTEX suggests that further harmonisation of TCN FAM residence documents may further improve security<sup>204</sup>.

Others (e.g. national authorities in CY, DK, EE, FR, EL, LU and MT) favoured a greater degree of harmonisation of all residence documents (RES 3), possibly following the uniform format as well, or pleaded at least for adding a facial image on registration certificates for EU citizens.

## **4. Results from the open public consultation**

Three questionnaires were used in the consultation, a) one questionnaire for EU citizens (398 replies), b) one questionnaire for non-EU citizens (34 replies) and c) one questionnaire for businesses (15 replies). Member States authorities were not specifically consulted again, since they were addressed and consulted in the context of the external study before.<sup>205</sup> As a result no national authorities replied to the questionnaires used in this open public consultation.

**a) The 398 replies from EU citizens** are further analysed below in the **sections on ID cards, residence documents, and processes**.

Of the total of 398 individual EU citizens responding, 375 (95%) were of working age (18 to 65). Only 15 respondents were above, and 8 under 18.

**The 398 answers were received from all Member States** with a high level of answers from Italy (68) and a cluster of Member States with an answer rate of around 30: Spain, the United-Kingdom, Germany, France, Bulgaria and Belgium. Then follow the Netherlands, Greece and Finland with around 20 respondents each. Only Malta, Cyprus and Luxemburg have only one respondent.

<b>Table 1</b>	<b><i>Nationality (398 replies)</i></b>	<b><i>Country residence of (398 replies)</i></b>	<b><i>In which other EU country do you live or have lived in the last five years? (208 replies)</i></b>
<b>Austria</b>	15	13	3

<sup>204</sup> CSES study

<sup>205</sup> See above and CSES study

Belgium	18	55	34
Bulgaria	22	14	1
Cyprus	1	3	2
Croatia	7	5	1
Czech Republic	5	4	3
Denmark	1	2	1
Estonia	5	5	0
Finland	19	20	1
France	27	20	11
Germany	28	33	17
Greece	20	7	1
Hungary	5	4	0
Ireland	3	7	3
Italy	64	32	8
Liechtenstein	0	0	1
Lithuania	6	1	0
Luxembourg	1	9	7
Malta	0	2	0
More countries	23	8	54
Netherlands	17	17	12
Norway	5	2	0
Other	3	14	0
Poland	7	2	1
Portugal	11	13	2
Romania	14	5	0
Slovakia	3	1	0
Slovenia	4	3	0
Spain	32	31	12
Sweden	4	11	6
UK	28	46	27

b) **34 non-EU citizens** replied to the specific questionnaire for non-EU citizens. The results are mainly relevant to residence documents for third country national family members of EU citizens (see section on TCN FAM cards).

c) Moreover, **15 ‘businesses’** (including 7 civil society organisations) from across the EU replied to a specific business questionnaire, and of those five uploaded more specific content. The results are integrated in all the following sections.

### 1. ID cards

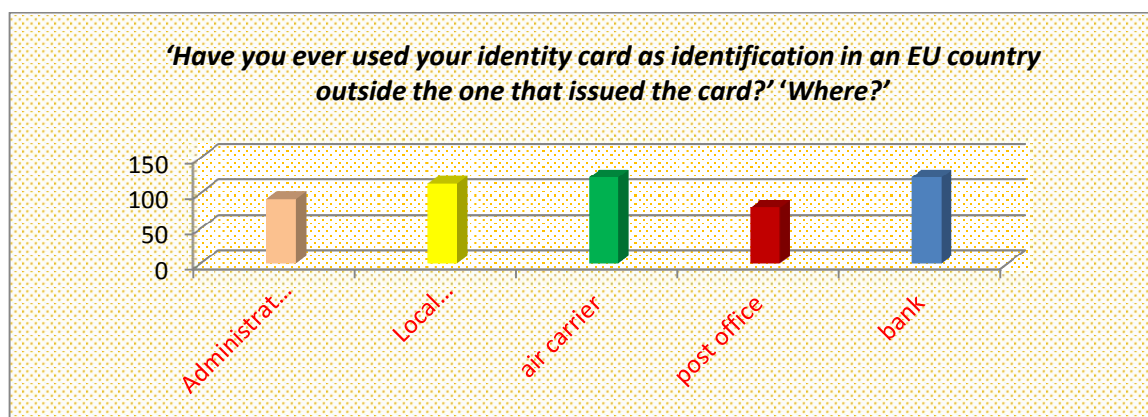
Of the 398 respondents to the EU citizen questionnaire, **318 (almost 80%) hold a national ID card** and **289 use their ID to travel in the EU**. However, **a quarter (72)** of them reported difficulties:

- **36** mention problems at airport to get their ID accepted as a travel document, principally in the United-Kingdom for two-thirds; **18** reported longer queues than for passport holders;
- Several problems with paper ID cards were reported by Italian and Greek citizens: deterioration or no expiry date (for Greek ID cards); lack of Latin alphabet in Greek

cards, specific kinds of ID cards (e.g. specific colour of German-speaking Italians' ID cards);

- The differences in cards were also reported as causing problems: unusual format of the Czech (booklet) and of Romanian cards, or the use of several surnames on Spanish ID cards; **2** French citizens mentioned problems with ID card with prolonged validity not indicated on the cards themselves;

- **3** cases reported non-European or low cost airlines refusing to accept ID cards for intra-EU flights;



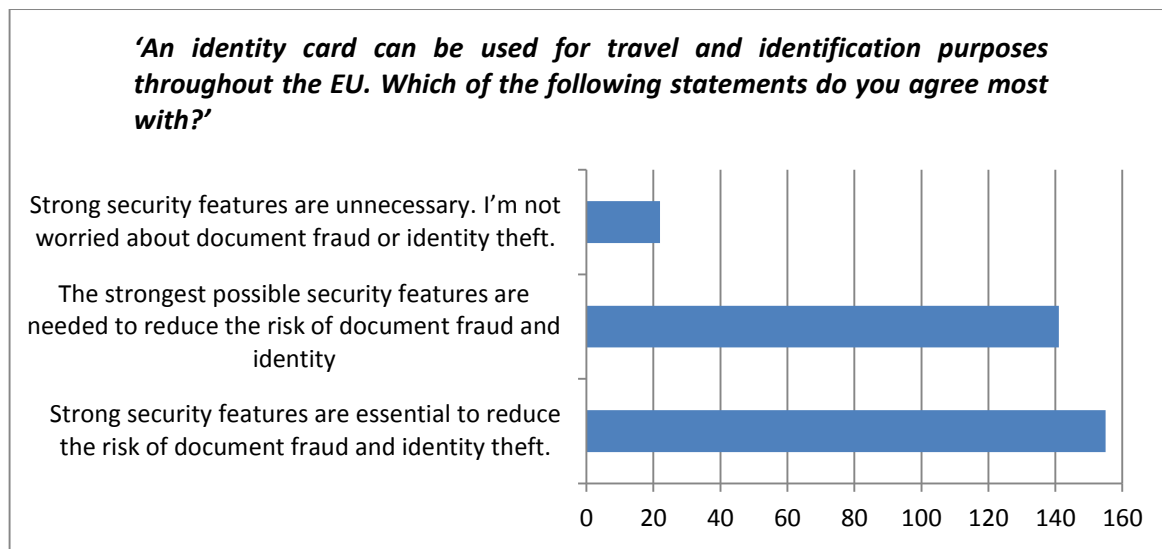
**250 respondents (79%) used their ID cards in other Member States**, in most cases for contacts with administrations, local authorities, at banks and post offices. In **more than one third of the cases (91)**, proof of identity was problematic, for example when no address was mentioned on the card or it used non-Latin alphabet, or the age or the date of issue was missing.

Problems regarding acceptance and authentication of ID cards, as well as problems of citizens identifying themselves at borders and with private sector service providers, such as airlines, were also reported by civil society organisations.<sup>206</sup>

As regards **strong security features to reduce the risk of document and identity fraud**, a large majority wants strong (155 respondents) or even the strongest possible (141 respondents) security features to reduce the risk of fraud. Only 22 believe that strong security features are not essential to reduce the risk (see below).

Civil society organisations<sup>206</sup> support Member States phasing out paper-based identity cards as soon as possible and argue for minimum harmonisation as regards security features and format but without the need 'that the ID cards should necessarily look exactly the same'.

<sup>206</sup> EU Rights Clinic (University of Kent; ecas/ European Citizen Action Service)



**On the increased costs of ID cards with increased security features**, respondents answered that this should be borne by the national budget (51%) or shared between the national budget and applicants (45%). **161 (41%) EU citizen respondents recommended a price less than EUR 15, and 142 (36%) a price between EUR 15 and EUR 50.**

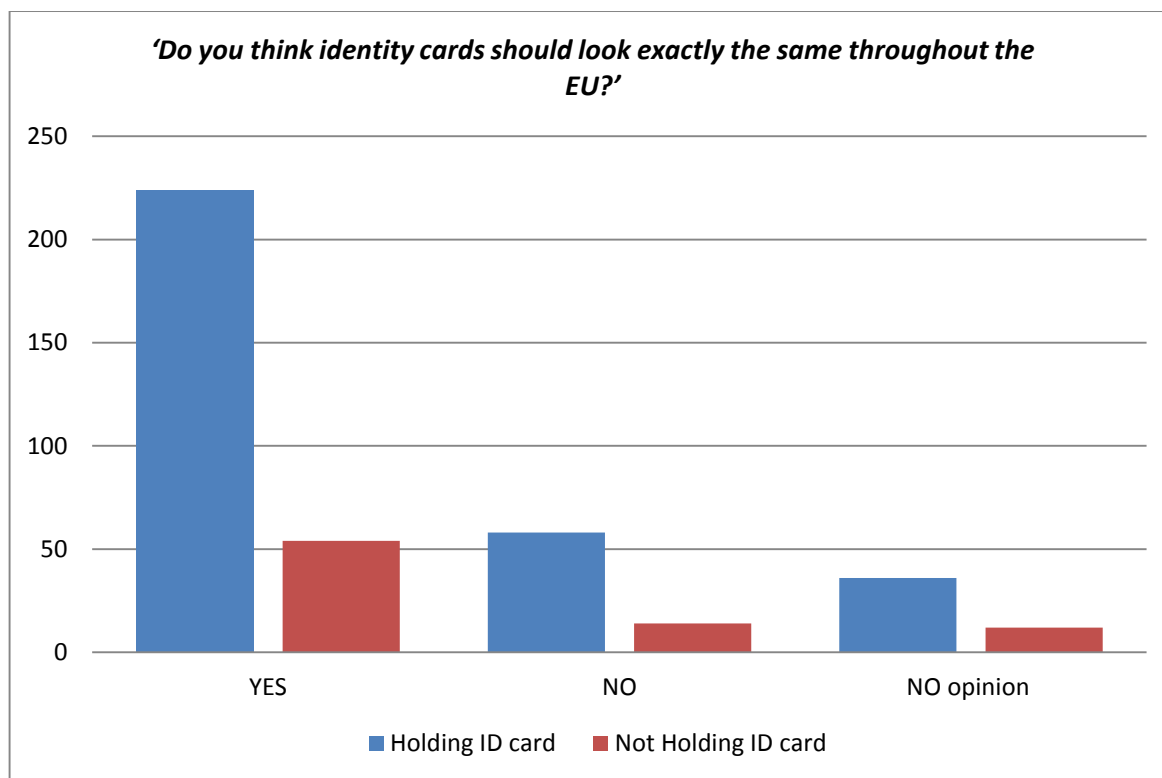
**On the appearance of ID cards, 278 (70%) respondents are in favour of a European format** for national ID cards, with a slightly lower percentage for respondents who hold currently no ID cards (67.5%).

**272 (68.3%) EU citizen respondents believe that ID cards should have special identity features for people who are visually impaired** (e.g. braille) for easy recognition by them.

This is also supported by **civil society organisations**<sup>207</sup> responding to the ‘business’ questionnaire. In addition to Braille, those organisations want ID cards (and where relevant residence document) to meet additional criteria to address the needs of persons with disabilities:

- Maximise readability;
- Mark orientation;
- Use of Braille (see above);
- Low-slip cards (easy to handle);
- Easy to understand;
- Provide the card information in other formats (see section on e-ID).

<sup>207</sup> European Blind Union, European Disability Forum



## 2. Residence documents (Registration certificates, Residence cards and Permanent residence cards for EU citizens)

Of the 398 EU citizens responding to the public consultation, 211 have lived in another EU country in the past 5 years. 55 of these EU citizens have held a registration certificate, 39 a residence card and 26 a permanent residence card.

### ***Registration certificates***

Most of the registration certificates of those surveyed are paper documents (31), with the remaining 22 respondents possessing a registration certificate in card form. The main advantage of a registration certificate according to the respondents is that it enables them to prove to the authorities of their host Member State that they are a legal resident (37).

A second use for registration certificates is to be able to prove residence to national authorities (34).

Others also mentioned that it is considered an added value when applying for permanent residence after 5 years of residence (12), and that they use it to prove their residence in another Member State in their Member State of origin after they have returned (11). Regarding difficulties encountered when using the registration certificate, only 7 of the 55 respondents noted experiencing difficulties. The majority of these difficulties relate to the paper format of the registration certificate, which is deemed not to be robust enough for such an important document. Others note the requirement of an additional apostille when using the document outside of their host Member State, and the embassies of their Member State of origin requiring them to be translated into their native language.

Regarding the advantages of EU harmonization of registration certificates, most respondents considered that it would make it easier for the national authorities to accept the registration certificate (45), as well as making this easier for private companies (33). Others noted that it would make it easier to carry the document due to a better size and shape (30), as well that registration certificates could benefit from higher production standards (especially those from IT and EL).

### ***Residence cards for EU citizens***

36 respondents possessed residence cards in the EU country where they lived or continue to live. The main reason for the respondents applying for residence cards was because they were obliged to apply for one (23)(BE, NL, ES, DK), wanted to have a document to prove their legal residence in the host Member State (17) and to have a useful document when contacting public authorities or private companies (16). A residence card is required for essential services such as entering into a contract, opening a bank account and paying taxes or receiving wages, with some citizens considering it an unwanted but necessary formality. Other reasons include proving one's identity (33), proving residence status when applying for a permanent residence card (17) and proving residence status when returning to the EU country of origin (16).

Most residence cards look similar to ID cards or TCN FAM residence cards, making them easy to confuse (30). Others are distinct documents which are not easily mixed up with other EU documents (7), or cards which are not comparable to other documents (6). As opposed to registration certificates, only 4 respondents had residence cards made of paper, in Italy. At the other end of the spectrum, Swedish residence cards include a picture, signature and biometrics.

Regarding views on the advantages of EU harmonization, the main improvement was felt to be making it easier for national authorities to accept the residence card (32), to improve the size and shape of the document (21) and to enable private companies to more easily accept the document (21). Comments also noted that EU harmonization would create a stronger sense of 'Europeaness', and two respondents called for integrating the residence card function into their national ID cards.

### ***Permanent residence cards for EU citizens***

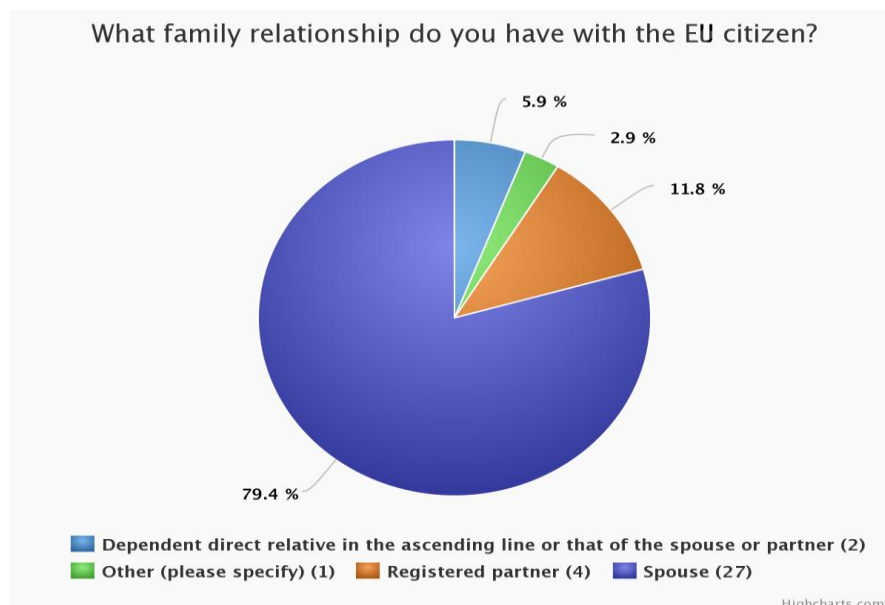
26 respondents indicated having permanent residence cards. 23 of these respondents indicated that they did so because they considered it useful to prove their residence status, especially in the light of Brexit. Other respondents thought that it would prove useful in case they needed to identify themselves (8). 3 respondents noted that a permanent residence card is also a prerequisite for applying for UK nationality.

Other comments suggested incorporating the permanent residence card into documents already available such as national ID cards or driver licences (2), to permit all MS authorities to access the information found on these identification documents.

### **3. Residence documents for third country nationals who are family members of EU citizens (TCN FAM cards)**

Thirty-four non EU citizens responded to the specific questionnaire, of diverse nationalities and residing in various EU Member States, with the highest numbers of

residents in Belgium (5), Germany (5), Italy (4), Spain (4) and the UK (4). Most respondents are young, 26 below the age of 45. The majority are spouses of EU citizens, with only 4 being their registered partners and 3 dependent direct relatives. Almost a third of respondents claimed they travel within the EU several times a year.



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respondents hold or held EU residence card as family members of EU citizens, 8 a permanent residence card of family members of EU citizens, and 7 a residence permit.

- ***TCN FAM residence cards***

A majority of respondents claimed their residence card is useful for proving their status as a legal resident (16), for travelling in the EU without a visa (14), and for being able to apply for a permanent residence card after 5 years (13). Moreover, respondents stated it is useful for online signature and access to online services, for applying for jobs, working and paying taxes in another country, and for proving the relationship with an EU citizen. As a respondent from Spain stated, 'aside from the above benefits mentioned, the EU residence card improves my sense of independence and confidence when establishing credibility, and most importantly [provides for an] access to standard social integration that may require the specific document. For example, [it is useful] when opening a bank account, when trying to rent an accommodation, employment, health and safety.'

A similar number of respondents stated that they should be able to use their residence card to prove their identity (16), to prove their residence status to national authorities (16), to prove their residence status when going back to the home EU country of the mobile EU citizen (14), to prove their residence status when applying for a permanent residence card (14), and to apply for jobs (1). One of the respondents, resident in Germany, suggested that residence card should have the same status as an ID card for EU citizens, which would in particular eliminate the obligation to hold a passport.

15 respondents consider the main advantage of all residence cards looking exactly the same in all EU countries that it would be easier for national authorities to accept the documents (15), easier to carry due to better size and shape (11), and easier for shops/private companies to accept (8). One of the respondents, resident in Belgium,

wrote: ‘the residence card of a family member of an EU citizen has to be uniformed so the rights of the card holder can be recognised more easily in another country. In Belgium the F card looks like Belgian national ID card which is very misleading for many people and even could be misused. To give another example, Portugal still issues paper version of the card which is very unpractical and unsecure.’ Furthermore, as another respondent described, such a uniform card would ‘improve communication and neutralise the tension that bureaucracy usually creates.’

- ***TCN FAM permanent residence cards***

Permanent residence cards in the EU Member States in which the respondents reside either look like a regular residence card for non-EU nationals (4), are formal documents which are not like a residence card or identity card (2), or are paper documents (1). For instance, a respondent from Slovenia described that their permanent residence card is just an ID-sized paper with their picture and identification number, without any biometric features.

6 respondents found their permanent residence card useful in proving that they are legally resident, 3 for travelling in the EU without a visa, and 1 did not find the card useful. The respondent dissatisfied with the usefulness of their permanent residence card was requested to present their passport to board a plane to Venice since, they were told, the Belgian F+ permanent residence card was not a proof of identity. This sentiment was repeated by another respondent who raised the issue with Belgian residence card, which involved a lengthy procedure and did not facilitate cross-border work in Germany.

Residents think they should be able to use their permanent residence card to prove identity (7), to prove residence status to national authorities (5), to prove residence status when going back to the home EU country of the mobile EU citizen (5), and to prove residence status when re-applying for a permanent residence card (5). A respondent from Belgium added that ‘the permanent residence card should grant access to the labour market without need of a work permit.’

Respondents stated that if permanent residence cards looked exactly the same in all EU countries, it would be easier to carry due to better size and shape (6), easier for national authorities to accept (5), and easier for shops/private companies to accept (3).

**Civil society<sup>206</sup> feedback** pleads for harmonisation of TCN FAM cards on the basis of the uniform format for residence permits.<sup>208</sup>

#### 4. e-ID for EU citizens

Electronic ID cards and the possibility to pass through electronic border control gates were noted as additional functions that just over 30 respondents would be willing to pay more for. Such technical features, in the view of some citizens, would facilitate border control, voting, or access to many online services or even contactless payments. Moreover, technical features including personal digital signature, biometric information, chip, secure encryption key or centralised data storage also recurred throughout the responses. Several citizens suggested ‘e-government functions’ that e-IDs could be useful

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<sup>208</sup> To distinguish the TCN FAM cards from other documents such as residence permits Member States should use a standardised code, such as ‘fam.res.Art.10 Dir. 2004/38’ or ‘fam. perm.res.Art.20 Dir. 2004/38’



for and with which they could be integrated (i.e. through creation of an ‘electronic personal file’), in aspects such as social security, healthcare, driving license, insurance. One respondent expressed willingness to ‘pay for the possibility to have a virtual version of my ID Card/e-Passport securely stored and accessible on my mobile to authenticate with higher assurance and trust to online services.’

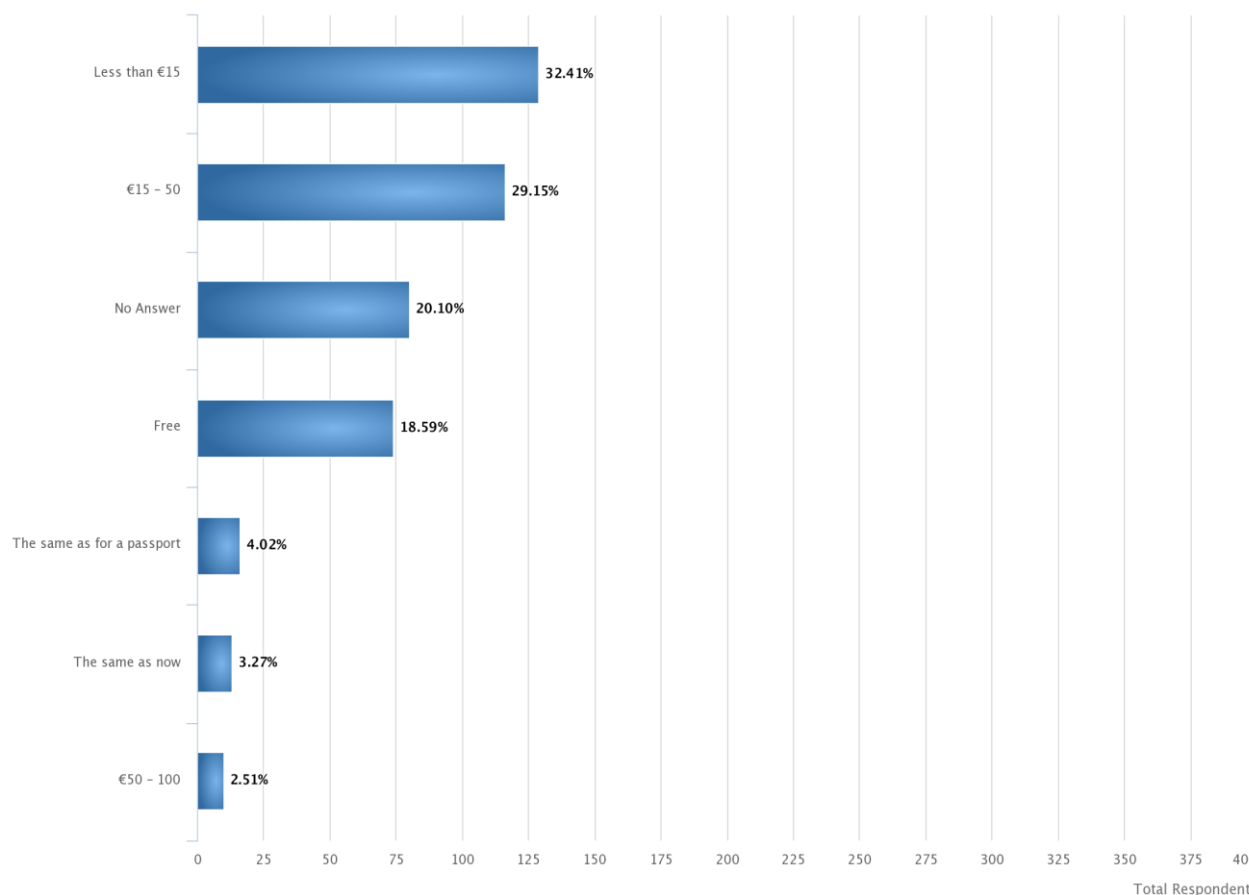
Nevertheless, some respondents admitted they considered citizens should not pay more for such technical features, as they ‘allow the authorities to save money.’

While e-ID and the possibility to cross electronic border control gates would generally be welcomed by many respondents, some concerns about data protection and privacy were also raised. For instance, one of the respondents emphasised the necessity to ensure an opt-out possibility with regard to biometric data. Another citizen stated that ‘standardized procedures at European level should be enforced to ensure cards security mechanisms do pass checks according to stringent security certifications to avoid, e.g. ‘vulnerabilities in digital certificates present in large number of issued e-ID cards in a number of EU countries.’

### 5. Processes (applying, issuing etc.)

161 respondents felt that the price of issuing ID cards with additional security features should be borne by the national budget. 142 respondents indicated that these costs could be shared by the national budget and applicants, and only 15 respondents felt that all costs should be paid by the applicant.

What is a reasonable price to pay for an identity card? You can assume that the identity card would be valid for as many years as your current one (usually around 5 to 10 years).



129 respondents felt that ID card should cost citizens less than EUR 15, whereas 116 respondents felt that EUR 15-EUR 50 was fair. 74 respondents felt that an ID card should be free.

No further specific questions regarding the application and issuance procedures for ID cards or residence were asked in the public consultation.

A comment from a German citizen suggested an opt-out of the biometric chips, so citizens may choose themselves to keep the price of their ID card down. Other comments suggested to in the situation where a citizen loses his or hers ID card before the expiration date, he or she should borne the full costs of the replacing ID card.

## **Annex 3: Who is affected and how?**

### **1. Practical implications of the initiative**

The following stakeholders would be mainly affected by the initiative as set out in the preferred option (see section 8):

#### **National administrations**

Public administrations will have to administrate ID cards and residence documents according to the minimum format and security standards defined at EU level.<sup>209</sup>

Adjustments to new production processes and staff training regarding ID and residence documents can build on existing regimes for passports and residence permits which already need to take into account of ICAO standards. In the long run, this could yield economies of scale in the production, issuance and handling of all these documents, if efforts to coordinate and collaborate to make savings are successful.

Phasing out ID cards and residence cards for the family members of EU citizens will be in line with the natural replacement rate of the documents in most Member States. The shorter five-years phasing-out regime for ID cards will impact only 3 Member States. Fourteen countries are affected by the quicker phasing out of non-compliant TCN FAM permanent residence cards.<sup>210</sup> This does not affect very many citizens because only few such documents are issued.<sup>211</sup>

Public administrations, in particular border guards, will benefit from the harmonisation of ID and residence cards, because verification of cards and documents issued by other Member States will be facilitated. It will reduce the need for training of the officials involved, reduce the staff resource needed to handle the same number of IDs by permitting authentication to be performed more quickly and reliably, and also increase the trust in those documents, which will be more difficult to misuse.

#### **EU citizens and their family members**

EU citizens and their family members will have to obtain new ID and residence documents. For most, the issuance of a new document will be according to the usual renewal period and will not require early or additional action.

Some EU citizens may have to request new ID cards before their normal expiry date, namely in FR, IT and EL. This will also apply to a number of senior citizens in a limited number of Member States<sup>212</sup> whose ID cards have currently very long validity or no expiry date at all.

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<sup>209</sup> See the Member States concerned in section 8.2 of the impact assessment report

<sup>210</sup> TCN FAM residence cards are not affected because their validity of 5 years coincides with the phasing out regime.

<sup>211</sup> See Table 2.5 of the CSES study, page 20: Among the countries concerned Belgium appears to deliver the largest number with 6194 permanent residence cards delivered in 2015

<sup>212</sup> BE, BG, CZ, ES, HU, SI, SK.

In return, all EU citizens will benefit from having their ID cards accepted more easily throughout the EU by public administration and business, as those cards will be easier to verify and more trusted because of their increased security features. They will also benefit from more robust residence documents, whose acceptance will also be improved.

As for third country family members of EU citizens, only those already holding permanent residence cards in 18 Member States would have to renew their card before the normal validity period of ten years expires. In return they will benefit from greater certainty in the use of their cards, notably when travelling and benefitting from using this documents as visa waivers.

## 2. Summary of costs and benefits

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	Amount (qualified where unquantified)	Comments
Direct benefits		
Annual cost savings for accelerated border checks across EU-28*	EUR 17.1M	Figures drawn from CSES study estimates Beneficiaries: Public administration (border guards)
Annual cost savings for accelerated pre-boarding checks across EU-28*	EUR 12.4M	Figures drawn from CSES study estimates Beneficiaries: Businesses (airlines)
Annual cost savings for accelerated document checks across EU-28 when opening a bank account*	EUR 3.9M	Figures drawn from CSES study estimates Beneficiaries: Businesses (banks)
Cost savings through improved document quality of TCN FAM cards	Fewer rejections of TCN family members at EU borders resulting in reduced costs to travellers; reduced handling and compensation payments for authorities and airlines; reduced denial-of-boarding costs (lost sale) for airlines.	Not quantifiable – border authorities and airlines do not collect such data Beneficiaries: citizens, businesses (especially airlines through liability for unjustified denial of boarding)
Reduced hassle costs through improved acceptance of more secure documents (recurrent)	Quicker, more reliable access to relevant public and private services, reduced administration, staff training and business risk costs, reduced costs of fraud, increased opportunities to provide services to non-nationals	Not quantifiable – while some indications of costs were obtained for certain elements, most was either commercially sensitive or not provided by national authorities. Beneficiaries: citizens, business, public administration
Reduced hassle costs through swifter and more efficient processes for requesting and renewing ID and residence documents	Streamlined online processing reduces staff and administration costs, reduces costs of providing services abroad (where done), reduces need for journeys	Not quantifiable – data on such document applications is not collected. Beneficiaries: citizens, public administration
Reduced hassle costs	Reduced administrative and training costs,	Not quantifiable – data on such issues is not

through better awareness of document formats and the rights linked to the documents	reduced costs of rectifying errors and compensating for rights wrongly denied, reduced loss of time and denial of service to citizens.	collected by national administrations or business.  Beneficiaries: Citizens, businesses, public administration
<b>Indirect benefits</b>		
Improved security within the EU and at its borders	Reduction in document fraud related to poor document types (forgery, tampering, impostor, reused document blanks). Reduction in poor document types being used as precursor documents.	Not quantifiable – the precise increase in the level of security within the EU cannot be quantified.  Beneficiaries: Citizens, businesses, public administrations
Facilitated freedom of movement for EU citizens and their family members	Improved documents permit quicker, easier and more secure use of documents, which in turn limits or reduces need for certain current restrictive measures.	Not quantifiable – the precise increase in the level of security within the EU cannot be quantified, and nor can the resultant decrease in current restrictive practices.  Citizens, (businesses, public administrations)

\* See CSES study

II. Overview of costs – Preferred option							
		Citizens/Consumers		Businesses		Administrations	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
<u>Phasing in costs:</u> General improvement costs of ID cards, TCN FAM residence documents, other residence docs	Direct costs (Compliance)	-	Not quantifiable*	-	-	Not quantifiable <sup>#+</sup>	-
	Indirect costs	-	Not quantifiable*	-	-	Not quantifiable <sup>+</sup>	-
<u>Phasing out costs</u> ID cards EL, FR, IT <sup>X</sup>	Direct costs (Compliance)	Not quantifiable*	-	-	-	666.4M	-
	Indirect costs	Not quantifiable*	-	-	-	Not quantifiable <sup>+</sup>	-
<u>Phasing out costs</u> senior citizen ID cards <sup>X</sup>	Direct costs (Compliance)	Not quantifiable*	-	-	-	111.9M	-
	Indirect costs	Not quantifiable*	-	-	-	Not quantifiable <sup>+</sup>	-
<u>Phasing out costs</u> TCN	Direct costs (Compliance)	Not quantifiable*	-	-	-	3.1M	-

FAM permanent residence cards <sup>ⓧ</sup>	Indirect costs	Not quantifiable*	-	-	-	Not quantifiable <sup>+</sup>	-
Annual costs for non-legislative measures across the EU	Direct costs (Compliance)	-	-	-	-	-	11M <sup>xx</sup>
	Indirect costs	-	-	-	-	-	-

\* Whether the quantified cost to the administrations will be passed to individuals and the levels of potential additional support to implementation provided is not known at this stage.

# 7 Member States produce ID cards that do not require any changes regarding format and features. The other 19 MS that issue ID cards will need to upgrade their cards (depending on the MS from adding biographical data to switching to plastic cards or adding chips and biometric data). The costs of each of these upgrade steps are unknown, as MS do not share these data.

<sup>+</sup> Insufficient data was provided by national authorities to permit assessment of costs of this element.

<sup>ⓧ</sup> Calculation method of phasing out costs presented in Annex 4.

<sup>xx</sup> Figures drawn from estimates in CSES study. More details presented in Annex 4.

## Annex 4: Analytical methods

### 1. Calculation of phasing out costs for ID cards and TCN FAM residence documents

#### **Phasing out costs for ID cards in France, Greece and Italy**

The phasing out regime for EL, FR and IT will require that their ID cards are phased out within five years. Since it can be assumed that half of the IT population holds modern ICAO compliant ID cards, only the other 50% of the IT ID card holders would be affected by the phasing out.<sup>213</sup>

It is assumed that the population to which the phasing out regime in EL, FR and IT is mostly relevant is the group of persons above the age of 15. This is under the assumption that this is the usual part of the population carrying an ID card for travel and other purposes. Moreover, ID cards in EL are mandatory from the age of 12. In FR and IT ID cards are not mandatory at all.

Due to the different validity regimes the phasing out has a different impact. In EL and FR two thirds of the ID cards would need to be phased out prematurely, in IT 50% of them.

The few figures received through the external study<sup>214</sup> indicate that the production cost of plastic cards in the individual countries may range from EUR 5 in Slovakia to EUR 23 in Germany. The average costs of a new plastic ID card is therefore estimated EUR 12. The compliance cost of a premature upgrade of French, Greek and Italian ID cards is therefore estimated to be **at most EUR 666 million (one-off over five years)**.

**Table 1: Calculation of phasing out costs for EL, FR, IT**

Country	Population above age of 15 (EUROSTAT 2016)	Affected population of possible ID card holders	Validity of ID card in years	Affected number of ID cards	Phasing out cost in EUR
EL	9 226 985	9 226 985	15	6 151 323	73 815 880
FR	54 431 181	54 431 181	15	36 287 454	435 449 448
IT	52 383 692	52 383 692	10	13 095 923	157 151 076

#### **Phasing out costs for senior citizen ID cards**

BE, BG, CZ, ES, HU, RO, SK, SI must phase out cards that are non-compliant with the preferred option within 10 years. Since they produce cards with longer validity for senior citizens (see Annex 5 Table 2.2), these cards will need to be phased out earlier than foreseen which will have a financial impact.

This will concern a very limited part of the population, as if we count the deadline for adoption of the Regulation (2 years), finalisation of the standards by a committee (1 year)

<sup>213</sup> See also FN 41

<sup>214</sup> See CSES study, Table 2.15, page 45.

and the 10 years phasing out, only seniors above 68 (RO), 71 (for BG), 73 (SK), 78 (HU), 83 (CZ, ES and SI) and 88 (BE) will be affected in the respective Member States.

Assuming that all persons above the indicated ages held cards needing renewal, again using the average cost of EUR 12 per plastic card produced (see above), the compliance costs to phase out senior citizens' cards would thus be **at most EUR 111.9 million (one-off over 10 years)**.

**Table 2: Calculation of phasing out costs for senior citizen ID cards**

Country	Population affected above age of:	Affected population of potential card holders above indicated age *	Phasing out cost in EUR
BE	88	285 057	3 420 684
BG	71	1 450 715	17 408 580
CZ	83	416 949	5 003 388
ES	83	2 726 152	32 713 824
HU	78	418 645	5 023 740
RO	68	3 429 379	41 152 548
SI	83	101 745	1 220 940
SK	73	500 526	6 006 312

\*\*\*: based upon EUROSTAT 2016 figures

### **Phasing out costs for TCN FAM permanent residence cards**

For TCN FAM cards under the preferred option, phasing out within five years will be required when the TCN FAM cards are currently not based upon the uniform format for residence permits. This phasing out within five years will create no additional financial impacts for the phasing out of TCN family member residence cards because their validity is always five years and they will be therefore naturally be replaced in five years.

Phasing out TCN FAM permanent residence cards within five years requires additional costs in at least 14 countries (AT, BG, CY, CZ, DK, ES, FI, HR, HU, IT, LU, PL, SI and UK). If they are valid for 10 years, we assume that half will need to be phased out early. If their validity is unlimited we can assume that they all need to be replaced.

Very few countries delivered figures about production cost of such cards (from EUR 5.63 in CZ to EUR 15.40 in BE).<sup>215</sup> It is therefore assumed that a state-of-the-art plastic card with security features will cost as much as for ID cards (average EUR 12). The overall phasing out costs for TCN FAM cards are therefore estimated to be **at most EUR 3.1 million over five years (one-off)**.

**Table 3: Calculation of phasing out costs for TCN FAM permanent residence cards**

Country	Number of cards produced in 10 years <sup>216</sup>	Validity of TCN FAM perm res card in years	Phasing out cost taking into account validity in EUR
AT	8 730	10	52 380

<sup>215</sup> See CSES study, Table 2.16, page 47.

<sup>216</sup> Based on figures in CSES study Table 2.5, page 20.



BG	2 710	10	16 260
CY	1 330	10	7 980
CZ	13 810	10	82 860
DK	45 000	unlimited	540 000
ES	361 370	10	2 168 220
FI	1 070	unlimited	12 840
HR	110	10	660
HU	8 410	10	50 460
IT	10 000	unlimited	60 000
LU	9 270	10	55 620
PL	No figures	10	-
SI	1 000	unlimited	12 000
UK	10 000	10	60 000

### **Cost implications if the phasing out is accelerated**

To speed up the security gains to be provided by the improved documents the phasing out of documents that are non-compliant with the preferred option can be accelerated.

If the phasing out period was for instance cut in half (2-3 years for the least secure documents and 5 years for the other non-compliant documents) **the (one-off) phasing out cost would not only double but almost triple both for ID cards and TCN FAM cards.**

For ID cards more countries would be affected by the phasing out regime. In addition to the ID cards in EL, FR and IT, and the senior citizen ID cards in BE, BG, CZ, ES, HU, RO, SI and SK, a substantial number of ID cards would need to be phased out in AT, BE, BG, CZ, DE, ES, HU, LU, MT, PL, RO, SI, SK.

Regarding TCN FAM cards, under a similarly accelerated phasing out regime, the phasing out would also create additional financial impacts for more countries. Furthermore it would also affect TCN FAM residence cards and not only TCN FAM permanent residence cards because non-compliant TCN FAM residence cards would usually not be naturally replaced within the requested phasing out period.

## **2. Annual costs for non-legislative measures across the EU**

As set out in section 5 the soft law measures under ID (SOFT), RES (SOFT) and PROCESS (SOFT) are non-binding and can be adapted to the needs of the individual Member State.

We therefore only provide examples of how much such activities will cost.<sup>217</sup>

Soft law measures	Annual costs (EUR)
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<sup>217</sup> See CSES study, page 142.

Soft law measures	Annual costs (EUR)
a) Awareness raising	EUR 2.4 million
b) Reinforce SOLVIT	EU28 x 1 x EUR 134 000 = EUR 3.75 million
c) Enhanced administrative cooperation	EU28 x 2 (participants) x 1 (meeting) x EUR 500 (per person) = EUR 28 000
d) EU wide training	Training of public authorities: EUR 387 332; Training of private sector: 750 500 → EUR 1.1 million
e) Points of Contact	EU28 x 1 x EUR 134 000 = EUR 3.75
<b>Total</b>	<b>Around EUR 11 million</b>

#### a) Awareness raising

Each Member State could invest in awareness-raising activities at the national and local level (EUR 80-90 000). EU funding could be used for this.

#### b) Reinforce SOLVIT

SOLVIT could be used to coordinate the awareness-raising campaign: one additional FTE might be needed to coordinate the action in each country. The costs would be lower in some Member States and higher in others. The average salary for the additional FTE is based upon a grade 5 Commission official's cost of employment.

#### c) Enhanced administrative cooperation

This would be best achieved through a dedicated group on document security (drawing on the expertise of the 'Article 6' Committee).

It is assumed that there would be one or two officials fulfilling this role per Member State and that issues would be discussed by experts of the Article 6 Committee. In this way no additional costs would arise apart from the expenses for the participation of two more experts. It should be noted that additional activities might need to be undertaken by officials apart from simply attending the meetings (e.g. preparation for the meeting and follow-up actions after the meeting). However, these costs are not accounted for in the following estimate as they would not necessarily lead to specific additional costs since they would form part of the routine function of the official.

#### d) EU wide training

The key target group would be national authorities, especially border control officials. FRONTEX could be responsible for coordinating this measure. FRONTEX already provides training for border control officials on document security. More training sessions than currently are provided would take place. It should be noted that the costs for a training courses and road shows have been based on information from FRONTEX based on its experience in carrying out such workshops. Furthermore, the e-learning course does not involve any extra-costs as it has already been developed by FRONTEX.

Measures	Price per Unit	Amount of training p.a.	Total EUR
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Two-week training course at FRONTEX with one subject matter expert from each Member State	130 666 <sup>218</sup>	2 training sessions at FRONTEX	EUR 261 332
Road shows at major airports, ports and external land borders	4 500	28 training sessions, one in each Member State	EUR 126 000
E-learning Course	Unknown	All border guards	0 <sup>219</sup>
<b>Total</b>			<b>EUR 387 332</b>

A series of training sessions would also be organised for the private sector. The associations would then be responsible for disseminating the findings of the workshops to their members. There would obviously be additional costs related to associations engaging in training sessions with their respective industry. However, this cost would not be that significant given that these training sessions probably already take place or could be linked to other events/training sessions. The high-level training would however contribute to increased effectiveness of those training sessions.

<b>Summary - Cost of training sessions for private stakeholders</b>	<b>Total (EUR)</b>
Number of training sessions per year	56 (2 per MS)
Average number of participants per session	35
Cost of paying for trainer(s) (per session)	EUR 1 500
Average cost of hiring a meeting room for three days with catering	EUR 2 250
Average cost of travel and subsistence per meeting per expert	EUR 300
Cost of materials/handouts per participant	EUR 25
E-learning Course for all employees	EUR 0 <sup>220</sup>
<b>Total</b>	<b>EUR 752 350</b>

#### e) Points of Contact

A Points of Contact system would need to be established by the national authorities and could be hosted by one of the Ministries, SOLVIT, etc. This would require one member of staff being designate as the contact in each EU Member State. It can therefore be assumed that the costs of this measure are equal to the cost estimated under a) Awareness raising.

### 3. Multi-criteria Analysis – methodology applied

Multi-criteria analysis is one of the tools presented in the Better Regulation "Toolbox" (Tool #63) to compare the different policy options. It is a non-monetary approach and its main advantage is that it allows considering simultaneously a significant number of objectives, criteria and relations.

<sup>218</sup> Based on the figure provided from FRONTEX: 70 000€ for 15 participants, the costs for a workshop with 28 participants should be EUR 1 050 000.

<sup>219</sup> As mentioned, the e-learning tool is already developed by FRONTEX. Therefore, there might be some further costs involved in extending the elements of the e-learning tool related to ID and residence documents. However, once developed the e-learning tool could be distributed for free to all border guards.

<sup>220</sup> Same Frontex tool as the one developed for border guards could be used.

Let's look at the example of the policy instrument **ID cards** presented in this report. There are five different options (including the baseline scenario) which are assessed and compared against 6 different criteria. One of the ID option might be better than another option according to one criterion (e.g. efficiency) but worse according to another (e.g. reduction of document fraud). Thus, there is no solution optimising all criteria simultaneously and therefore a compromise solution has to be found (Giuseppe, 2003). Multi-criteria analysis gives the opportunity to deal with policy issues characterised by various conflicting assessments, thus allowing for an integrated assessment of the problem at hand.

The multi-criteria problem is described the following way (Giuseppe, 2003; Giuseppe, 2017):

### Step 1 – Impact matrix

- A is a finite set of N feasible options,  $A = \{a, b, \dots, N\}$
- M is the number of different evaluation criteria  $G = \{g_M\}$ ,  $m = 1, 2, \dots, M$  considered relevant in a policy problem.

Taking as an example the case of ID cards, table 1 presents the impact matrix where all the possible options (N=5) are assessed against the criteria (M=6). The impact matrix shows i) the number of criteria in favour of a given option; ii) the weight attached to each single criterion; and iii) the relationship of each single option with all the other options.

Regarding the weights, let's assume the existence of a set of individual criterion weights  $W = \{w_M\}$ ,  $m=1, 2, \dots, M$ , with  $\sum_{m=1}^M w_m = 1$ . In this case, we assume equal weights then  $w_m=1/6$ . Despite of equal weights, please be aware that three of the criteria considered are under the umbrella of a broader criterion – effectiveness, therefore a higher weight is given this criterion.

**Table.1 Comparison of the options within the Policy Option ID**

#	Criteria	$w_m$	BL	ID SOFT)	ID 1)	ID 2)	ID 3)
<b>Effectiveness towards the objectives</b>							
1	Improvement of authentication of documents and reduction of document fraud	1/6	0	+	++/+++	+++	+/++
2	Improvement of acceptance of documents	1/6	0	+	++	++	+/++
3	Simplification of daily life for citizens and to cut red tape	1/6	0	+	++	++	+/++
<b>Efficiency</b>							
	Costs		0	-/0	-	--	-
	Benefits		0	+	++/+++	+++	+/++
4	(COSTS VS BENEFITS)	1/6	0	0/+	+/++	+	0/+
5	<b>Coherence (with other policies<sup>221</sup>)</b>	1/6	0	+	+	+	0

<sup>221</sup> In particular Fundamental rights, data protection and digital policies

#	Criteria	$w_m$	BL	ID SOFT)	ID 1)	ID 2)	ID 3)
6	Proportionality	1/6	0	+ / ++	+	0 / +	-

Note: The evaluation is based on a scale of 10 steps from very limited impact (--) to very high impact (+++)  
 "0" indicates no change (i.e. neutrality)  
 $w_m$  weight of each criterion

The next steps shall allow to use the information available above to rank in a complete pre-order (I.e. without any incomparability relation) all the options from the best one to the worst one. In order to do so, the mathematical aggregation convention can be divided in two main steps:

1. Pair-wise comparison of options according to the whole set of individual criteria used (**step 2**)
2. Ranking of options in a complete pre-order (**step 3**)

## Step 2 - Pair-wise comparison of options

Where the option  $a$  is evaluated to be better than option  $b$  (both belonging to the set  $A$ ) according to the  $m^{\text{th}}$  criteria, then  $g_m(a) > g_m(b)$ . In this way a decision problem may be represented in a  $N \times M$  matrix,  $E$ , called *outranking matrix* (Arrow and Raynaud, 1986; Roy, 1996). Any generic element of  $E$ :  $e_{jk}$ ,  $j \neq k$  is the result of the pair-wise comparison, according to all the  $M$  individual criteria, between options  $j$  and  $k$ . Such a global pair-wise comparison is obtained by means of equation:

$$e_{jk} = \sum_{m=1}^M \left( w_m(P_{jk}) + \frac{1}{2} w_m(I_{jk}) \right),$$

Where  $w_m(P_{jk})$  and  $w_m(I_{jk})$  are the weights of individual criteria presenting a preference  $a > b$  and an indifference relation ( $a \sim b$ ), respectively. It clearly holds

$$e_{jk} + e_{kj} = 1$$

In another words and coming back to our ID cards case, options are compared pairwise. For each comparison (e.g. ID 1 versus ID 2 – hereafter, abbreviated as "12") all the weights are summed for the criteria where Option ID 1 is preferred over Options ID 2 (in case of option ID 1 being indifferent of ID 2 half of the weight is given). In this case, ID1 vs ID2 receives the weights of criteria 4 and 6 and half of the weights of criteria 2, 3 and 5m i.e.,  $\left(2 \times \frac{1}{6}\right) + \left(3 \times \frac{1}{2} \times \frac{1}{6}\right)$ . For comparison ID 2 vs ID 1 receives the weights of the other criteria.

**Table.2 Pair-wise comparison of options [Policy Options (N) = 5; Criteria (M) = 6]**

	B	S	1	2	3
B	0	0	0	0	1/4
S	1	0	1/4	1/4	5/12
1	1	3/4	0	7/12	1
2	1	3/4	5/12	0	1
3	3/4	7/12	0	0	0

### Step 3 - Ranking of options

Call  $R$  the set of all  $N!$  possible complete rankings of alternatives,  $R=\{r_s\}$ ,  $s = 1, 2, \dots, N!$ . For each  $r_s$ , the corresponding score  $\varphi_s$  are computed as the summation of  $e_{jk}$  over all the  $\binom{N}{2}$  pairs  $j, k$  of alternatives, i.e.,

$$\varphi_s = \sum e_{jk} ,$$

where  $j \neq k$ ,  $s = 1, 2, \dots, N!$  and  $e_{jk} \in R$ .

The final ranking ( $r^*$ ) is the one which maximises the following equation:

$$r^* \Leftrightarrow \varphi_* = \max \sum e_{jk} \text{ where } e_{jk} \in R.$$

In the case of the ID cards, policy options can be ranked in  $5!$  (=120) ways (see table 3). For example, the score for the ranking "BS123" is the score of BS plus those of B1, B2, B3, S1, S2, S3, 12, 13 and 23 (all ordered pairs from left to right). The optimal ranking is the one with the maximum likelihood score, i.e., "123SB" (ID 1, followed by ID 2, followed by ID 3, followed by ID SOFT and followed by the baseline scenario). Therefore the preferred option is ID 1.

**Table.3 Ranking of Policy Options ID cards**

Ranking	POLICY PAIRINGS										Final Score
<b>BS123</b>	BS	B1	B2	B3	S1	S2	S3	12	13	23	<b>3.75</b>
<b>BS132</b>	BS	B1	B3	B2	S1	S3	S2	13	12	32	<b>2.75</b>
<b>BS213</b>	BS	B2	B1	B3	S2	S1	S3	21	23	13	<b>3.58</b>
<b>BS231</b>	BS	B2	B3	B1	S2	S3	S1	23	21	31	<b>2.58</b>
<b>BS312</b>	BS	B3	B1	B2	S3	S1	S2	31	32	12	<b>1.75</b>
<b>BS321</b>	BS	B3	B2	B1	S3	S2	S1	32	31	21	<b>1.58</b>
<b>B1S23</b>	B1	BS	B2	B3	1S	12	13	S2	S3	23	<b>4.25</b>
<b>B1S32</b>	B1	BS	B3	B2	1S	13	12	S3	S2	32	<b>3.25</b>
<b>B12S3</b>	B1	B2	BS	B3	12	1S	13	2S	23	S3	<b>4.75</b>
<b>B123S</b>	B1	B2	B3	BS	12	13	1S	23	2S	3S	<b>4.92</b>
<b>B13S2</b>	B1	B3	BS	B2	13	1S	12	3S	32	S2	<b>3.42</b>
<b>B132S</b>	B1	B3	B2	BS	13	12	1S	32	3S	2S	<b>3.92</b>
<b>B2S13</b>	B2	BS	B1	B3	2S	21	23	S1	S3	13	<b>4.08</b>
<b>B2S31</b>	B2	BS	B3	B1	2S	23	21	S3	S1	31	<b>3.08</b>
<b>B21S3</b>	B2	B1	BS	B3	21	2S	23	1S	13	S3	<b>4.58</b>
<b>B213S</b>	B2	B1	B3	BS	21	23	2S	13	1S	3S	<b>4.75</b>
<b>B23S1</b>	B2	B3	BS	B1	23	2S	21	3S	31	S1	<b>3.25</b>
<b>B231S</b>	B2	B3	B1	BS	23	21	2S	31	3S	1S	<b>3.75</b>
<b>B3S12</b>	B3	BS	B1	B2	3S	31	32	S1	S2	12	<b>1.92</b>
<b>B3S21</b>	B3	BS	B2	B1	3S	32	31	S2	S1	21	<b>1.75</b>
<b>B31S2</b>	B3	B1	BS	B2	31	3S	32	1S	12	S2	<b>2.42</b>
<b>B312S</b>	B3	B1	B2	BS	31	32	3S	12	1S	2S	<b>2.92</b>
<b>B32S1</b>	B3	B2	BS	B1	32	3S	31	2S	21	S1	<b>2.25</b>
<b>B321S</b>	B3	B2	B1	BS	32	31	3S	21	2S	1S	<b>2.75</b>

Ranking	POLICY PAIRINGS										Final Score
<b>SB123</b>	SB	S1	S2	S3	B1	B2	B3	12	13	23	<b>4.75</b>
<b>SB132</b>	SB	S1	S3	S2	B1	B3	B2	13	12	32	<b>3.75</b>
<b>SB213</b>	SB	S2	S1	S3	B2	B1	B3	21	23	13	<b>4.58</b>
<b>SB231</b>	SB	S2	S3	S1	B2	B3	B1	23	21	31	<b>3.58</b>
<b>SB312</b>	SB	S3	S1	S2	B3	B1	B2	31	32	12	<b>2.75</b>
<b>SB321</b>	SB	S3	S2	S1	B3	B2	B1	32	31	21	<b>2.58</b>
<b>S1B23</b>	S1	SB	S2	S3	1B	12	13	B2	B3	23	<b>5.75</b>
<b>S1B32</b>	S1	SB	S3	S2	1B	13	12	B3	B2	32	<b>4.75</b>
<b>S12B3</b>	S1	S2	SB	S3	12	1B	13	2B	23	B3	<b>6.75</b>
<b>S123B</b>	S1	S2	S3	SB	12	13	1B	23	2B	3B	<b>7.25</b>
<b>S13B2</b>	S1	S3	SB	S2	13	1B	12	3B	32	B2	<b>5.25</b>
<b>S132B</b>	S1	S3	S2	SB	13	12	1B	32	3B	2B	<b>6.25</b>
<b>S2B13</b>	S2	SB	S1	S3	2B	21	23	B1	B3	13	<b>5.58</b>
<b>S2B31</b>	S2	SB	S3	S1	2B	23	21	B3	B1	31	<b>4.58</b>
<b>S21B3</b>	S2	S1	SB	S3	21	2B	23	1B	13	B3	<b>6.58</b>
<b>S213B</b>	S2	S1	S3	SB	21	23	2B	13	1B	3B	<b>7.08</b>
<b>S23B1</b>	S2	S3	SB	S1	23	2B	21	3B	31	B1	<b>5.08</b>
<b>S231B</b>	S2	S3	S1	SB	23	21	2B	31	3B	1B	<b>6.08</b>
<b>S3B12</b>	S3	SB	S1	S2	3B	31	32	B1	B2	12	<b>3.25</b>
<b>S3B21</b>	S3	SB	S2	S1	3B	32	31	B2	B1	21	<b>3.08</b>
<b>S31B2</b>	S3	S1	SB	S2	31	3B	32	1B	12	B2	<b>4.25</b>
<b>S312B</b>	S3	S1	S2	SB	31	32	3B	12	1B	2B	<b>5.25</b>
<b>S32B1</b>	S3	S2	SB	S1	32	3B	31	2B	21	B1	<b>4.08</b>
<b>S321B</b>	S3	S2	S1	SB	32	31	3B	21	2B	1B	<b>5.08</b>
<b>1BS23</b>	1B	1S	12	13	BS	B2	B3	S2	S3	23	<b>5.25</b>
<b>1BS32</b>	1B	1S	13	12	BS	B3	B2	S3	S2	32	<b>4.25</b>
<b>1B2S3</b>	1B	12	1S	13	B2	BS	B3	2S	23	S3	<b>5.75</b>
<b>1B23S</b>	1B	12	13	1S	B2	B3	BS	23	2S	3S	<b>5.92</b>
<b>1B3S2</b>	1B	13	1S	12	B3	BS	B2	3S	32	S2	<b>4.42</b>
<b>1B32S</b>	1B	13	12	1S	B3	B2	BS	32	3S	2S	<b>4.92</b>
<b>1SB23</b>	1S	1B	12	13	SB	S2	S3	B2	B3	23	<b>6.25</b>
<b>1SB32</b>	1S	1B	13	12	SB	S3	S2	B3	B2	32	<b>5.25</b>
<b>1S2B3</b>	1S	12	1B	13	S2	SB	S3	2B	23	B3	<b>7.25</b>
<b>1S23B</b>	1S	12	13	1B	S2	S3	SB	23	2B	3B	<b>7.75</b>
<b>1S3B2</b>	1S	13	1B	12	S3	SB	S2	3B	32	B2	<b>5.75</b>
<b>1S32B</b>	1S	13	12	1B	S3	S2	SB	32	3B	2B	<b>6.75</b>
<b>12BS3</b>	12	1B	1S	13	2B	2S	23	BS	B3	S3	<b>6.75</b>
<b>12B3S</b>	12	1B	13	1S	2B	23	2S	B3	BS	3S	<b>6.92</b>
<b>12SB3</b>	12	1S	1B	13	2S	2B	23	SB	S3	B3	<b>7.75</b>
<b>12S3B</b>	12	1S	13	1B	2S	23	2B	S3	SB	3B	<b>8.25</b>
<b>123BS</b>	12	13	1B	1S	23	2B	2S	3B	3S	BS	<b>7.42</b>
<b>123SB</b>	12	13	1S	1B	23	2S	2B	3S	3B	SB	<b>8.42</b>

Ranking	POLICY PAIRINGS										Final Score
<b>13BS2</b>	13	1B	1S	12	3B	3S	32	BS	B2	S2	<b>4.92</b>
<b>13B2S</b>	13	1B	12	1S	3B	32	3S	B2	BS	2S	<b>5.42</b>
<b>13SB2</b>	13	1S	1B	12	3S	3B	32	SB	S2	B2	<b>5.92</b>
<b>13S2B</b>	13	1S	12	1B	3S	32	3B	S2	SB	2B	<b>6.92</b>
<b>132BS</b>	13	12	1B	1S	32	3B	3S	2B	2S	BS	<b>6.42</b>
<b>132SB</b>	13	12	1S	1B	32	3S	3B	2S	2B	SB	<b>7.42</b>
<b>2BS13</b>	2B	2S	21	23	BS	B1	B3	S1	S3	13	<b>5.08</b>
<b>2BS31</b>	2B	2S	23	21	BS	B3	B1	S3	S1	31	<b>4.08</b>
<b>2B1S3</b>	2B	21	2S	23	B1	BS	B3	1S	13	S3	<b>5.58</b>
<b>2B13S</b>	2B	21	23	2S	B1	B3	BS	13	1S	3S	<b>5.75</b>
<b>2B3S1</b>	2B	23	2S	21	B3	BS	B1	3S	31	S1	<b>4.25</b>
<b>2B31S</b>	2B	23	21	2S	B3	B1	BS	31	3S	1S	<b>4.75</b>
<b>2SB13</b>	2S	2B	21	23	SB	S1	S3	B1	B3	13	<b>6.08</b>
<b>2SB31</b>	2S	2B	23	21	SB	S3	S1	B3	B1	31	<b>5.08</b>
<b>2S1B3</b>	2S	21	2B	23	S1	SB	S3	1B	13	B3	<b>7.08</b>
<b>2S13B</b>	2S	21	23	2B	S1	S3	SB	13	1B	3B	<b>7.58</b>
<b>2S3B1</b>	2S	23	2B	21	S3	SB	S1	3B	31	B1	<b>5.58</b>
<b>2S31B</b>	2S	23	21	2B	S3	S1	SB	31	3B	1B	<b>6.58</b>
<b>21BS3</b>	21	2B	2S	23	1B	1S	13	BS	B3	S3	<b>6.58</b>
<b>21B3S</b>	21	2B	23	2S	1B	13	1S	B3	BS	3S	<b>6.75</b>
<b>21SB3</b>	21	2S	2B	23	1S	1B	13	SB	S3	B3	<b>7.58</b>
<b>21S3B</b>	21	2S	23	2B	1S	13	1B	S3	SB	3B	<b>8.08</b>
<b>213BS</b>	21	23	2B	2S	13	1B	1S	3B	3S	BS	<b>7.25</b>
<b>213SB</b>	21	23	2S	2B	13	1S	1B	3S	3B	SB	<b>8.25</b>
<b>23BS1</b>	23	2B	2S	21	3B	3S	31	BS	B1	S1	<b>4.75</b>
<b>23B1S</b>	23	2B	21	2S	3B	31	3S	B1	BS	1S	<b>5.25</b>
<b>23SB1</b>	23	2S	2B	21	3S	3B	31	SB	S1	B1	<b>5.75</b>
<b>23S1B</b>	23	2S	21	2B	3S	31	3B	S1	SB	1B	<b>6.75</b>
<b>231BS</b>	23	21	2B	2S	31	3B	3S	1B	1S	BS	<b>6.25</b>
<b>231SB</b>	23	21	2S	2B	31	3S	3B	1S	1B	SB	<b>7.25</b>
<b>3BS12</b>	3B	3S	31	32	BS	B1	B2	S1	S2	12	<b>2.42</b>
<b>3BS21</b>	3B	3S	32	31	BS	B2	B1	S2	S1	21	<b>2.25</b>
<b>3B1S2</b>	3B	31	3S	32	B1	BS	B2	1S	12	S2	<b>2.92</b>
<b>3B12S</b>	3B	31	32	3S	B1	B2	BS	12	1S	2S	<b>3.42</b>
<b>3B2S1</b>	3B	32	3S	31	B2	BS	B1	2S	21	S1	<b>2.75</b>
<b>3B21S</b>	3B	32	31	3S	B2	B1	BS	21	2S	1S	<b>3.25</b>
<b>3SB12</b>	3S	3B	31	32	SB	S1	S2	B1	B2	12	<b>3.42</b>
<b>3SB21</b>	3S	3B	32	31	SB	S2	S1	B2	B1	21	<b>3.25</b>
<b>3S1B2</b>	3S	31	3B	32	S1	SB	S2	1B	12	B2	<b>4.42</b>
<b>3S12B</b>	3S	31	32	3B	S1	S2	SB	12	1B	2B	<b>5.42</b>
<b>3S2B1</b>	3S	32	3B	31	S2	SB	S1	2B	21	B1	<b>4.25</b>
<b>3S21B</b>	3S	32	31	3B	S2	S1	SB	21	2B	1B	<b>5.25</b>



Ranking	POLICY PAIRINGS										Final Score
<b>31BS2</b>	31	3B	3S	32	1B	1S	12	BS	B2	S2	<b>3.92</b>
<b>31B2S</b>	31	3B	32	3S	1B	12	1S	B2	BS	2S	<b>4.42</b>
<b>31SB2</b>	31	3S	3B	32	1S	1B	12	SB	S2	B2	<b>4.92</b>
<b>31S2B</b>	31	3S	32	3B	1S	12	1B	S2	SB	2B	<b>5.92</b>
<b>312BS</b>	31	32	3B	3S	12	1B	1S	2B	2S	BS	<b>5.42</b>
<b>312SB</b>	31	32	3S	3B	12	1S	1B	2S	2B	SB	<b>6.42</b>
<b>32BS1</b>	32	3B	3S	31	2B	2S	21	BS	B1	S1	<b>3.75</b>
<b>32B1S</b>	32	3B	31	3S	2B	21	2S	B1	BS	1S	<b>4.25</b>
<b>32SB1</b>	32	3S	3B	31	2S	2B	21	SB	S1	B1	<b>4.75</b>
<b>32S1B</b>	32	3S	31	3B	2S	21	2B	S1	SB	1B	<b>5.75</b>
<b>321BS</b>	32	31	3B	3S	21	2B	2S	1B	1S	BS	<b>5.25</b>
<b>321SB</b>	32	31	3S	3B	21	2S	2B	1S	1B	SB	<b>6.25</b>

The same applies to the other policy instruments RES and Process.

### **Policy Instrument RES**

#### **Step 1 – Impact matrix**

**Table.4 Comparison of the options within the Policy Option RES**

#	Criteria	$w_m$	BL	RES SOFT)	RES 1)	RES 2)	RES 3)
<b>Effectiveness towards the objectives</b>							
<b>1</b>	Improvement of authentication of documents and reduction of document fraud	1/6	0	0/+	+ /++	++	++ /+++
<b>2</b>	Improvement of acceptance of documents	1/6	0	0/+	+ /++	++	++ /+++
<b>3</b>	Simplification of daily life for citizens and to cut red tape	1/6	0	0/+	+ /++	++	++
<b>Efficiency</b>							
Costs			0	0	- /0	-	-- /---
Benefits			0	+	+ /++	++ /+++	+++
<b>4</b>	(COSTS VS BENEFITS)	1/6	0	+	+	+ /++	0 /+
<b>5</b>	<b>Coherence (with other policies<sup>222</sup>)</b>	1/6	0	0 /+	+	+	0 /+
<b>6</b>	<b>Proportionality</b>	1/6	0	0 /+	+	+	0 /+

Note: The evaluation is based on a scale of 10 steps from very limited impact (--) to very high impact (+++)  
 "0" indicates no change (i.e. neutrality)  
 $w_m$  weight of each criterion

<sup>222</sup> In particular Fundamental rights, data protection and digital policies

## Step 2 - Pair-wise comparison of options

**Table.5** Pair-wise comparison of options [Policy Options (N) = 5; Criteria (M) = 6]

	B	S	1	2	3
B	0	0	0	0	0
S	1	0	1/12	0	0
1	1	11/12	0	1/6	1/2
2	1	1	5/6	0	7/12
3	1	1	1/2	5/12	0

## Step 3 - Ranking of options (R=5!)

**Table.6** Ranking of Policy Options RES

Ranking	POLICY PAIRINGS										Final Score
<b>BS123</b>	BS	B1	B2	B3	S1	S2	S3	12	13	23	<b>1.33</b>
<b>BS132</b>	BS	B1	B3	B2	S1	S3	S2	13	12	32	<b>1.17</b>
<b>BS213</b>	BS	B2	B1	B3	S2	S1	S3	21	23	13	<b>2.00</b>
<b>BS231</b>	BS	B2	B3	B1	S2	S3	S1	23	21	31	<b>2.00</b>
<b>BS312</b>	BS	B3	B1	B2	S3	S1	S2	31	32	12	<b>1.17</b>
<b>BS321</b>	BS	B3	B2	B1	S3	S2	S1	32	31	21	<b>1.83</b>
<b>B1S23</b>	B1	BS	B2	B3	1S	12	13	S2	S3	23	<b>2.17</b>
<b>B1S32</b>	B1	BS	B3	B2	1S	13	12	S3	S2	32	<b>2.00</b>
<b>B12S3</b>	B1	B2	BS	B3	12	1S	13	2S	23	S3	<b>3.17</b>
<b>B123S</b>	B1	B2	B3	BS	12	13	1S	23	2S	3S	<b>4.17</b>
<b>B13S2</b>	B1	B3	BS	B2	13	1S	12	3S	32	S2	<b>3.00</b>
<b>B132S</b>	B1	B3	B2	BS	13	12	1S	32	3S	2S	<b>4.00</b>
<b>B2S13</b>	B2	BS	B1	B3	2S	21	23	S1	S3	13	<b>3.00</b>
<b>B2S31</b>	B2	BS	B3	B1	2S	23	21	S3	S1	31	<b>3.00</b>
<b>B21S3</b>	B2	B1	BS	B3	21	2S	23	1S	13	S3	<b>3.83</b>
<b>B213S</b>	B2	B1	B3	BS	21	23	2S	13	1S	3S	<b>4.83</b>
<b>B23S1</b>	B2	B3	BS	B1	23	2S	21	3S	31	S1	<b>4.00</b>
<b>B231S</b>	B2	B3	B1	BS	23	21	2S	31	3S	1S	<b>4.83</b>
<b>B3S12</b>	B3	BS	B1	B2	3S	31	32	S1	S2	12	<b>2.17</b>
<b>B3S21</b>	B3	BS	B2	B1	3S	32	31	S2	S1	21	<b>2.83</b>
<b>B31S2</b>	B3	B1	BS	B2	31	3S	32	1S	12	S2	<b>3.00</b>
<b>B312S</b>	B3	B1	B2	BS	31	32	3S	12	1S	2S	<b>4.00</b>
<b>B32S1</b>	B3	B2	BS	B1	32	3S	31	2S	21	S1	<b>3.83</b>
<b>B321S</b>	B3	B2	B1	BS	32	31	3S	21	2S	1S	<b>4.67</b>
<b>SB123</b>	SB	S1	S2	S3	B1	B2	B3	12	13	23	<b>2.33</b>
<b>SB132</b>	SB	S1	S3	S2	B1	B3	B2	13	12	32	<b>2.17</b>
<b>SB213</b>	SB	S2	S1	S3	B2	B1	B3	21	23	13	<b>3.00</b>
<b>SB231</b>	SB	S2	S3	S1	B2	B3	B1	23	21	31	<b>3.00</b>

Ranking	POLICY PAIRINGS										Final Score
<b>SB312</b>	SB	S3	S1	S2	B3	B1	B2	31	32	12	<b>2.17</b>
<b>SB321</b>	SB	S3	S2	S1	B3	B2	B1	32	31	21	<b>2.83</b>
<b>S1B23</b>	S1	SB	S2	S3	1B	12	13	B2	B3	23	<b>3.33</b>
<b>S1B32</b>	S1	SB	S3	S2	1B	13	12	B3	B2	32	<b>3.17</b>
<b>S12B3</b>	S1	S2	SB	S3	12	1B	13	2B	23	B3	<b>4.33</b>
<b>S123B</b>	S1	S2	S3	SB	12	13	1B	23	2B	3B	<b>5.33</b>
<b>S13B2</b>	S1	S3	SB	S2	13	1B	12	3B	32	B2	<b>4.17</b>
<b>S132B</b>	S1	S3	S2	SB	13	12	1B	32	3B	2B	<b>5.17</b>
<b>S2B13</b>	S2	SB	S1	S3	2B	21	23	B1	B3	13	<b>4.00</b>
<b>S2B31</b>	S2	SB	S3	S1	2B	23	21	B3	B1	31	<b>4.00</b>
<b>S21B3</b>	S2	S1	SB	S3	21	2B	23	1B	13	B3	<b>5.00</b>
<b>S213B</b>	S2	S1	S3	SB	21	23	2B	13	1B	3B	<b>6.00</b>
<b>S23B1</b>	S2	S3	SB	S1	23	2B	21	3B	31	B1	<b>5.00</b>
<b>S231B</b>	S2	S3	S1	SB	23	21	2B	31	3B	1B	<b>6.00</b>
<b>S3B12</b>	S3	SB	S1	S2	3B	31	32	B1	B2	12	<b>3.17</b>
<b>S3B21</b>	S3	SB	S2	S1	3B	32	31	B2	B1	21	<b>3.83</b>
<b>S31B2</b>	S3	S1	SB	S2	31	3B	32	1B	12	B2	<b>4.17</b>
<b>S312B</b>	S3	S1	S2	SB	31	32	3B	12	1B	2B	<b>5.17</b>
<b>S32B1</b>	S3	S2	SB	S1	32	3B	31	2B	21	B1	<b>4.83</b>
<b>S321B</b>	S3	S2	S1	SB	32	31	3B	21	2B	1B	<b>5.83</b>
<b>1BS23</b>	1B	1S	12	13	BS	B2	B3	S2	S3	23	<b>3.17</b>
<b>1BS32</b>	1B	1S	13	12	BS	B3	B2	S3	S2	32	<b>3.00</b>
<b>1B2S3</b>	1B	12	1S	13	B2	BS	B3	2S	23	S3	<b>4.17</b>
<b>1B23S</b>	1B	12	13	1S	B2	B3	BS	23	2S	3S	<b>5.17</b>
<b>1B3S2</b>	1B	13	1S	12	B3	BS	B2	3S	32	S2	<b>4.00</b>
<b>1B32S</b>	1B	13	12	1S	B3	B2	BS	32	3S	2S	<b>5.00</b>
<b>1SB23</b>	1S	1B	12	13	SB	S2	S3	B2	B3	23	<b>4.17</b>
<b>1SB32</b>	1S	1B	13	12	SB	S3	S2	B3	B2	32	<b>4.00</b>
<b>1S2B3</b>	1S	12	1B	13	S2	SB	S3	2B	23	B3	<b>5.17</b>
<b>1S23B</b>	1S	12	13	1B	S2	S3	SB	23	2B	3B	<b>6.17</b>
<b>1S3B2</b>	1S	13	1B	12	S3	SB	S2	3B	32	B2	<b>5.00</b>
<b>1S32B</b>	1S	13	12	1B	S3	S2	SB	32	3B	2B	<b>6.00</b>
<b>12BS3</b>	12	1B	1S	13	2B	2S	23	BS	B3	S3	<b>5.17</b>
<b>12B3S</b>	12	1B	13	1S	2B	23	2S	B3	BS	3S	<b>6.17</b>
<b>12SB3</b>	12	1S	1B	13	2S	2B	23	SB	S3	B3	<b>6.17</b>
<b>12S3B</b>	12	1S	13	1B	2S	23	2B	S3	SB	3B	<b>7.17</b>
<b>123BS</b>	12	13	1B	1S	23	2B	2S	3B	3S	BS	<b>7.17</b>
<b>123SB</b>	12	13	1S	1B	23	2S	2B	3S	3B	SB	<b>8.17</b>
<b>13BS2</b>	13	1B	1S	12	3B	3S	32	BS	B2	S2	<b>5.00</b>
<b>13B2S</b>	13	1B	12	1S	3B	32	3S	B2	BS	2S	<b>6.00</b>
<b>13SB2</b>	13	1S	1B	12	3S	3B	32	SB	S2	B2	<b>6.00</b>
<b>13S2B</b>	13	1S	12	1B	3S	32	3B	S2	SB	2B	<b>7.00</b>

Ranking	POLICY PAIRINGS										Final Score
<b>132BS</b>	13	12	1B	1S	32	3B	3S	2B	2S	BS	<b>7.00</b>
<b>132SB</b>	13	12	1S	1B	32	3S	3B	2S	2B	SB	<b>8.00</b>
<b>2BS13</b>	2B	2S	21	23	BS	B1	B3	S1	S3	13	<b>4.00</b>
<b>2BS31</b>	2B	2S	23	21	BS	B3	B1	S3	S1	31	<b>4.00</b>
<b>2B1S3</b>	2B	21	2S	23	B1	BS	B3	1S	13	S3	<b>4.83</b>
<b>2B13S</b>	2B	21	23	2S	B1	B3	BS	13	1S	3S	<b>5.83</b>
<b>2B3S1</b>	2B	23	2S	21	B3	BS	B1	3S	31	S1	<b>5.00</b>
<b>2B31S</b>	2B	23	21	2S	B3	B1	BS	31	3S	1S	<b>5.83</b>
<b>2SB13</b>	2S	2B	21	23	SB	S1	S3	B1	B3	13	<b>5.00</b>
<b>2SB31</b>	2S	2B	23	21	SB	S3	S1	B3	B1	31	<b>5.00</b>
<b>2S1B3</b>	2S	21	2B	23	S1	SB	S3	1B	13	B3	<b>6.00</b>
<b>2S13B</b>	2S	21	23	2B	S1	S3	SB	13	1B	3B	<b>7.00</b>
<b>2S3B1</b>	2S	23	2B	21	S3	SB	S1	3B	31	B1	<b>6.00</b>
<b>2S31B</b>	2S	23	21	2B	S3	S1	SB	31	3B	1B	<b>7.00</b>
<b>21BS3</b>	21	2B	2S	23	1B	1S	13	BS	B3	S3	<b>5.83</b>
<b>21B3S</b>	21	2B	23	2S	1B	13	1S	B3	BS	3S	<b>6.83</b>
<b>21SB3</b>	21	2S	2B	23	1S	1B	13	SB	S3	B3	<b>6.83</b>
<b>21S3B</b>	21	2S	23	2B	1S	13	1B	S3	SB	3B	<b>7.83</b>
<b>213BS</b>	21	23	2B	2S	13	1B	1S	3B	3S	BS	<b>7.83</b>
<b>213SB</b>	21	23	2S	2B	13	1S	1B	3S	3B	SB	<b>8.83</b>
<b>23BS1</b>	23	2B	2S	21	3B	3S	31	BS	B1	S1	<b>6.00</b>
<b>23B1S</b>	23	2B	21	2S	3B	31	3S	B1	BS	1S	<b>6.83</b>
<b>23SB1</b>	23	2S	2B	21	3S	3B	31	SB	S1	B1	<b>7.00</b>
<b>23S1B</b>	23	2S	21	2B	3S	31	3B	S1	SB	1B	<b>8.00</b>
<b>231BS</b>	23	21	2B	2S	31	3B	3S	1B	1S	BS	<b>7.83</b>
<b>231SB</b>	23	21	2S	2B	31	3S	3B	1S	1B	SB	<b>8.83</b>
<b>3BS12</b>	3B	3S	31	32	BS	B1	B2	S1	S2	12	<b>3.17</b>
<b>3BS21</b>	3B	3S	32	31	BS	B2	B1	S2	S1	21	<b>3.83</b>
<b>3B1S2</b>	3B	31	3S	32	B1	BS	B2	1S	12	S2	<b>4.00</b>
<b>3B12S</b>	3B	31	32	3S	B1	B2	BS	12	1S	2S	<b>5.00</b>
<b>3B2S1</b>	3B	32	3S	31	B2	BS	B1	2S	21	S1	<b>4.83</b>
<b>3B21S</b>	3B	32	31	3S	B2	B1	BS	21	2S	1S	<b>5.67</b>
<b>3SB12</b>	3S	3B	31	32	SB	S1	S2	B1	B2	12	<b>4.17</b>
<b>3SB21</b>	3S	3B	32	31	SB	S2	S1	B2	B1	21	<b>4.83</b>
<b>3S1B2</b>	3S	31	3B	32	S1	SB	S2	1B	12	B2	<b>5.17</b>
<b>3S12B</b>	3S	31	32	3B	S1	S2	SB	12	1B	2B	<b>6.17</b>
<b>3S2B1</b>	3S	32	3B	31	S2	SB	S1	2B	21	B1	<b>5.83</b>
<b>3S21B</b>	3S	32	31	3B	S2	S1	SB	21	2B	1B	<b>6.83</b>
<b>31BS2</b>	31	3B	3S	32	1B	1S	12	BS	B2	S2	<b>5.00</b>
<b>31B2S</b>	31	3B	32	3S	1B	12	1S	B2	BS	2S	<b>6.00</b>
<b>31SB2</b>	31	3S	3B	32	1S	1B	12	SB	S2	B2	<b>6.00</b>
<b>31S2B</b>	31	3S	32	3B	1S	12	1B	S2	SB	2B	<b>7.00</b>

Ranking	POLICY PAIRINGS										Final Score
<b>312BS</b>	31	32	3B	3S	12	1B	1S	2B	2S	BS	<b>7.00</b>
<b>312SB</b>	31	32	3S	3B	12	1S	1B	2S	2B	SB	<b>8.00</b>
<b>32BS1</b>	32	3B	3S	31	2B	2S	21	BS	B1	S1	<b>5.83</b>
<b>32B1S</b>	32	3B	31	3S	2B	21	2S	B1	BS	1S	<b>6.67</b>
<b>32SB1</b>	32	3S	3B	31	2S	2B	21	SB	S1	B1	<b>6.83</b>
<b>32S1B</b>	32	3S	31	3B	2S	21	2B	S1	SB	1B	<b>7.83</b>
<b>321BS</b>	32	31	3B	3S	21	2B	2S	1B	1S	BS	<b>7.67</b>
<b>321SB</b>	32	31	3S	3B	21	2S	2B	1S	1B	SB	<b>8.67</b>

The optimal rankings are the ones with the maximum likelihood score, i.e., "213SB" (RES 2, followed by RES 1, followed by RES 3, followed by RES SOFT and followed by the baseline scenario) and "231SB" (RES 2, followed by RES 3, followed by RES 1, followed by RES SOFT and followed by the baseline scenario). In both of the optional rankings RES 2 ranks first and therefore the preferred option is RES 2.

### **Policy Instrument PROCESS**

#### **Step 1 – Impact matrix**

**Table.7 Comparison of the options within the Policy Option PROCESS**

#	Criteria	$w_m$	BL	PROCESS SOFT)	PROCESS 1)
<b>Effectiveness towards the objectives</b>					
<b>1</b>	Reduction of document fraud	1/5	0	+	+
<b>2</b>	Simplification of daily life for citizens and to cut red tape	1/5	0	+	++
<b>Efficiency</b>					
Costs			0	0	-/0
Benefits			0	+	+/++
<b>3</b>	(COSTS VS BENEFITS)	1/5	+	+	+/++
<b>4</b>	<b>Coherence (with other policies<sup>223</sup>)</b>	1/5	+	-/0	+
<b>5</b>	<b>Proportionality</b>	1/5	+	-	+

Note: The evaluation is based on a scale of 10 steps from very limited impact (--) to very high impact (+++)  
 "0" indicates no change (i.e. neutrality)  
 $w_m$  weight of each criterion

<sup>223</sup> In particular Fundamental rights, data protection and digital policies

## Step 2 - Pair-wise comparison of options

**Table.8** Pair-wise comparison of options [Policy Options (N) = 3; Criteria (M) = 5]

	B	S	1
B	0	0	2/5
S	1	0	3/5
1	3/5	2/5	0

## Step 3 - Ranking of options (R=3!)

**Table.9** Ranking of Policy Options PROCESS

	Policy Parings			Final Score
<b>BS1</b>	BS	B1	S1	<b>1</b>
<b>B1S</b>	B1	BS	1S	<b>0.8</b>
<b>SB1</b>	SB	S1	B1	<b>2</b>
<b>S1B</b>	S1	SB	1B	<b>2.2</b>
<b>1BS</b>	1B	1S	BS	<b>1</b>
<b>1SB</b>	1S	1B	SB	<b>2</b>

The optimal ranking is the one with the maximum likelihood score, i.e., "S1B" (PROCESS SOFT, followed by PROCESS 1 and followed by the baseline scenario). Therefore the preferred option is PROCESS SOFT.

## 4. Sensitivity test

<ul style="list-style-type: none"> <li>✓ <b>4 categories of criteria</b> (effectiveness, efficiency, coherence and proportionality)</li> <li>✓ <b>Under effectiveness there are 3 individual criteria (ID and RES option) and 2 individual criteria (PROCESS option)</b> showing the effectiveness of the options towards the objectives of the initiative.</li> <li>✓ Thus, <b>there are in total 6 individual criteria</b></li> <li>✓ When equal weights are used between the individual criteria, effectiveness gets <b>the highest weight (50% for ID and RES options and 40% for PROCESS option)</b>. For the purpose of the sensitivity analysis, 50% is the weight used when you say that a category of criteria has the highest weight</li> </ul>				<b>ID Option</b>		<b>RES OPTION</b>		<b>PROCESS OPTION</b>	
		<b>Weights</b> ID and RES option	<b>Weights</b> PROCESS option	<b>Ranking of Options</b>	<b>Preferred Option(s)</b>	<b>Ranking of Options</b>	<b>Preferred Option(s)</b>	<b>Ranking of Options</b>	<b>Preferred Option(s)</b>
<b>Equal weights between the categories of criteria</b>	<b>Effectiveness</b> 1/4 <b>Efficiency</b> 1/4	<b>Effectiveness</b> 1/4 <b>Efficiency</b> 1/4		12S3B	Option ID 1	213SB	Option RES 2	SB1 S1B	PROCESS SOFT

	Coherence 1/4 Proportionality 1/4	Coherence 1/4 Proportionality 1/4						
Effectiveness highest weight	Effectiveness 1/2 Efficiency 1/6 Coherence 1/6 Proportionality 1/6	Effectiveness 2/5 Efficiency 1/5 Coherence 1/5 Proportionality 1/5	123SB	Option ID 1	213SB 231SB	Option RES 2	S1B	PROCESS SOFT
Efficiency highest weigh	Effectiveness 1/6 Efficiency 1/2 Coherence 1/6 Proportionality 1/6	Effectiveness 1/6 Efficiency 1/2 Coherence 1/6 Proportionality 1/6	12S3B	Option ID 1	213SB	Option RES 2	S1B	PROCESS SOFT
Coherence highest weight	Effectiveness 1/6 Efficiency 1/6 Coherence 1/2 Proportionality 1/6	Effectiveness 1/6 Efficiency 1/6 Coherence 1/2 Proportionality 1/6	12S3B	Option ID 1	213SB	Option RES 2	SB1	PROCESS SOFT
Proportionality highest weight	Effectiveness 1/6 Efficiency 1/6 Coherence 1/6 Proportionality 1/2	Effectiveness 1/6 Efficiency 1/6 Coherence 1/6 Proportionality 1/2	S12B3	<u>Option</u> <u>SOFT</u>	213SB	Option RES 2	SB1	PROCESS SOFT
Effectiveness towards 'security' objective <sup>224</sup>	Effectiveness above around 1/3 Efficiency 1/7 Coherence 1/7 Proportionality 1/7	Effectiveness above around 1/3 Efficiency 1/6 Coherence 1/6 Proportionality 1/6	213SB	<u>Option ID</u> <u>2</u>	321SB	<u>Option</u> <u>RES 3</u>	S1B	PROCESS SOFT
Effectiveness towards 'free			Option 1 is the preferred option. <u>Option 2</u> is the		Option RES 2 If weight above 1/3, option RES 3 is		N/A as free movement is not a SO under this option	

224 Increase only the weight of the criteria "Improve authentication of documents and reduce document fraud" and all the others have equal weights

<b>movement' objective</b> <sup>225</sup>			preferred option iff If the weight given to the criterion is very close to 1	preferred	
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225 Increase only the weight of the criteria “Improve acceptance of documents” and all the others have equal weights

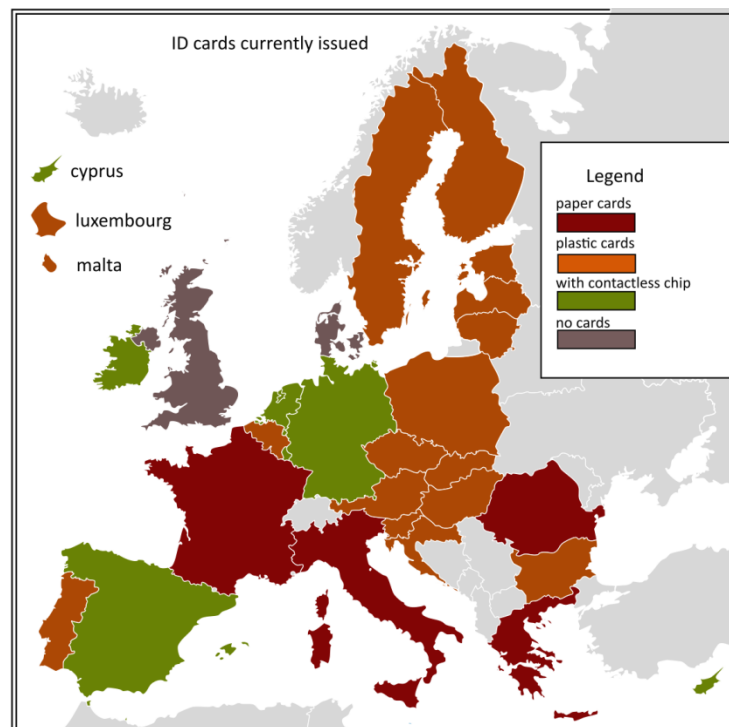


## Annex 5: Scope of initiative (ID cards and residence documents)

### ID cards

According to the Free Movement Directive 2004/38/EC, Member States shall issue to their own nationals, and renew, an identity card or passport stating their nationality, in accordance with their national laws. All national ID cards may be used as travel documents within the EU and when entering the EU via its external borders. Under bilateral agreements, many third countries permit EU nationals to enter their territories using their ID cards<sup>226</sup>.

**Figure 2.1: General types of national ID cards being issued in the European Union**



As ID cards are less bulky and usually cheaper than passports, ID card ownership is much more widespread than passport ownership<sup>227</sup> and tens of millions of journeys involving entry

<sup>226</sup> For instance, DE nationals may travel to all of the rest of Europe (except Belarus, Russia and Ukraine) Egypt, Georgia, Turkey, Morocco and Tunisia; FR nationals may travel to Europe (except Belarus, Kosovo, Russia and Ukraine) French overseas territories, Egypt, Turkey, Georgia, Dominica, Montserrat, Saint, Saint Vincent and the Grenadines, and to Jordan and Tunisia.

<sup>227</sup> In countries where ID cards are issued, ID cards are used as the primary form of personal identification and for most inter-Schengen journeys. Passport ownership is therefore thought to be low, as comparatively fewer persons travel outside of EU borders. Even in a country which does not issue ID cards and is not in the Schengen area, such as the UK, passport ownership is not universal – there are an estimated 50 million valid UK passports in circulation in 2012 for a population of 64 million at that time, or 78%:

<https://www.gov.uk/government/publications/passports-issued-under-the-6-british-citizenship-categories-2007-to-2012>.

to the EU territory are made every year using ID cards.<sup>228</sup> While ID cards are mandatory in some Member States they are optional in most. The costs of the cards also vary greatly – some Member States even issue them for free.

ID cards are relied on as the main proof of identity within the Member States. ID cards, as a proof of identity, enable citizens to have access to financial services (such as opening a bank account or obtaining capital and credit), social benefits, healthcare (such as health insurance), education (such as enrolling children in school or applying for scholarships) and political and legal rights (such as voting, filing petitions in courts, owning property or receiving an inheritance).

ID cards (see Tables 2.1 and 2.2 for an overview) are issued by all but two Member States<sup>229</sup>. Some Member States<sup>230</sup> issue more than one type of ID card. ID cards or similar issued to *non-nationals* are not identity cards as under Directive 2004/38/EC.

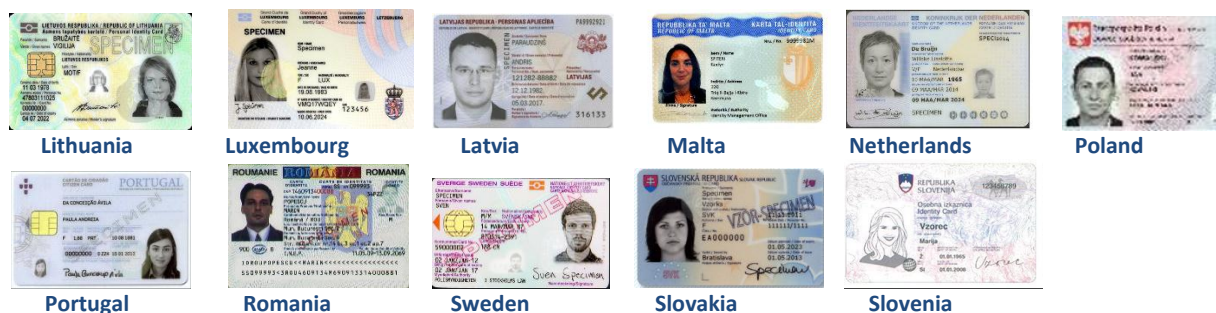
**Table 2.1: A selection of currently national ID cards in valid circulation in the European Union**



<sup>228</sup> FRONTEX data shows that in 2013, there were 548 556 638 arrivals on intra-EU/Schengen flights alone, and more than 1.25 billion journeys made crossing an internal border within the Schengen area.

<sup>229</sup> UK and DK. IE issues a passport card which enables travel within the EU and therefore matches an ID card.

<sup>230</sup> For example, BE and FI issue a specific ID cards for children; EL issue specific ID cards to the military; IT delivers either paper or plastic ID cards (incl. biometrics) depending on the municipality, as well as ID cards with a different colour to inhabitants of the autonomous regions.



\* Ireland issues a “passport card” which qualifies as an ID card.

**Table 2.2: ID documents and their features issued to individuals in Member States<sup>231</sup>**

Country	Machine readable zone (MRZ) <sup>232</sup>	Chip	Biometrics	eID	Validity regime (in yrs)
<b>PAPER CARD</b>					
<b>Greece<sup>233</sup></b>	No	No	No	No	15
<b>Italy<sup>234</sup></b>	No	No	No	No	10 (18yrs+) 5 (minors) 3 (minors <3yrs)
<b>LAMINATED PAPER</b>					
<b>France</b>	No	No	No	No	15 (adults 18+) 10 (minors)
<b>Romania<sup>235</sup></b>	Yes	No	No	No	Indefinite (55yrs+) 10 (25-54yrs) 7 (18-24yrs) 4 (minors 14-17yrs)
<b>PLASTIC CARD</b>					
<b>Austria</b>	Yes	No	No	No	10 (12yrs or older); 5 (minors 2-12yrs); 2 (minors 0-2yrs)
<b>Belgium</b>	Yes	Contact chip	IM, FP <sup>236</sup>	Yes	30 (over 75yrs) 10 (adults); 6 (minors 12-18yrs)
<b>Bulgaria<sup>237</sup></b>	Yes	Contactless <sup>238</sup>	IM, FP	Yes	Indefinite (58yrs plus); 10 (18-57yrs); 4 (14-17yrs)
<b>Croatia</b>	Yes	Contact chip <sup>239</sup>	No	Yes	5

<sup>231</sup> Note: DK and UK do not issue ID cards.

<sup>232</sup> According to ICAO.

<sup>233</sup> Based on reports the legislation will be enacted in 2017 followed by an open tendering process. Issuance of the new ID card may start in 2019.

<sup>234</sup> From April 2017, 549 communes have started to deliver a plastic card, covering around 50% of the population (more than 7600 communes in IT)

<sup>235</sup> Romania is currently in the process of introducing an electronic ID card including biometrics accessible through a contactless chip.

<sup>236</sup> Ministerial decision from 14/5/2017, yet to be implemented, from 2019 (no database).

<sup>237</sup> New card will be introduced in 2018 which is taken into account in the present table.

<sup>238</sup> Contactless chip can be wirelessly accessed.

Country	Machine readable zone (MRZ) <sup>232</sup>	Chip	Biometrics	eID	Validity regime (in yrs)
Cyprus	Yes	Contactless	IM, FP	No	10 (18yrs plus) 5 (minors)
Czech Republic	Yes	Contact chip	No	Yes (in preparation)	35 (over 70yrs) 10 (adults 15-70yrs) 5 (0-15yrs)
Estonia	Yes	Contact chip	No <sup>240</sup>	Yes	5 (or 1 yr card with no biometric data)
Finland	Yes	Contact chip	No	Yes	5
Germany	Yes	Contactless	IM, FP (optional)	Yes	10 (adults 24yrs+) 6 (under 24yrs)
Hungary	Yes	Contactless	IM, FP (on request)	Yes	Indefinite (over 65) 6 (18yrs+) 3 (minors)
Ireland	Yes	Contactless	IM	No	5 years
Italy <sup>234</sup>	Yes	Contactless	IM, FP	No	10 (18yrs+) 5 (minors) 3 (minors <3yrs)
Latvia	Yes	Both	IM, FP	Yes	5 (5yrs+) 2-5 (0-4yrs)
Lithuania	Yes	Both	IM, FP	Yes	10 (16yrs+) 5 (under 16yrs)
Luxembourg	Yes	Contactless	IM	Yes	10 (16yrs+) 5 (4-15yrs) 2 (0-3yrs)
Malta	Yes	Contact chip	No	Yes	10
Netherlands	Yes	Contactless	IM	Yes	10 (18yrs+) <sup>241</sup> 5 (minors)
Poland	Yes	No <sup>242</sup>	No	No	10 (18yrs+) 10 (minors 5yrs+) 5 (minors 0-4yrs)
Portugal	Yes	Contact chip	IM, FP	Yes	5
Slovakia	Yes	Contact chip	No	Yes	10 (indefinite for those over 60yrs)
Slovenia	Yes	No	No	No	Indefinite (70yrs+) 10 (18-70yrs) 5 (3-17yrs) 3 (0-2yrs)
Spain	Yes	Both	IM, FP	Yes	Indefinite (>70yrs) 10 (30-69yrs) 5 (5-29yrs) 2 (minors 0-4yrs)
Sweden	Yes	Contact chip	IM	No	5

<sup>239</sup> With iris print.

<sup>240</sup> There is a connection to a database where biometric facial images are stored.

<sup>241</sup> For cards first issued 09.03.2014. Two previous ID card models are still in circulation. (1) NLD-BO-03001: card first issued 09.10.2011. Valid maximum 5 years, not valid after 08.03.2019. (2) NLD-BO-02001: card first issued 26.08.2006. Not valid after 08.10.2016.

<sup>242</sup> We are awaiting confirmation on the precise capabilities of the current PL ID card.

**Legend:** IM: facial image FP: fingerprint

### **Residence documents issued to mobile EU citizens**

The residence documents addressed in this impact assessment are the documents referred to by Directive 2004/38/EC.

Some Member States issue other cards to resident mobile EU citizens, for various purposes and with different functions, such as to help mobile citizens interact with the public administration and private service providers in that state. They vary greatly in format and like some ID cards, they might offer eID functionality. These cards are only considered here if they are also a residence document pursuant to Directive 2004/38/EC listed below.

#### *1. Registration certificates stating the right to reside of mobile EU citizens*

Article 8 of Directive 2004/38/EC establishes the administrative formalities which can be required from EU citizens living in another Member State and provides that, for periods of residence longer than three months, the host Member State may require Union citizens to register with the relevant authorities.

This registration certificate records the right of EU citizens to reside in a given Member State. It is only issued in countries which establish a registration system.

A registration certificate sometimes takes the form of a residence card for a mobile EU citizen but it may also just be an A4 letter. This document may facilitate administrative procedure and contacts with private operators (banks, utilities....) in the home and host Member State. It is not valid as a travel document, regardless whether the issuing national authorities foresee its internal national use for identification purposes.

#### *2. Document certifying permanent residence for EU citizens*

According to Article 16 (1) of Directive 2004/38/EC EU citizens acquire a permanent residence right after having resided legally for a period of five consecutive years in the host Member State.

Article 19 of Directive 2004/38/EC states that upon application Member States shall issue Union citizens entitled to permanent residence, after having verified duration of residence, with a document certifying permanent residence. The document certifying permanent residence shall be issued as soon as possible.

The “document certifying permanent residence” is usually delivered in the format of a “Permanent residence card for an EU citizen”. Again, those documents are not travel documents, regardless of any additional uses they may have made available to them under national law.

### **Residence documents issued to third country ("TCN") family members of EU citizens**

Directive 2004/38/EC provides for a derived right to move and reside in the EU for third country nationals (“TCN”) who are family members<sup>243</sup> of mobile EU citizens who join or accompany them.

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<sup>243</sup> Family members are defined according to Arts. 2(2) and 3(2) Directive 2004/38/EC.



The residence or permanent residence cards for TCN family members of EU citizens are not travel documents, and a non-EU citizen always needs a passport (or other legally acceptable identity document) to travel. However, the TCN FAM residence documents exempt a passport holder from any visa obligation when accompanying or joining the EU family member (Article 5(2) of Directive 2004/38/EC).

With respect to this function as visa waiver, higher document security standards are required and indeed TCN FAM residence documents are better aligned than the residence documents issued to EU citizens because Member States committed in a Council statement at the time of the adoption of Regulation 380/2008, on 18 April 2008<sup>244</sup> to use the uniform format for residence permits for third-country nationals for this purpose.<sup>245</sup> Many, but certainly not all, Member States followed this – legally non-binding – approach.

*1. Residence cards for third country nationals as family members of EU citizens (hereafter, "TCN FAM residence cards")*

Article 9 of the Directive provides that Member States shall issue a residence card to non-EU family members of a Union citizen, if the planned period of residence is for more than three months. According to Article 10, their right of residence shall be evidenced by the issuing of a document called "Residence card of a family member of a Union citizen".

*2. Permanent residence cards for TCN family members of EU citizens ("TCN FAM permanent residence cards")*

A TCN family member of an EU citizen acquires a permanent residence right after having legally resided with the EU citizen for a continuous period of five years in the host Member State (Article 16 (2) of Directive 2004/38/EC).

Article 20 of the Directive provides that Member States – within six months of the submission of the application – shall issue a permanent residence card to family members of EU citizens who are entitled to permanent residence. Such permanent residence cards are automatically renewable every ten years.

**Table 2.3: Types of residence documents that are issued to individuals**

Member States	Residence document issued to EU mobile citizens			Residence documents issued to TCN family members of EU citizens ("TCN FAM")	
	Registration Certificate	Residence Card EU	Document certifying permanent residence	Residence Card TCN FAM	Permanent Residence Card TCN FAM
Austria	P		P	PNB	PNB
Belgium	P	PB <sup>246</sup>	P / PB	PB	PB

<sup>244</sup> Council Document of 11 June 2008 (13.06), PV/CONS 26 JAI 188, 8622/08 ADD 1.

<sup>245</sup> Council Regulation (EC) No 1030/2002 provides for the possibility for Member States to use the uniform format for purposes other than those covered by the Regulation. It specifically requires that, where they do so, appropriate measures are taken to ensure that confusion with residence permits within the scope of the Regulation is not possible and that the purpose is clearly indicated in the card.

<sup>246</sup> Belgium issues residence cards (but labelled registration certificate) to EU citizens in the form of a "Carte E / E-kaart".

Member States	Residence document issued to EU mobile citizens			Residence documents issued to TCN family members of EU citizens ("TCN FAM")	
	Registration Certificate	Residence Card EU	Document certifying permanent residence	Residence Card TCN FAM	Permanent Residence Card TCN FAM
Bulgaria	P		PNB	PNB	PNB
Croatia	P	PB	PB	PB	PB
Cyprus	P		P	P	P
Czech Republic	P (Booklet)		P (Booklet)	P (Booklet)	P (Booklet)
Denmark	P		P	PNB	PNB
Estonia			PB	PB	PB
Finland	P		P	PB	PB
France			PB	PB	PB
Germany			P	PB	PB
Greece	P		P	PB <sup>247</sup>	PB
Hungary	P (laminated case)		P (laminated case)	P (laminated case)	P (laminated case)
Ireland			P	PNB	PNB
Italy	P	P	P	PNB	PNB
Latvia	PB		PB	PB	PB
Lithuania	P		P	PB	PB
Luxembourg	P		P	P	P
Malta			PNB	PB	PB
Netherlands			PB	PB	PB
Poland	P		PB	PB	PB
Portugal	P		P	PB <sup>248</sup>	PB
Romania	P		PNB	PNB <sup>249</sup>	PNB
Slovakia	P	PB	PB	PB	PB
Slovenia	P		P	P	P
Spain	P		P	PNB	PNB
Sweden			PB	PB	PB
UK		PNB	PNB	PNB	PNB

<sup>247</sup> Greece delivers since 2017 residence cards to family members in the uniform format of residence permit with biometrics (facial image and fingerprints)

<sup>248</sup> New format from 19 June 2017 for both kind of cards to family members of EU citizens

<sup>249</sup> According to the study, RO intends to implement the uniform format for residence cards to TCN family members

Legend: P: Paper; PB : Plastic with Biometric Features; PNB = Plastic No Biometric Features; Type; TCN  
FAM= Third Country Family Member



## Annex 6: Consequences to problems identified

Fraudulent ID and residence documents		
CONSEQUENCES	<p><b>Citizens:</b> ID theft and related costs (money transactions, purchases, etc.)</p> <p><b>Public authorities (Member States):</b> threat to internal security; fraudulent social security claims and use of public services; longer processing times at borders; circumvention of legal migration routes; criminal activities of fraudulent residence document holders</p> <p><b>Private sector services:</b> fraudulent and criminal activities related to services, such as banking, airlines, insurance companies, car rental services</p>	
	<p><b>ID cards</b></p> <p><b>Citizens:</b> denial of entry at borders; denial of boarding aircrafts; confusion over travel documentation; refusal of acceptance of national ID cards by private and public services, such as when opening bank accounts, registering with social security or job centres, enrolling in schools and universities; refusal to right to vote in local and EP elections; hassle over renewal of ID cards abroad</p> <p><b>Public authorities (Member States):</b> security gaps in the country; delays and increased processing times at borders; higher training investments for border guards; lack of compatibility of technology for checking IDs and lack of return following major investments (e.g. e-Gates); claims for compensations following denial of entry</p> <p><b>Private sector services:</b> claims for compensations following denial of service (boarding aircraft, etc.); increased processing times and training investments at e.g. airports and banks</p>	<p><b>Residence documents</b></p> <p><b>Citizens:</b> denial of entry of TCN family members of EU citizens at the border (despite visa exemption); confusion over travel documentation (residence cards wrongly used for travel); delays and disproportionate costs in obtaining residence documentation; denial of private and public services (due to combination of not accepted ID and residence documents)</p> <p><b>Public authorities (Member States):</b> in public services delays and increased processing times for documents; higher training investments for staff checking residence documents</p> <p><b>Private sector services:</b> claims for compensation following denial of boarding aircraft of TCN family members of EU citizens (due to lack of awareness of visa exemption)</p>

### 1. Key trends – fraudulent ID and residence documents

More generally in the EU, the number of persons using fraudulent ID and residence documents arriving from third countries increased around 80% from 2011 to 2014 (from 5 255 to 9 420).<sup>250</sup> It then decreased by 11% in 2015 (8 373)<sup>251</sup> but this does not necessarily imply a diminishing problem since this change could also be due to border guards being overwhelmed with the influx of irregular migrants and thus incapable of carrying out document checks systematically. The total number of persons detected with fraudulent documents either entering or exiting the EU, or in transit, increased around 16% from 2013 to 2015 (from 13 381 to 15 483).

<sup>250</sup> FRONTEX. 2016. Annual Risk Analysis. Based on EU28. Decisions not available for France, Luxembourg, the Netherlands and Sweden. For 2014, data from Austria are not available. Data for France are not available for 2011 and 2012.

<sup>251</sup> FRONTEX. 2016. Annual Risk Analysis. p. 14. The trend is also confirmed by the 2017 FRONTEX Risk Analysis, p.22 where the number of persons using fraudulent documents decreased to 7 044.

The trend specifically for **ID cards** is similar to fraudulent documents overall, with a decrease in detections in 2016.<sup>252</sup> Most detection of fraudulent ID cards was reported on air routes: 64% of the total in 2015, followed by land (32%) and sea (4%), with the rest being unspecified.<sup>253</sup>

The number of document fraud incidents on intra-EU Schengen movements increased dramatically in 2015 and was, for the second year in a row, higher than the number of such documents detected on extra-EU arrivals. One example is that of Albanian nationals misusing Italian and Greek ID cards to enter the UK, another one Ukrainian nationals abusing authentic Polish ID cards to get to the UK. There was also an increase in 20% of detection of fraudulent documents on air routes from Greece to Germany.<sup>254</sup>

As regards the final destination of travellers caught with fraudulent ID cards, the UK tops the list (e.g. 1 522 persons in January to August 2016 out of a total of 4 394), followed by Ireland, Germany and Italy.<sup>255</sup>

*UK Government research on the scale of EU document fraud<sup>256</sup>*

- Generally, across all EU Member States there appears a lack of numerical data in the area of document fraud. According to the UK estimates, every year over 1 000 non-EU nationals arrive at the UK Border and try to gain entry by fraudulently using European Union documentation and pretending to be a Union citizen with a right of free movement<sup>257</sup>. In addition, the UK Home Office states that many thousands more fraudulent documents are detected on the way to the UK by carriers and by UK staff based at airports around the world.
- Of the fraudulent identity documents encountered by the UK authorities at borders and ports, a consistently large majority are fraudulent EU (and EEA) documentation<sup>258</sup>. In 2011 Italian and Greek identity cards were the most commonly abused documents by non-EU nationals, and accounted for more than one in five false documents identified at the UK border in 2011.<sup>259</sup> In total, five of the top ten abused documents encountered at the UK border in 2011 were EU identity cards<sup>260</sup>. The following table shows the proportion of detected fraudulent EU/EEA travel and identity documents fraud at UK borders and ports<sup>261</sup>.

<sup>252</sup> FRONTEX considers this is largely due to the EU-Turkey migration deal in place since early 2016 and lower number of Syrians travelling with fraudulent documents.

<sup>253</sup> FRONTEX. 2016. Annual Risk Analysis. p. 69

<sup>254</sup> FRONTEX. 2016. Annual Risk Analysis. p. 25

<sup>255</sup> FRONTEX data

<sup>256</sup> House of Commons Europe Committee, Documents considered by the Committee on 22 January 2014, No. 2: The Free Movement of EU Citizens, paragraph 2.4.

(<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/83-xxviii/8305.htm>)

<sup>257</sup> UK Home Office, Free Movement Rights — Initial Information for the European Commission (Provided to the Commission on 3 December 2013), section 4.2 Abuse of European Union documentation.

(<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/83-xxviii/8306.htm>)

<sup>258</sup> Evidence of Fraud and Abuse of Free Movement in the UK (Submitted by UK Government to the Commission on 16 September 2013), Ibid, Section 5 – Fraudulent documents.

(<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/83-xxviii/8306.htm>)

<sup>259</sup> UK Home Office, Free Movement Rights — Initial Information for the European Commission (Provided to the Commission on 3 December 2013), section 4.2 Abuse of European Union documentation.

<sup>260</sup> Ibid.

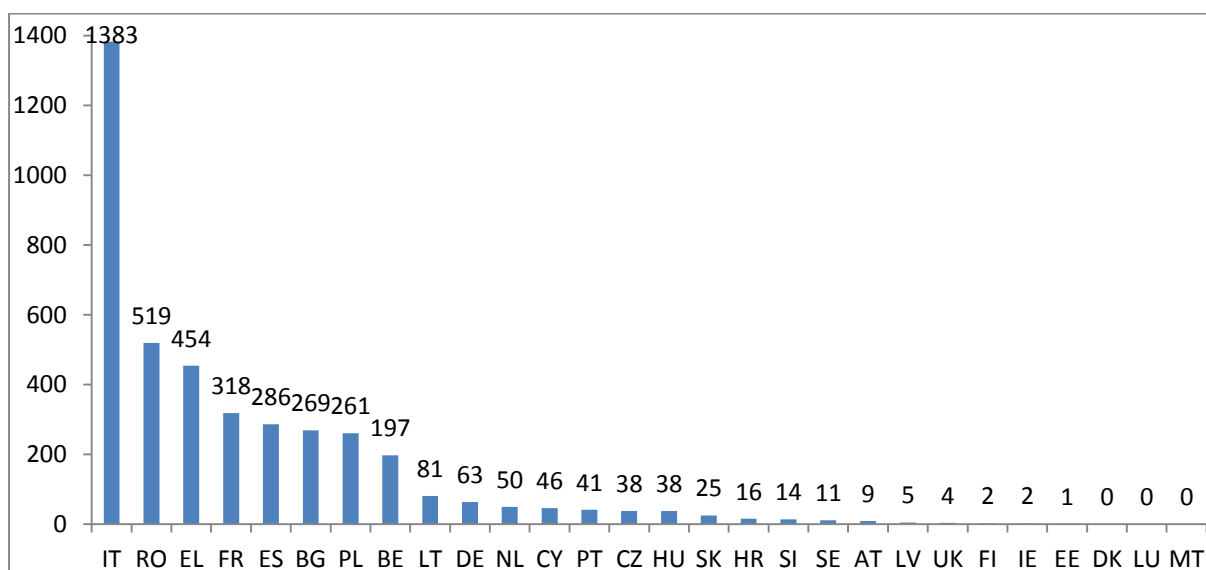
<sup>261</sup> Evidence of Fraud and Abuse of Free Movement in the UK (Submitted by UK Government to the Commission on 16 September 2013), Ibid, Section 5 – Fraudulent documents. The documents referred to are documents presented as evidence of EU/EEA identity which are either forged, counterfeit or presented by an ‘impostor’.

Year	Total number of fraudulent documents detected	Total number of EU/EEA fraudulent documents detected	EU/EEA %
2009	1 770	1 285	73
2010	1 589	1 172	74
2011	1 857	1 511	81
2012	1 652	1 372	83

Fraudulent ID cards are mainly detected at gate checks at airports and on ferries. Detections mainly occur through random gate checks on intra-Schengen travellers and through routine border checks at the extra-Schengen border. Random checks are decided on the basis of a risk profiling analysis.

A total of 4 142 fraudulent ID cards were detected between January and August 2016 (see Chart A below). The fraudulent ID cards most commonly detected are Italian ones, followed by Romanian and Greek ID cards. FRONTEX experts point out that this is not necessarily an indication that those ID cards being more easily counterfeited. It could also mean that Italian or Romanian counterfeits can be more easily detected, for example because border guards are more familiar with them. In the case of Italy, in addition to counterfeited ID cards, there were many cases of stolen blanks used to create fake ID cards, and also a few cases of false images on genuine cards.

**Chart A: Fraudulent ID documents (broken down by country issuing document), 2015**



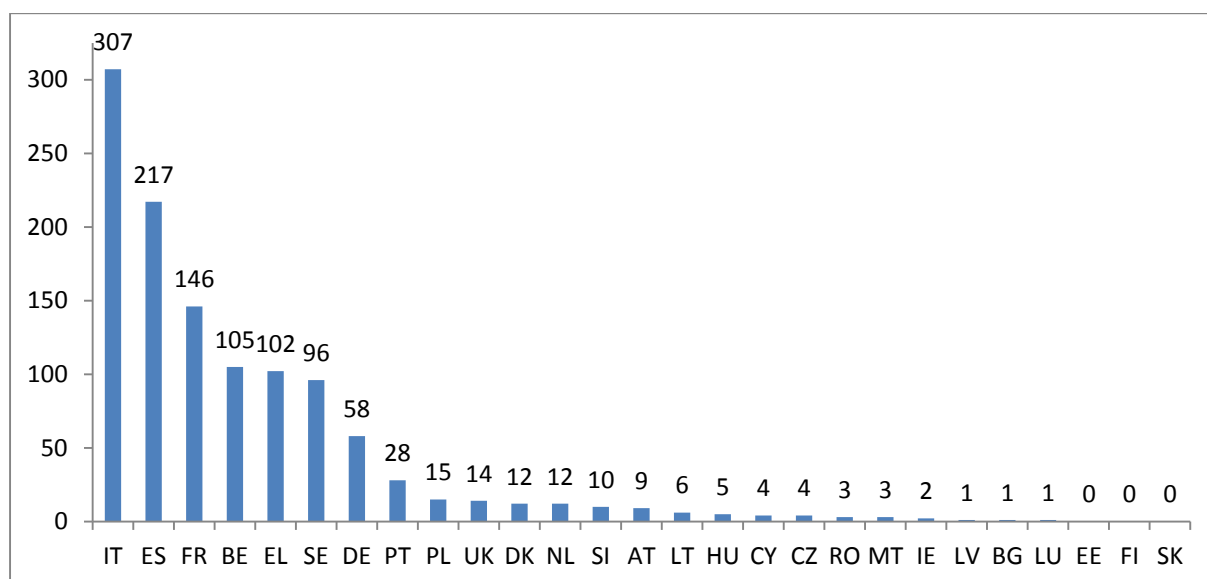
Regarding **residence documents**, the FRONTEX data do not distinguish between types of residence documents (including TCN FAM cards) and residence permits.

Chart B below shows the breakdown of fraudulent residence documents by issuing country.

Counterfeited residence documents are the most common type of fraud in Italy, but also in Spain (unlike in case of ID cards where imposters were a more common occurrence in Spain). In France, as with ID cards, imposters are more common than actually counterfeited documents. It is important to note that these detections are in addition to the travel documents

carried by those travellers, since residence documents cannot be used to enter or exit the Schengen area on their own.

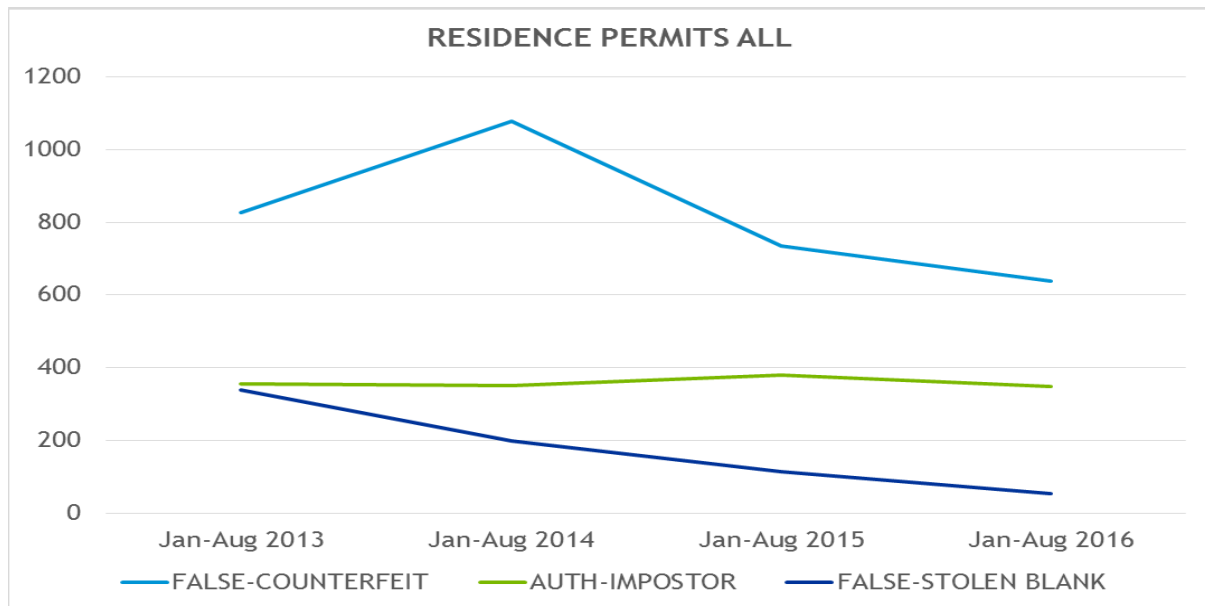
**Chart B: Fraudulent residence documents (broken down by country issuing document), 2015**



As Chart C shows, the number of detected counterfeits and stolen blanks of residence documents has actually gone down considerably from its peak in 2014, whereas the number of imposters has remained stable between 2013 and 2016. According to FRONTEX, this may be due to the use by some Member States of the harmonised residence permit format for TCN FAM residence documents.

**Chart C: Residence documents (including residence permits) trend (broken down by fraud types)<sup>262</sup>**

<sup>262</sup> CSES study (FRONTEX data, 2015)



These documents are particularly important because they are presented at borders as a visa waiver when re-entering the EU. Currently there remains a substantial inconsistency for TCN FAM residence documents.

## 2. Further consequences related to problems with ID cards

### Consequences for citizens

The current situation limits the full enjoyment of EU free movement rights. EU citizens and their family members need documents which can be easily and reliably used in their interactions with public authorities including at the border and with private entities.

#### *Differences in security features and their consequences for citizens*

Differences in the security features of ID cards can cause problems for citizens when they exercise their free movement rights and at borders.

For intra-EU travel and even for travel to/from specific non-EU countries, ID cards are a valid travel documents. However, not all ID cards conform to the ICAO standards for travel documents, or not completely. For example, ID cards may conform to the physical parts of the standard by using security printing and including a machine-readable zone, but may omit some elements, such as a signature or personal mark, or for instance they may not be compliant with the electronic parts of standards (chip data, even when present, may not be accessible). Although valid national ID cards must be accepted as valid travel documents by all Member States, these differences can lead to longer waiting times for EU citizens when their identity is verified at a border.

E-gates have been introduced at the external borders of many Member States to speed up the entry process and reduce staff costs<sup>263</sup>. E-gates can only be used by EU/EEA/CH citizens who own a biometric passport or suitably equipped ID cards. However, because ID cards are not standardised, e-gates are often only capable of working with ID cards from the Member State

<sup>263</sup> See section on Consequences for authorities and administrations below.

where they are situated and not those from other Member States. EU citizens must then use the slower manual lanes. For example, the German authorities recently introduced e-gates at airports, but due to lacking interoperability, the e-gates can only be used by German nationals while other EU citizens and TCNs are required to go through manual checks.<sup>264</sup>

### ***Inconveniences for citizens due to lack of awareness of and prolonged checks by border control officials***

Some EU Member States permit a number of different identity cards versions to remain valid (as noted for example, the Czech Republic has 10 valid versions) which makes it difficult for border guards to assess their validity.

France also prolonged the validity of expired ID cards by five years (beyond their face validity) which gave rise to problems at border crossings, where officials were unaware of this change. Moreover, the authorities of some other Member States expressly refuse to accept them.

Even though Member States should exchange information about all of their valid ID cards versions, in many cases older, but nonetheless still valid, identity cards are not accepted as valid travel documents in practice.<sup>265</sup> These problems persist despite the existence of the PRADO and FADO databases.

### ***Confusion over valid travel documentation***

Some citizens can be confused with the use of ID cards and other documents, like driving licenses for travel purposes, wrongly believing that they can safely use them to travel to another EU Member State, notably when residence documents strongly resemble ID cards (for instance, the Belgian example, mentioned above). In the same way, some EU citizens wrongly believe that a driving licence<sup>266</sup> issued in the uniform EU format is a valid travel document simply because it bears their name and photograph and because it can be accepted as an alternative form of identification in their home country.

This misperception causes problems in practice for citizens such as being denied boarding travel delays and associated financial loss.

### ***Citizen issues in relation to accessing public services***

In some circumstances ID cards from other Member States are not accepted by public authorities as means of identification and this can limit or prevent citizens from accessing public services. This concerns, for instance, registering with social security institutions or job centres<sup>267</sup>. It also results in complications for students who are not passport holders when

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<sup>264</sup> <http://www.spiegel.de/reise/deutschland/easypass-system-an-deutschen-flughafen-ist-nun-offiziell-a-975663.html>

<sup>265</sup> YEA Database: YEA enquiries relating to non-acceptance of identity cards for travel tend to be reported under the topic 'Entry procedures' (subtopics 'Travel documents for EU nationals' and 'Wrong entry rules applied').

<sup>266</sup> Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast) [2006] OJ L 403/18. This request relates make up 8.6% of the YEA requests (i.e. out of 547 enquiries on travel documents for EU Nationals 47 related to driving licenses)

<sup>267</sup> YEA database: YEA enquiries relating to non-acceptance of identity cards for social security registration or access to benefits tend to be reported under the topic 'Social security' (subtopics 'country or insurance and general management' and 'unemployment').

enrolling in schools and universities in different Member States. The lack of knowledge of acceptable forms of identification by local authorities in some cases has resulted in the refusal of the right to vote in both European and local elections.<sup>268</sup>

### ***Citizen issues in relation to private services***

Some private entities refuse ID cards from other Member States as a valid proof of identification for their clients.

Airlines sometimes refuse to accept national identity cards and require citizens to provide passports. This issue particularly affects many Italian citizens. French citizens can also encounter difficulties in using their ID card when travelling in the EU, particularly since their validity was extended without fresh cards being issued<sup>269</sup>.

Banks sometimes refuse to provide services to EU citizens holding ID cards from another Member State. Instead of an ID card, banks often ask for a passport issued by the authorities of the nationality of the person seeking to open a bank account.

This is the case for some banks in Spain, for instance<sup>270</sup>. One Spanish banker mentioned that *“banks feel more comfortable asking for a passport because it was a valid international document and does not generate as many questions as could generate a national document of another Member State.”*

In the UK, ID cards are often not accepted as valid proof of identity for opening a bank account<sup>271</sup> and there is evidence from the Your Europe Advice service of this also occurring in Sweden<sup>272</sup>, Romania, and Malta<sup>273</sup>.

The Portuguese banking association pointed out that there are ID cards from some Member States (Romania, Bulgaria and other Eastern EU countries) which are not accepted as a proof of identity because they lack a signature, a photo, a date of expiry or because the quality is not acceptable.

Similarly, Finnish banks have identified various shortcomings in the security features of non-national ID cards (for instance, Italian and Romanian ID cards) and therefore have difficulties accepting them as a proof of identity. Likewise, in France, Romanian ID cards are not accepted because the document lacks the cardholder's signature. In these cases, citizens are required to provide a passport.

Residence cards are required in addition to ID cards when opening a bank account in several Member States.<sup>274</sup>

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<sup>268</sup> YEA Database: YEA enquiries relating to non-acceptance of identity cards for voting tend to be reported under 'Political rights of EU citizens'.

<sup>269</sup> CSES study.

<sup>270</sup> CSES study (Interviews conducted with bank officials).

<sup>271</sup> See for example: <http://www.kosmopolito.org/2008/10/15/my-word-is-my-bond-but-not-for-eu-citizens-in-the-uk/> See also: YEA database: such YEA enquiries tend to be reported under topics 'Financial Services' (subtopics 'bank accounts'),

<sup>272</sup> Quarterly Feedback report July-September 2015, p. 65, Quarterly Feedback report April-June 2016, page 67.

<sup>273</sup> Quarterly Feedback report January-March 2015, p. 65.

<sup>274</sup> CSES study.



Other private sector service providers also sometimes refuse to provide services or products to EU citizens holding ID cards from another Member State. Telephone and internet companies in some Member States do not accept ID cards issued by another Member State as valid documentation for taking out a telephone or internet subscription (or even residence cards issued by the host Member State)<sup>275</sup>. Cases were reported to Your Europe Advice in UK of supermarkets not being willing to sell alcohol to people with ID cards from another Member State, only accepting UK driving licences and foreign passports. This practice is often the subject of prior agreement by the local trading standards authority<sup>276</sup>.

There have also been situations where businesses have refused to employ citizens holding an ID card from a different Member State. For example, according to the Your Europe Advice, EU citizens in Spain are required to obtain a Spanish residence card in order to register with the Spanish social security system, a prerequisite for being able to work legally in the country. National identity cards from the EU Member States of origin are not accepted, although passports are. The same situation arises in Sweden.<sup>277</sup>

*Problems using a Romanian ID card in France leading to legislative reform*

- GISTI<sup>278</sup> (migrant information and support group), underlined that in recent years Romanian nationals moving to France have encountered difficulties using their ID cards. Such cards were frequently not accepted as proof of the cardholder's identity by French banks and other institutions on the basis that these cards did not show the holder's signature. The result according to GISTI has been considerable inconvenience to these EU citizens and a practical constraint on their free movement rights.
- Responding to complaints by NGOs and affected individuals, in February 2013 the *Défenseur des droits* (an independent institution of the French state established in 2011 with a remit to uphold the rights of individuals)<sup>279</sup> also underlined that Romanian nationals should not be prevented from opening bank accounts in France because their ID cards do not show a signature<sup>280</sup>. Following this Decision, the relevant regulations were amended by the Finance Ministry so that the list of acceptable supporting documents for opening a bank account no longer contains any requirement that the necessary identity document, if otherwise valid and issued by a public administration, must show the holder's signature<sup>281</sup>.
- In a further Decision of May 2015,<sup>282</sup> the *Défenseur des droits* requested that the French Banking Federation and the French Association of Financial Companies circulate information about the revised rules among their respective networks within two months.<sup>283</sup>

<sup>275</sup> Recurrent problem reported in YEA Quarterly Feedback reports, see for example report from January-April 2017, page 68: problems mentioned in NL, SV, DE and MT.

<sup>276</sup> YEA database: Such YEA enquiries tend to be reported under 'Goods (other than motor vehicles)' (subtopic 'Goods subject to excise duties') and 'Other consumer issues' (subtopic 'Other').

<sup>277</sup> YEA database: YEA enquiries relating to such problems tend to be reported under topic 'Work' (subtopic: 'Access to employment').

<sup>278</sup> Groupe d'information et de soutien des immigrés (GISTI).

<sup>279</sup> <http://www.defenseurdesdroits.fr/fr/institution/presentation>

<sup>280</sup> Décision du Défenseur des droits numéro MLD-2013-10, 28 February 2013.

<sup>281</sup> See L'arrêté du 31 juillet 2015 fixant la liste des pièces justificatives pour l'exercice du droit au compte auprès de la Banque de France

(<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000030981153>).

<sup>282</sup> Décision du Défenseur des droits numéro MLD-2015-098, 28 May 2015.



### **Consequences for authorities and administrations including border control**

ID cards which do not possess sufficient security features and information create a security gap, as they allow the holders of such documents to exercise free movement rights and enter the EU. Simultaneously, such documents increase delays including at borders because they complicate the identification and document authentication procedure. Verification of the authenticity of travel documents is a key element of border checks and pre-requisite for effective border control. As ID cards and residence documents which become increasingly sophisticated in terms of their physical, optical and electronic security features, they represent significant challenges for public authorities including border control officers who increasingly need to rely on electronic and automated document inspection systems to ensure that border controls do not cause disproportionate delays for travellers whilst maintaining security<sup>284</sup>. Specifically in relation to ID cards, FRONTEX recognises the strain on border control staff, noting that:

*“Lack of reference knowledge, as well as non-standard or unsuitable design and production [...] significantly affect the effectiveness of both technical and human capacities [at border crossing points]”*.<sup>285</sup>

This has been confirmed by some Member States.<sup>286</sup> For instance, in the view of the Bulgarian authorities, the main problems in relation to border control stem from older versions of ID cards from countries such as France, Germany, Greece, and Italy, which continue to be legitimate travel documents. These require manual checks which is more time-consuming. The Estonian border control authorities maintain that some travel documents issued in the EU28 are not registered in the central databases (i.e. FADO).

An additional complication is that, whereas all EU Member State passports (except UK and IE) comply with the same security features<sup>287</sup>, Member States have technology and equipment in place at the border to scan and process the passports, while this is currently not possible for most ID cards. One consequence is that border guards can often only check the authenticity of their own national ID cards and residence documents properly and cannot take advantage of the latest security features in authenticating other countries' documents.

Simultaneously, wherever border control points are equipped to access the advanced features of already harmonised biometric passports, they will also be in a position to do so for ID cards

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<sup>283</sup> See paragraph 25 of the Decision. It should be noted, however, that the representative from GISTI expressed some reservation as to whether, in practice, the revised regulations in France have led to banks accepting Romanian ID cards as valid documents for establishing the identity of the cardholder.

<sup>284</sup> FRONTEX. 2014. The Document Challenge II. Testing human and machine performance in detecting and classifying genuine and false travel documents. Short Summary – Public Release p. 3.

<sup>285</sup> FRONTEX. The Document Challenge II. p. 4

<sup>286</sup> CSES study.

<sup>287</sup> Passports issued by EU Member States, except UK and IE, comply with Council Regulation 2252/2004 and its implementing measures. By this Regulation, passports are not identical but remain specific to each Member State, but they all comply with ICAO standard 9303 and have common security features, both optical and electronic. The Regulation took the option of including the images of two index fingers in the chip's passport in addition to the facial image that is mandatory according to the applied standard. The chip protection is defined in implementing measures, like e.g. C(2013)6181 that defines Supplemental Access Control to protect the biographical data and the facial image on the chip.

with similar features. In addition to machine readers, border guards need to have access to the latest software, databases and certificates in order to verify a document's authenticity effectively. It is technically extremely challenging to have inspection systems in place across the EU28 which can deal with the great diversity of security mechanisms used in ID and residence documents (and the frequent absence of such mechanisms), a problem which is compounded by the diversity of incompatible chip technologies currently in use.

A manual border gate requires one border guard per lane while an e-gate requires on average two border guards per five lanes (one supervisor, one for intervention). Currently only 15-20% of eligible travellers use e-gates while actually up to 68% of travellers could be expected to use them, as data from countries with well-established e-gate systems show.<sup>288</sup>

If e-gates were accessible for all EU citizens holding ID cards, savings would apply to 40-50% of EU travellers.<sup>289</sup>

### **Consequences for private sector services**

The private sector has a similar problem to public administration in dealing with the diversity of documents and their potential forgeries when they are not sufficiently secured, firstly because of the confusion arising from so many different types, the adaptation of business processes to include effective manual document checks, and the loss of staff time checking documents and the cost of training staff to check them. Moreover, while a cautious approach to accepting non-national identity documents (i.e. turning away potential clients) means reduced turnover, a less conservative approach can expose an enterprise or its clients to fraud, and the costs for insuring against and preventing such fraud.

#### ***Air travel***

Airlines routinely check ID cards to establish that the holder is the same person as the name printed on the boarding card. In case of denial of the right to travel, this can lead to substantial claims for compensation if it is subsequently determined as a wrong decision. The fact that ID cards can rarely be used at e-gates in airports can also affect airlines by causing further delays.

#### ***Access to financial services/banking***

Although dependent on circumstances, the time for handling the opening of a bank account is two to eight times more time-consuming in case there are doubts about his/her identity which has to be verified through the Central Bank.

Apart from the inconvenience to citizens, there can also be considerable costs to banks involved in training staff to deal with different types of ID cards. Especially in recent years the 'know your customer' regulations which apply to banks have become stricter requiring them to carry out thorough checks before services can be provided. Staff need to be trained to determine the validity of ID cards (and sometimes residence documents).

Procedures can also take longer with non-nationals in verifying their identity. According to an Italian bank, the procedure for verifying a mobile EU citizen's identity takes considerably

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<sup>288</sup> Data based on findings from ABC working group at FRONTEX.

<sup>289</sup> CSES study

more time than for nationals. There can also be legal problems (and costs linked to this) due to misidentification of customers.

The Portuguese banking association provided an estimate of the time spent to verify the identity of individual in opening a bank account: if the customer is a Portuguese citizen and all the documents are provided and are valid, this procedure could take a maximum of one hour to complete. If the individual is an EU citizen and if there are doubts about his/her identity which has to be verified through the Central Bank's (*Banco do Portugal*) or the EU citizen has just arrived in Portugal and he/she does not yet have an address the same procedure can take from two hours to more than a day.

In contrast, a bank in Spain stated that the procedure involved in opening a bank account is quick (5-10 minutes) and it does not differ whether the individual is a national or from other EU Member State. In addition, the interviewee stressed that the time taken to open a bank account does not depend on the nationality but on the experience and knowledge of the employee of the bank who deals with the procedure. There are some bank branches which have many EU citizens from other countries as customers and others which are not used to dealing with non-nationals.

### **3. Further consequences related to problems with residence documents**

Of the respondents to the 2015 citizenship consultation who moved to another Member State, 36% had encountered some difficulties after having moved. Most of the problems related to unclear and lengthy administrative procedures (69%), followed by a lack of information/unawareness about rights as non-nationals (51%). Most mobile EU citizens had looked for information on residence documents, including on how to register in the municipality (69%) as well as information on employment and working conditions (45%), social security and welfare (41%) as well as access to healthcare. As pointed out by a citizen's submission which was taken up by the REFIT platform<sup>290</sup> this argues for the introduction of special departments (or contact points) to deal with the cases and concerns of mobile EU citizens.

A majority of Member States requires registration from EU citizens residing in their territory. In France, the United Kingdom and the Czech Republic, EU citizens are given the option to request a registration document (which can be in the form of a residence card, see Table 2.2).

The inconsistency of Member States' residence documents creates problematic consequences for citizens when they are required to evidence their residence in another Member State. This can be an obstacle to accessing public and private services and creates costs for all stakeholders.

#### ***Specific issues related to TCN FAM residence documents***

One problem continues to be the lack of awareness in public authorities concerning the extent of the visa exemption contained in Article 5(2) of Directive 2004/38. This exemption means that possession of a valid residence card by a family member of a mobile EU citizen should exempt such family members from the visa requirements for short stays. This exemption

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<sup>290</sup> LtL 242

requires that this specific residence card must be delivered to a family member of a mobile EU citizen.

For the visa exemption to apply, the family member needs to travel with the EU citizen or join him/her in another Member State. Problems of acceptance continue to be reported, for instance as regards family members of British citizens seeking to travel to the UK after residing in another Member State under the CJEU's *Surinder Singh* ruling. This means that situations persist where family members of EU citizens cannot travel freely within the EU without a visa, even after many years of residence, because the visa exemption is not being observed.

The notion of valid travel documents is often misunderstood and private transport company staff also appears to be unaware of the visa exemptions. As a consequence, TCN family members of EU citizens and with them, EU citizens, are refused boarding even though they have a valid residence card or a permanent residence card. This can lead to significant financial loss and inconvenience.<sup>291</sup>

The problem is compounded by the absence of correct information about the visa exemption on the TIMATIC<sup>292</sup> website administered by the International Air Transport Association (IATA) which most airlines use to verify the validity of travel documents. Problems have been reported not only in the UK, but also Croatia, the Netherlands and airlines operating flights originating from outside the EU with a destination inside the EU.

### ***Confusion over valid travel documentation***

There are awareness-related problems such as the misperception that residence cards can be used as valid travel documents.<sup>293</sup> There are many cases of residents who have attempted to use their registration certificate and residence cards as valid travel document and were refused travel. Citizens are therefore obliged to abandon their journey and often incur financial loss.

Citizens may be especially confused by the more sophisticated, feature-full types which resemble identity documents. For instance, confusions arose between ID card and residence documents in Belgium as the residence card issued closely resembles an ID card.

### ***Issuance and handling of residence documents***

Registration certificates are not required in all EU jurisdictions<sup>294</sup> but in 19 Member States, they are mandatory for persons residing longer than a certain period.<sup>295</sup> This can cause applicants significant inconvenience if they are obliged to wait weeks or even months to obtain a certificate.

Delays in issuing registration certificates have been observed in Italy. EU citizens who are not economically active have to prove they have sufficient resources for themselves and their

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<sup>291</sup> YEA, Quarterly Feedback report October-December 2015, page 20 and 21; Quarterly Feedback report January-April 2016, page 20 and 65.

<sup>292</sup> <https://www.timaticweb.com/>

<sup>293</sup> Anecdotal evidence as revealed by requests directed to YEA.

<sup>294</sup> See Art. 8(1) of Directive 2004/38/EC.

<sup>295</sup> See Table 2.2. Registration is optional in FR, CZ and UK. As mentioned above, EE, FR, MT, NL delivers residence cards which are not linked with residence documents provided for in Directive 2004/38/EC.

family members in order to not to become a burden on Italy's social assistance system. The relevant individual must allow the relevant authorities to carry out financial checks on their bank accounts. This procedure is lengthy, and researchers have noted that it overloads public administrations<sup>296</sup>.

Another issue encountered by EU citizens relates to the costs of obtaining residence documentation. For instance, in a case involving a Belgian national reported in the Citizenship Consultation: *"We moved from Belgium to the Netherlands. For each application (requesting an ID, registering my bicycle, registering to vote, registering my car, insurance, bank etc.) I needed to request a proof of residency from the municipality. Each time this costs EUR 12.50 as the proof is only valid for three months it becomes an expensive joke."*<sup>297</sup>

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<sup>296</sup> CSES interviewed the Italian researchers for the *Citizens Without Borders* project. For further information of this EU Commission funded project, see <http://www.meltingpot.org/+CitizensWithoutBorders+.html>.

<sup>297</sup> Situation of Belgian Respondent expressed in Citizenship Consultation Report, p. 33.

## Annex 7: Policy Options - details

**Table 5.1: Mandatory elements for ID cards under option ID 1)**

1. The title of the document ('ID card' or 'identity card' <sup>298</sup> ) shall appear in the language(s) of the issuing Member State. Repetition of the document title in at least one other (maximum two) official languages of the institutions of the Union, in order to facilitate the recognition of the card as ID card.
2. Format ID-1 <sup>299</sup> including positioning of data fields according to ICAO.
3. Substrate and printing techniques according to ICAO
4. Contactless chip (including facial image) <sup>300</sup>
5. The ICAO "Chip inside" symbol for a machine-readable travel document with a contactless integrated circuit (microchip) that can be used for biometric identification of the holder.
6. Machine-readable zone (MRZ). The machine-readable zone shall conform to the relevant ICAO specifications set out in ICAO Document 9303 on machine-readable travel documents.
7. Security features (conform to the ICAO Doc 9303). <sup>301</sup>
8. The three-letter country code of the issuing Member State.
9. The document number. <sup>302</sup>
10. The Card Access Number (CAN).
11. Name: surname(s) and forename(s), in that order.
12. Sex. <sup>303</sup>
13. Nationality.
14. The expiry date of the document.
15. Date of birth.
16. Place of birth.
17. Date of issue, place of issue/ issuing authority: The date and place of issue of the ID card.
18. Signature of the holder.
19. An identity photograph shall be securely integrated into the card body.

<sup>298</sup> Please note that IE issues a so-called 'passport card' which bears the function of an ID card as referred to by Art 4 and 5 of Directive 2004/38/EC.

<sup>299</sup> The ID-1 format specifies a size of 85.60 × 53.98 mm (3-3/8 in × 2-1/8 in) and rounded corners with a radius of 2.88–3.48 mm. It is commonly used for payment cards (ATM cards, credit cards, debit cards, etc.). See [http://www.wikiwand.com/en/ISO/IEC\\_7810#/Card\\_sizes](http://www.wikiwand.com/en/ISO/IEC_7810#/Card_sizes) for more details.

<sup>300</sup> Optionally, dual interface or in addition contact chip for other (national) purposes.

<sup>301</sup> E.g. the use of upgraded diffractive optically variable image device (DOVID).

<sup>302</sup> As good practice, the document number is repeated (with special security features).

<sup>303</sup> <F>, <M> or <X> according to ICAO guidelines.

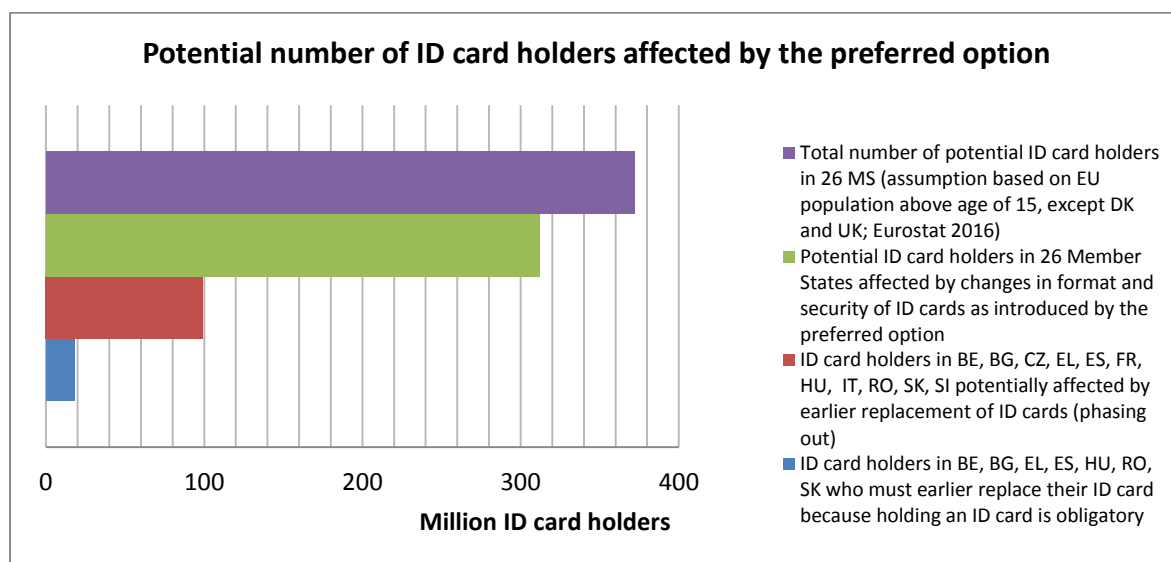
**Table 5.2: Mandatory and optional elements for TCN FAM cards following the uniform format**

<b>In addition to the elements covered by RES 1 (document title, document number, surname and forename(s) of the holder, date of issue and place of issue</b>	
1.	The three-letter country code of the issuing Member State integrated into the background printing.
2.	The ICAO "Chip inside" symbol for a machine-readable travel document with a contactless integrated circuit (microchip) that can be used for biometric identification of the holder.
3.	The Card Access Number (CAN).
4.	Sex. <sup>304</sup>
5.	Nationality.
6.	Date of birth.
7.	An identity photograph shall be securely integrated into the card body and secured by a diffractive optically variable image device (DOVID).
8.	Signature of the holder.
9.	Place of birth.
10.	Optional entries such as "Address of the holder".
11.	Optional field for information related to the production of the card, such as name of the producer, version number etc.
12.	Machine-readable zone. The machine-readable zone shall conform to the relevant ICAO specifications set out in ICAO Document 9303 on machine-readable travel documents.
13.	The printed area shall contain the national emblem of the Member State to distinguish the residence card and provide certainty as to its national origin.
14.	The machine-readable zone shall contain printed text in the background printing indicating the issuing Member State. This text shall not affect the technical features of the machine-readable zone.
15.	An RF chip shall be used as a storage medium. Member States may also incorporate in the residence card a dual interface or a separate contact chip for national use. Such contact chips shall be placed on the reverse of the card, comply with ISO standards and in no way interfere with the RF chip.
16.	Optional transparent window.
17.	Optional transparent border.

<sup>304</sup> <F>, <M> or <X> according to ICAO guidelines.

## Annex 8: The preferred option(s) - details

**Figure 8.1: ID card holders affected by preferred option**



**Figure 8.2: Phasing in ID cards under preferred option – key changes<sup>305</sup>**

<sup>305</sup> With the exception of changes to data, the changes noted in the map are largely cumulative, in that Member States which have to make their cards machine readable, will also have to introduce biometrics and contactless chips, and those introducing biometrics will also need to introduce contactless chips. See Table 8.2.



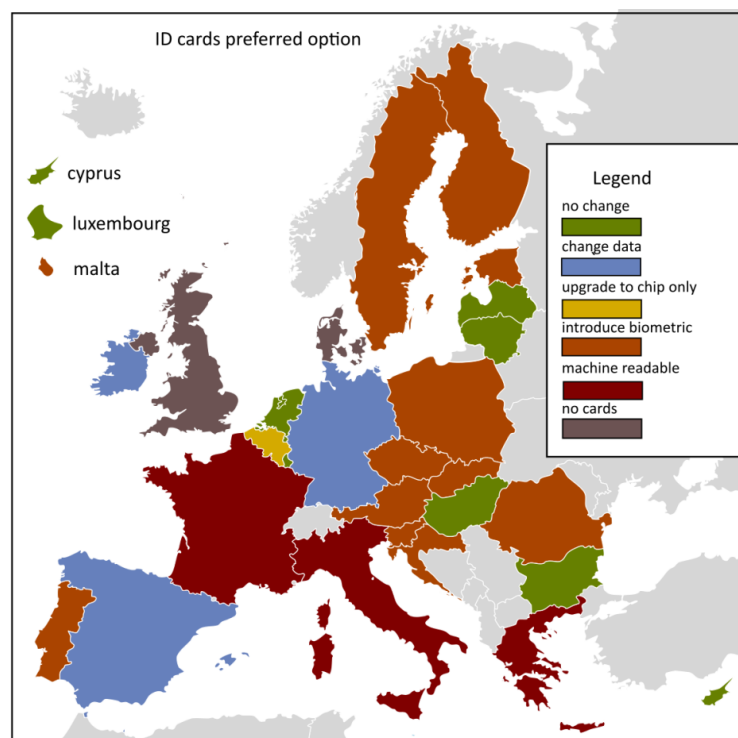


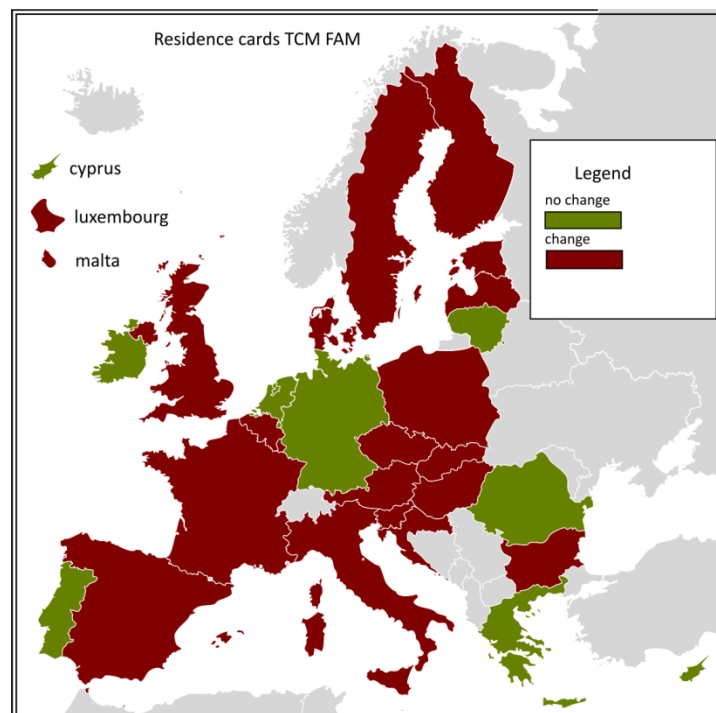
Table 8.2: Phasing in regime ID cards according to preferred option

Member State	Upgrade of biographical data or title	Upgrade to ICAO MRZ	Upgrade of substrate (paper/laminated paper to plastic)	Upgrade from "no chip" to chip	Upgrade of chip (contact chip to contactless)	Upgrade of biometrics
Austria	no	no	no	yes	yes	yes
Belgium	yes	no	no	no	yes	no
Bulgaria*	no	no	no	no	no	no
Croatia	yes	no	no	no	yes	yes
Cyprus	no	no	no	no	no	no
Czech Republic	no	no	no	yes	yes	yes
Denmark	Not applicable because no ID card produced					
Estonia	yes	no	no	no	yes	yes
Finland	no	no	no	no	yes	yes
France	yes	yes	yes	yes	yes	yes
Germany	yes	no	no	no	no	no
Greece	no	yes	yes	yes	yes	yes
Hungary	no	no	no	no	no	no
Ireland	yes	no	no	no	no	no
Italy**	yes/no	yes/no	yes/no	yes/no	yes/no	yes/no
Latvia	no	no	no	no	no	no

Member State	Upgrade of biographical data or title	Upgrade to ICAO MRZ	Upgrade of substrate (paper/laminated paper to plastic)	Upgrade from "no chip" to chip	Upgrade of chip (contact chip to contactless)	Upgrade of biometrics
Lithuania	no	no	no	no	no	no
Luxembourg	no	no	no	no	no	no
Malta	yes	no	no	no	yes	yes
Netherlands	no	no	no	no	no	no
Poland	yes	no	no	yes	yes	yes
Portugal	yes	no	no	yes	yes	yes
Romania	yes	no	yes	yes	yes	yes
Slovakia	no	no	no	yes	yes	yes
Slovenia	no	no	no	yes	yes	yes
Spain	yes	no	no	no	no	no
Sweden	no	no	no	yes	yes	yes
UK	Not applicable because no ID card produced					

Legend: "\*" Does only apply to new BG cards from 2018 onwards      "\*\*\*": IT issues two types of ID cards depending on the municipality.

**Figure 8.3: Phasing in TCN Family Member residence cards under preferred option**



**Table 8.3: Phasing in regime TCN FAM cards according to preferred option**

Member State	Upgrade of biographical data or title	Upgrade of layout and card format (ID-1)	Upgrade of substrate (paper/laminated paper to plastic)	Upgrade from "no chip" to "chip"	Upgrade of chip (contact chip to contactless)	Upgrade of biometrics
Austria	yes	yes	no	yes	yes	yes
Belgium	yes	yes	no	no	yes	yes
Bulgaria	yes	yes	no	yes	yes	yes
Croatia	no	no	no	yes	yes	yes
Cyprus	yes	yes	yes	yes	yes	yes
Czech Republic	yes	yes	yes	yes	yes	yes
Denmark	no	no	no	yes	yes	yes
Estonia	no	no	no	yes	yes	yes
Finland	yes	no	no	no	no	no
France	yes	no	no	no	no	no
Germany	no	no	no	no	no	no
Greece*	no	no	no	no	no	no
Hungary	yes	yes	no	yes	yes	yes
Ireland*	no	no	no	no	no	no
Italy	yes	no	no	yes	yes	yes
Latvia	yes	no	no	no	no	no
Lithuania	no	no	no	no	no	no
Luxembourg	yes	yes	yes	yes	yes	yes
Malta	yes	no	no	no	yes	yes
Netherlands	no	no	no	no	no	no
Poland	yes	yes	no	no	no	no
Portugal*	no	no	no	no	no	no
Romania*	no	no	no	no	no	no
Slovakia	yes	no	no	no	no	no
Slovenia	no	yes	no	yes	yes	yes
Spain	yes	yes	no	yes	yes	yes
Sweden	yes	no	no	no	no	yes
UK	no	yes	no	yes	yes	yes

Legend: "\*": EL, IE, PT and RO only recently introduced the required upgrades, which have to be monitored to confirm the full compliance.

**Table 8.4: Phasing in regime residence documents to mobile EU citizens according to preferred option**

Member State	Upgrade of title and target data required
	All Member States except CY, NL, RO and SI.

**Table 8.5: Overview about the compliance cost of the preferred (legislative) option for ID cards on the Member States**

ID cards	AT	BE	BG*	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU*	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Phasing in regime (ID cards)																												
Compliance cost	y	y			y	y	na	y	y	y	y	y	y		y	y				y		y	y	y	y	y	y	na
Phasing out regime (ID cards)																												
Compliance cost (EUR millions)		3	17*		5		na		74	33		435		5*		157								41		1	6	na

Legend: "y": yes (not quantifiable due to lack of data), "na": not applicable as no ID cards produced, "\*" only old BG+HU cards with unlimited validity phased out

**Table 8.6: Overview about the compliance cost of the preferred (legislative) option for TCN FAM residence documents on the Member States**

TCN FAM	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Phasing in regime (TCN FAM residence and permanent residence cards)																												
Compliance cost	y	y	y	y	y		y	y		y	y	y	y	y		y		y	y	y		y			y	y	y	y
Phasing out regime (does only affect TCN FAM permanent residence cards, since validity of TCN FAM residence cards is always five years)																												
Compliance cost (EUR thousands)	52		16	8	83		540		*	2 168	13		1	50	*	60		56				y	*	*		12		60

Legend: "y": yes (not quantifiable due to lack of data)      "\*\*": only cost implications if uniform format not implemented within the time frame announced.

**Table 8.7: Overview about the compliance cost of the preferred (legislative) option for residence documents (except TCN FAM documents)**

Residence docs	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Phasing in regime (Residence documents)																												
Compliance cost	y	y	y		y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y		y	y		y		y	y
No phasing out regime																												

Legend: “y”: yes (not quantifiable due to lack of data)

## Annex 9: Monitoring and evaluation of impacts - details

**Table 9.1 Key indicators for monitoring the implementation of the preferred options**

Specific objectives	Indicators	Data sources
<b>Improve the acceptance of documents and improve the identification of people</b>	<ul style="list-style-type: none"> <li>• Number of complaints received by citizens who faced problems related to the acceptance of their documents</li> <li>• Proportion of ID cards and residence documents in circulation in different EU that have upgraded features</li> <li>• Member States implementing effective administrative measures/legislation to achieve security/format upgrade of ID cards and residence documents</li> </ul>	<ul style="list-style-type: none"> <li>• Reports from Member States, most likely through Committee, experts group or Council Working Group format</li> </ul>
<b>Improve authentication of documents and reduce document fraud</b>	<ul style="list-style-type: none"> <li>• Improved security and the number of fraudulent (ID and residence) documents reported in different sources</li> <li>• Number of Member States engaged in different types of enhanced administrative cooperation activities on document fraud (FRONTEX, Europol, Schengen Information System,...)</li> <li>• Number of people who self-report being victims of identity theft</li> </ul>	<ul style="list-style-type: none"> <li>• FRONTEX risk analyses on fraudulent documents</li> <li>• Europol analytical files (forged documents used in THB, number of identity thefts...)</li> <li>• Number of fraudulent travel documents in the Schengen Information System</li> <li>• Member States agencies</li> </ul>
<b>Raise awareness among all stakeholders about documents, rights linked to them, including training</b>	<ul style="list-style-type: none"> <li>• Number and type of initiatives to raise awareness of rights under the Directive</li> <li>• Number of citizens reached by awareness-raising measures</li> <li>• Number of users of specific channels, such as Your Europe (and later the single digital gateway)</li> <li>• Number and type of training sessions (FRONTEX, etc.) and number and type of participants from different Member States. Indicators on the training session include: number and type of participants, length and content of sessions, feedback on 'lessons learned' from the sessions.</li> </ul>	<ul style="list-style-type: none"> <li>• Reports from EU and Member States authorities and agencies</li> </ul>
<b>Simplify the daily life for EU citizens, cut red tape and lower costs for all stakeholders</b>	<ul style="list-style-type: none"> <li>• Reduction in hassle costs and administrative barriers for mobile EU citizens and their family members</li> <li>• Enhanced access to public services for non-nationals residing in host MSs</li> <li>• Reduction in hassle costs and benefits to private sector entities (airlines, banks, etc.) and their customers</li> <li>• Reduction in hassle costs for public authorities</li> <li>• Less delays when EU mobile citizens request and renew documents</li> </ul>	<ul style="list-style-type: none"> <li>• Reports from YEA and SOLVIT</li> <li>• Eurobarometer surveys</li> <li>• Feedback from citizens' organisations</li> </ul>

## Annex 10: Impact of preferred option per Member State

The following tables provide a summary of the detail of impact of the proposed initiative on the existing current national documentation regimes.

CURRENT SITUATION IN AUSTRIA		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Inclusion of a contactless chip - ✓ Possibility for Austrian citizens to use e-gates	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	10	No impact (phasing out of 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	✓ Translation to be added	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	x	✓ Translation to be added	✓
Use of the uniform format including correct title and storage medium and biometrics <sup>306</sup>	x	✓ Title to complete(FAM) ✓ Obligation to use the uniform format ✓ Lay-out of the photo: left and central ✓ Insertion of contactless chip ✓ Insertion of biometrics	✓ ✓ ✓ ✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out of 5 years: No impact ✓ Impact	✓

CURRENT SITUATION IN BELGIUM		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			

<sup>306</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008



Correct title and title in another EU language	✓	No change	
Biographical data and format	x	✓ Lay-out of the photo: left and central	✓
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Change to contactless chip ✓ Possibility for Belgian citizens to use e-gates	✓ ✓
Biometrics	✓	No change	
Validity in years	10 30 (>75)	No impact (phasing out of 10 years) ✓ Yes (phasing out within 10 years)	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Change of title	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR NON-EU FAMILY MEMBERS</b>			
Title in another EU language	✓		
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Change of title ✓ Obligation to use the uniform format ✓ Lay-out of the photo: left and central ✓ Change to contactless chip ✓ Insertion of fingerprints	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 5	Phasing out in 5 years No impact No impact	

CURRENT SITUATION IN BULGARIA		IMPACT OF THE PROPOSAL	Potential cost drivers
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	<i>Change from 2018 to monitor</i>	
Biometrics	✓	<i>Change from 2018 to monitor</i>	
Validity in years	10 ∞ (>58)	No impact (phasing out of 10 years) ✓ Yes (phasing out within 10 years)	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Correction of title (registration certificate)	✓
Target data present	x	✓ Insertion of place of issue (registration certificate)	✓
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓		
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Change of title for permanent residence card ✓ Obligation to use the uniform format ✓ Insertion of a contactless chip	✓

		✓ Insertion of biometrics	
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out of cards in 5 years: No impact ✓ Impact	✓

CURRENT SITUATION IN CYPRUS		IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	10	No impact (phasing out of 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	✓	No change	
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	✓		
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Title to correct for residence cards (first 5 years) ✓ Use of uniform format ✓ Insertion of a contactless chip ✓ Insertion of biometrics	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 5 years: No impact ✓ Impact	✓

CURRENT SITUATION IN CZECH REPUBLIC		IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Inclusion of a contactless chip ✓ Possibility for Czech citizens to use e-gates	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	10 35 (>70)	No impact (phasing out of 10 years) ✓ Yes (phasing out within 10 years)	✓
RESIDENCE DOCUMENTS FOR EU CITIZENS			

Correct title and title in another EU language	x	✓ Change of title (permanent residence document)	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓		
Use of the uniform format including correct title and storage medium and biometrics <sup>307</sup>	x	✓ Change of title ✓ Obligation to use the uniform format ✓ Insertion of a contactless chip ✓ Insertion of biometrics	✓
Validity in years		Phasing out in 5 years	✓
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	✓ Impact	

<b>CURRENT SITUATION IN GERMANY</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential costs drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	x	✓ Insertion of the sex in the biographical data	✓
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	10	No impact (phasing out of 10 yrs)	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Translation of title (permanence document)	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics	✓	No change	
Validity in years		Phasing out in 10 years	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	∞	✓ Impact	✓

<b>CURRENT SITUATION IN DENMARK</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential costs drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language			

<sup>307</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

Biographical data and format	No Identity card		
ICAO compliance (MRZ)			
Chip			
Biometrics			
Validity in years			
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language		Unknown format	
Target data present		Unknown format	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Correct title and title in another EU language		Image unknown	
Use of the uniform format including storage medium and biometrics	x	✓ Insertion of a contactless chip ✓ Insertion of biometrics	✓
Validity in yrs (Res cards FAM) (Perm. res. c FAM)	5 ∞	Phasing out in 5 years: No impact ✓ Impact	✓

CURRENT SITUATION IN ESTONIA		IMPACT OF THE PROPOSAL		Potential costs drivers
IDENTITY CARD				
Correct title and title in another EU language	✓	No change		
Biographical data and format	✗	✓ Insertion of the issuing authority	✓	
ICAO compliance (MRZ)	✓	No change		
Chip	✗	✓ Change to contactless chip Possibility for Estonian citizens to use e-gates	✓	
Biometrics	✗	✓ Insertion of facial image	✓	
Validity in years	5	No impact		
RESIDENCE DOCUMENTS FOR EU CITIZENS				
Correct title and title in another EU language	✗	✓ Change of title	✓	
Target data present	✗	✓ Insertion place of issue	✓	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)				
Title in another EU language	✓	No change		
Use of the uniform format including correct title and storage medium and biometrics	✗	✓ Change to contactless chip ✓ Insertion of facial image	✓	
Validity in years		Phasing out in 5 years:		
- Res. cards FAM	5	No impact		
- Perm. res. cards FAM	5	No impact		

CURRENT SITUATION IN GREECE	IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD		

Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	x	✓ Inclusion of MRZ (amongst others)	✓
Chip	x	✓ Inclusion of a contactless chip Possibility for Greek citizens to use e-gates	✓
Biometrics	x	✓ Insertion of a facial image	✓
Validity in years	15	✓ Impact (phasing out in five years)	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ translation of title	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change; <i>Recent introduction to monitor</i>	
Use of the uniform format including correct title and storage medium and biometrics	✓	No change <i>Recent introduction to monitor</i>	
Validity in years - Res. cards FAM - Perm. res. c FAM	5 10	(if uniform format fully applied) No impact No impact	

<b>CURRENT SITUATION IN SPAIN</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential cost drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	x	✓ Title to translate	✓
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	10 ∞ (>7 0)	No impact (phasing out in 10 years) ✓ Impact (phasing out in 10 years)	✓ see below
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Translation of title	
Target data present	✓	No change	✓
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	x	✓ Translation	✓
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Change of title ✓ Use of the uniform format ✓ Change to contactless chip ✓ Insertion of biometrics	✓

Validity in years		Phasing out in 5 years	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	✓ Impact	✓

CURRENT SITUATION IN FINLAND		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	✓
Chip	x	✓ Change to contactless chip ✓ Possibility for Finnish citizens to use e-gates	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	5	No impact (phasing out of ten years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language		Unknown document	
Target data present		Unknown document	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Mention of family member of Union citizen	✓
Validity in years	5	Phasing out in 5 years:	
- Res. cards FAM		No impact	
- Perm. res. cards FAM	∞	✓ Impact	✓

CURRENT SITUATION IN FRANCE		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	x	✓ Translation needed	✓
Biographical data and format	x	✓ Plastic	✓
ICAO compliance (MRZ)	x	✓ Modification of MRZ Addition of an OVD	✓
Chip	x	✓ Inclusion of a contactless chip Possibility for French citizens to use e-gates	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	15	✓ Impact (phasing out in five years)	✓
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	✓ Correct title and translation	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			

Title in another EU language	x	✓ Translation	✓
Use of the uniform format including correct title and storage medium and biometrics	✓	No change	
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 10 years No impact No Impact	

CURRENT SITUATION IN CROATIA		IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	x	✓ Insertion of end of validity date	✓
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Change to contactless chip	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	5	No impact (phasing out in ten years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	✓ Change of title	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics <sup>308</sup>	x	✓ Change to contactless chip	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 5 years No impact ✓ Impact	

CURRENT SITUATION IN HUNGARY		IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change <sup>2</sup>	
Validity in years	6	No impact (phasing out in 10 years)	

<sup>308</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

	∞ (>70)	✓ Impact (phasing out in 10 years)	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Translation of title (registration certificate)	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Indication that FAM of Union citizen ✓ Obligation to use the security features of the uniform format ✓ Insertion of contactless chip ✓ Insertion of facial image	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 5 years: No impact ✓ Impact	✓

<b>CURRENT SITUATION IN IRELAND</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential costs drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	x	✓ Title of "passport card" needs change	✓
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	5	No impact (phasing out in 10 years)	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language		<i>Format unknown (no registration, only doc. certifying permanent residence)</i>	
Target data present		<i>Format unknown (no registration, only doc. certifying permanent residence)</i>	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	<i>Transition to uniform format to monitor</i>	
Use of the uniform format including correct title and storage medium and biometrics	✓	<i>Transition to uniform format to monitor</i>	
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	<i>(if uniform format fully applied)</i> No impact No impact	

<b>CURRENT SITUATION IN ITALY</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential cost drivers</b>
<b>IDENTITY CARD</b>			



Correct title and title in another EU language	✓ nd x	✓ ICAO compliant card to be issued to all IT nationals	✓
Biographical data and format	✓ nd x	✓ ICAO compliant card to be issued to all IT nationals	✓
ICAO compliance (MRZ)	✓ nd x	✓ ICAO compliant card to be issued to all IT nationals	✓
Chip	✓ nd x	✓ ICAO compliant card to be issued to all IT nationals	✓
Biometrics	✓ nd x	✓ ICAO compliant card to be issued to all IT nationals	✓
Validity in years	10	Impact (phasing out of 5 years)	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Change of title and translation	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	x	✓ Correct translation	✓
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Correct title ✓ Insertion of contactless chip ✓ Insertion of biometrics	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 5	Phasing out of 5 years: No impact No impact	

<b>CURRENT SITUATION IN LITHUANIA</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential cost drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	10	No impact (phasing out in 10 years)	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language		Unknown document	
Target data present		Unknown document	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics	✓	No change	
Validity in years			

- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	No impact	

CURRENT SITUATION IN LUXEMBOURG		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	10	No impact (phasing out in 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	✓ Translation of the title	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	x	✓ Translation of the title	✓
Use of the uniform format including correct title and storage medium and biometrics	x	✓ Uniform format ✓ Insertion of a contactless chip ✓ Insertion of biometrics	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 5 years: No impact ✓ Impact	✓

CURRENT SITUATION IN LATVIA		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	
Validity in years	5	No impact (phasing out in 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	Change of title	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	x	Title unclear because not readable	
Use of the uniform format	✓	No change	

including correct title and storage medium and biometrics <sup>309</sup>			
Validity in yrs - Res. cards FAM - Perm. res. cards FAM	5 10	Phasing out in 10 years: No impact No impact	

CURRENT SITUATION IN MALTA		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	x	✓ Third EU language needed (MT and EN official languages in MT)	✓
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Change to contactless chip	✓
Biometrics	✓	No change	
Validity in years	10	No impact (phasing out of 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	✓ Translation of the title	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	x	✓ Title to translate	✓
Use of the uniform format including correct title and storage medium and biometrics <sup>310</sup>	x	✓ Change to contactless chip	✓
Validity in yrs (Res cards FAM) (Perm. res. c FAM)	5 5	Phasing out in 5 years: No impact No impact	

CURRENT SITUATION IN THE NETHERLANDS		IMPACT OF THE PROPOSAL	Potential costs drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	✓	No change	
Biometrics	✓	No change	

<sup>309</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

<sup>310</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

Validity in years	10	10	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	✓	No change	
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR NON-EU FAMILY MEMBERS (FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics <sup>311</sup>	✓	No change	
Validity in years		Phasing out in 10 years:	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	5	No impact	

<b>CURRENT SITUATION IN POLAND</b>		<b>IMPACT OF THE PROPOSAL</b>	<b>Potential cost drivers</b>
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✗	✓ Add signature of the holder	✓
ICAO compliance (MRZ)	✓	No change	
Chip	✗	✓ Inclusion of a contactless chip	✓
Biometrics	✗	✓ Inclusion of facial image	✓
Validity in years	10	No impact (phasing out in 10 years)	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	✗	✓ Title (for permanent residence) and translation (for both)	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✗	✓ Translation of title	✓
Use of the uniform format including correct title and storage medium and biometrics <sup>312</sup>	✗	✓ Obligation to use the full format (ICAO and biometrics ok, colours missing)	✓
Validity in years		Phasing out in 5 years:	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	✓ Impact	

<b>CURRENT SITUATION IN PORTUGAL</b>	<b>IMPACT OF THE PROPOSAL</b>	<b>Potential cost</b>
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<sup>311</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

<sup>312</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

		drivers	
IDENTITY CARD			
Correct title and title in another EU language	x	✓ Title of "citizen card" needs change	✓
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Change to contactless chip ✓ Possibility for Portuguese citizens to use e-gates	✓
Biometrics	✓	No change	
Validity in years	5	No impact (phasing out in 10 years)	
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	x	Translation of title of registration certificate	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	✓	Implementation of uniform format in 2017, to monitor	
Use of the uniform format including correct title and storage medium and biometrics <sup>313</sup>	✓	Implementation of uniform format to monitor	
Validity in years		(if uniform format fully applied)	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	No impact	

CURRENT SITUATION IN ROMANIA		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
Correct title and title in another EU language	✓	No change	
Biographical data and format	x	✓ Insertion of date of birth and signature – plastic card	✓
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Inclusion of a contactless chip ✓ Possibility for Romanian citizens to use e-gates	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	10 ∞ (>55)	No impact (phasing out in 10 years) Yes with phasing out in 10 years	✓ see below
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	✓	No change	

<sup>313</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics <sup>314</sup>	✓	<i>Introduction of uniform format to monitor</i>	
Validity in years - Res. Cards FAM - Perm. Res. Cards FAM	5 10	(if uniform format fully applied) No impact No impact	

CURRENT SITUATION IN SWEDEN		IMPACT OF THE PROPOSAL	Potential cost drivers
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Insertion of a contactless chip	✓
Biometrics	✓	No change	
Validity in years	5	No impact (Phasing out in 10 years)	
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language		<i>Unknown format</i>	
Target data present		<i>Unknown format</i>	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics <sup>315</sup>	x	✓ Complete title (mention FAM) ✓ Insertion of fingerprints	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 5	Phasing out in 5 years No impact No impact	

CURRENT SITUATION IN SLOVENIA		IMPACT OF THE PROPOSAL	Potential cost drivers
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	

<sup>314</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

<sup>315</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Insertion of a contactless chip ✓ Possibility for Slovenian citizens to use e-gates at border controls	✓
Biometrics	x	✓ Insertion of facial image	✓
Validity in years	10 ∞ (>70)	No impact (phasing out in 10 year) ✓ Impact	✓ see below
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	✓	No change	
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	✓	No change	
Use of the uniform format including correct title and storage medium and biometrics <sup>316</sup>	x	✓ Use of uniform format ✓ Insertion of a chip ✓ Insertion of biometrics	✓
Validity in years - Res. cards FAM - Perm. res. cards FAM	5 ∞	Phasing out in 5 years No impact ✓ Impact	

CURRENT SITUATION IN SLOVAKIA		IMPACT OF THE PROPOSAL	Potential cost drivers
<b>IDENTITY CARD</b>			
Correct title and title in another EU language	✓	No change	
Biographical data and format	✓	No change	
ICAO compliance (MRZ)	✓	No change	
Chip	x	✓ Change to contactless chip ✓ Possibility for Slovak citizens to use e-gates	✓
Biometrics	x	✓ Insertion of a facial image	✓
Validity in years	10 ∞ (>60)	No impact (phasing out in 10 years) ✓ Impact	✓
<b>RESIDENCE DOCUMENTS FOR EU CITIZENS</b>			
Correct title and title in another EU language	x	✓ Correct title and translation	✓
Target data present	✓	No change	
<b>RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)</b>			
Title in another EU language	x	✓ Translation	✓

<sup>316</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

Use of the uniform format including correct title and storage medium and biometrics <sup>317</sup>	✓	No change	
Validity in years		Phasing out in 10 years	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	No impact	

CURRENT SITUATION IN UNITED-KINGDOM		IMPACT OF THE PROPOSAL	Potential cost drivers
IDENTITY CARD			
NO ID CARD			
RESIDENCE DOCUMENTS FOR EU CITIZENS			
Correct title and title in another EU language	✗	✓ Translation of the title	✓
Target data present	✓	No change	
RESIDENCE DOCUMENTS FOR TCN FAMILY MEMBERS (TCN FAM)			
Title in another EU language	✗	✓ Translation of the title	✓
Use of the uniform format including correct title and storage medium and biometrics <sup>318</sup>	✗	✓ Obligation to use the uniform format ✓ Insertion of a contactless chip ✓ Insertion of biometrics	✓
Validity in years		Phasing out in 5 years	
- Res. cards FAM	5	No impact	
- Perm. res. cards FAM	10	✓ Impact	✓

<sup>317</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008

<sup>318</sup> as established by Council Regulation (EC) 1030/2002 and amended by Council Regulation (EC) 380/2008