



Council of the  
European Union

008163/EU XXVI. GP  
Eingelangt am 17/01/18

Brussels, 17 January 2018  
(OR. en)

7174/12  
DCL 1

COMIX 130  
FAUXDOC 6

## DECLASSIFICATION

---

of document:	7174/12 RESTREINT UE/EU RESTRICTED
dated:	9 March 2012
new status:	Public
Subject:	Development of minimum security standards for breeder documents

---

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

---



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 9 March 2012

7174/12

RESTREINT UE/EU RESTRICTED

FAUXDOC 6  
COMIX 130

#### NOTE

---

from: the Netherlands delegation

to: Working Party on Frontiers/False documents / Mixed Committee  
(EU-Iceland/Liechtenstein/Norway/Switzerland)

---

Subject: Development of minimum security standards for breeder documents

---

#### INTRODUCTION AND OBJECTIVE

In recent years, interest in identity management has risen considerably at national, EU<sup>1</sup> and global<sup>2</sup> levels. At a number of meetings of international experts, conclusions have been drawn on the difficulties of assessing the identity of applicants for the purpose of issuing travel, residence and identity documents. Frequently, the integrity of such documents is weakened by insufficient reliability of "breeder" (or source) documents confirming birth, marriage and death. While EU and international regulations, agreements, manuals and databases are in place as regards security standards for travel documents, there are few if any such arrangements for breeder documents.

---

<sup>1</sup> In September 2010, the *Draft Country Profiles* report was drawn up by RAND at the request of the Commission; it outlines identity theft and related crime issues. In 2009 the Commission organised a number of expert meetings on identity theft and identity management. Other expert meetings were held on October 2010 and June 2011 in Brussels.

<sup>2</sup> First steps taken towards identity management and the harmonisation of civil status documents at the global level at the 2008 meeting of the ICAO-NTWG (International Civil Aviation Organization / New Technologies Working Group) in Oakland, New Zealand. This was followed up at the ICAO-NTWG meeting in Brussels, Belgium, which led to the introduction and approval by UN-ICAO member states of Working Paper 3 (Toward Better Practice in National Identity Management) at the ICAO-MRTD-TAG meeting of 7 to 9 December 2009. This in turn led to the current latest development, the draft technical report *Evidence of Identity*.

Source or civil status documents often suffer from poor quality and immense variety (even within states) and often lack security features; international exchanges of information on new types of document are rare.

Under the Belgian Presidency, on 2 and 3 December 2010 the JHA Council adopted a set of conclusions on preventing and combating identity-related crimes and on identity management, including the establishment and development of permanent structured cooperation between EU Member States (15877/2/10). The Council conclusions included an invitation to Member States to "consider issuing breeder documents, such as birth certificates, that meet certain minimum security and content standards". The expert meeting on identity theft and identity management organised by the Commission on 20 June 2011 agreed to make progress in this direction. The recent Commission Communication on Smart Borders<sup>1</sup>, proposing future options for speeding up border crossing procedures, in fact presupposes correct and legally obtained source data.

In view of the need to provide for a legal framework for breeder documents, the Netherlands delegation therefore submits the possibility of encouraging the Commission to take an initiative on a minimum security standard for breeder documents issued by Member States, for consideration by the Working Party on Frontiers/False Documents.

## **CURRENT SITUATION**

In the fight against crime, considerable legal and technological efforts have already been directed against *identity document fraud*<sup>2</sup>, inter alia by developing sophisticated security features and applying chip technology with biometric features of the document bearer, for the purpose of preventing document fraud<sup>3</sup>. Possibly as a consequence, an increasingly prevalent global shift to *identity fraud* has received less attention. The chance of someone presenting a genuine passport that was issued on the basis of a false breeder document is a real and present danger. An illegally obtained identity document may be used for purposes of serious crime and terrorism, causing damage to public safety and security.

---

<sup>1</sup> COM(2011)680 final, 25 October 2011.

<sup>2</sup> e.g. Regulations No 1683/95 and No 856/2008 on visas, No 1030/2002 and No 380/2008 on residence permits and No 2252/2004 on passports.

<sup>3</sup> Featuring biometric data: all EU Member State passports, EU residence permits and, since 11 October 2011, EU visas issued by EU Member States in a number of North African countries.

*In 2009, the Documents Unit of the Dutch Immigration Service (IND) started an investigation following indications of large-scale passport fraud. Within a short period of time, it appeared that about 500 EU citizens had registered themselves as inhabitants of Dutch municipalities on the basis of real and genuine French passports. The short time-frame in which these registrations took place, as well as the fact that the overwhelming majority of applicants originated from Western Africa, triggered the need for an inquiry, which eventually established evidence that about 350 of the persons concerned had previously been granted French passports on the basis of false birth certificates. In another case, a figurehead of the Palestinian movement Hamas was assassinated in Dubai in 2010, by persons bearing genuine German passports obtained on the basis of forged breeder documents.*

There are numerous other examples of identity fraud giving rise to crimes in daily law enforcement practice. Harmonised minimal security standards for breeder documents could limit identity fraud, administrative disarray and secondary offences. Additionally, it would be another step towards improved identity assessment in a Union where citizens move freely, frequently presenting breeder documents when applying for travel, residence or identity documents.

## CONCLUSION AND RECOMMENDATION

There have been considerable achievements in the fight against *identity document fraud*, both in terms of technology and EU and international regulations and agreements. As a consequence, the problem of *identity fraud*, i.e. obtaining a genuine identity document on the basis of false breeder documents (e.g. a birth certificate), or identity theft, has now arisen. Thus, high-quality travel, residence or identity documents (including all the underlying administrative systems and processes), containing a chip with biometric information about the bearer, may be issued to a person of a different identity. As shown, this may have grave consequences. Assessing a person's identity and nationality seems to be the weakest link in the whole identification process. Harmonised minimum security standards for breeder documents would not only considerably improve identity assessment, but also constitute an important instrument in the fight against illegal migration, crime and terrorism.

An EU legal framework on breeder documents may help to repair the weakest link in the identity process and could include:

1. reference to existing legal instruments regarding a minimum security standard for travel, identity and residence documents;
2. reference to the Joint Statement by the European Parliament and the Council concerning the need to increase the security of passports and travel documents by using secure breeder documents<sup>1</sup>, which underlines that the objective of enhancing the security of passports may be undermined if passports are issued on the basis of false or forged breeder documents;
3. reference to UN initiatives on breeder documents<sup>2</sup>;
4. a clear definition of the concept of 'breeder document';
5. possibly, minimum standardisation and technical (security) requirements of (different types of) breeder documents;
6. a security tool-kit for different types of breeder document;
7. a mechanism for exchanging information on changes and new types of document, including databases and manuals (similar to the existing mechanisms for travel documents);
8. possibly, an international information system for stolen breeder documents;
9. technical inspection and evaluation;
10. penalty provisions.

DECLASSIFIED

---

<sup>1</sup> Annex to the Position of the European Parliament adopted at first reading on 14 January 2009 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (Official Journal of the European Union, OJ C 46 E, 24.2.2010, p. 127).

<sup>2</sup> To mention just a few, the International Civil Aviation Organisation (ICAO), UNICEF and UNHCR have dealt with breeder documents, as have the Asia-Pacific Economic Cooperation (APEC), the Organisation for Security and Cooperation in Europe (OSCE) and the World Trade Organisation (WTO).