



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 3 December 2013
(OR. en)**

16225/13

**STAT 43
RELEX 1029
VISA 238
JAI 1009
POLGEN 223
FIN 763**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION laying down the form of the laissez-passer issued
by the European Union

COUNCIL REGULATION (EU) No .../2013

of ...

**laying down the form of the laissez-passer
issued by the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 7 on the privileges and immunities of the European Union annexed to the Treaty on the Functioning of the European Union, and in particular Article 6(1) thereof,

Whereas:

- (1) The first paragraph of Article 6 of Protocol No 7 on the privileges and immunities of the European Union ("Protocol") provides that the Council prescribes the form of the *laissez-passer* which are to be recognised as valid travel documents by the authorities of the Member States.
- (2) It is recalled that the first paragraph of Article 6 of the Protocol applies to members of the institutions of the Union and servants of the Union, who are subject either to the Staff Regulations of Officials or the Conditions of Employment of Other Servants of the European Union¹.
- (3) Article 23 of the Staff Regulations of Officials, as well as Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union, lay down the conditions under which the *laissez-passer* is issued to servants of the Union.
- (4) In the interest of the Union and in order to comply with the duty of care, the benefit of the *laissez-passer* may be extended, on exceptional basis and upon due motivation, to special applicants.
- (5) In any event, a *laissez-passer* does not grant privileges and immunities to its bearer.

¹ Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968, p. 1).

- (6) The *laissez-passer* is to be recognised as a valid travel document by the authorities of the Member States. The Commission should make use of the possibility provided for under the second paragraph of Article 6 of the Protocol to conclude necessary agreements with third countries with a view to recognising *laissez-passer* as valid travel documents for border crossing and within the territory of third countries.
- (7) Developments at Union level, in particular the establishment of the European External Action Service, have further enhanced the need for a coherent approach at the international and Union levels.
- (8) The form of the *laissez-passer* should be upgraded to achieve enhanced security standards and to contribute to ensuring a proper level of protection against forgery, counterfeiting and falsification. Common security standards and interoperable biometric identifiers should be integrated into the *laissez-passer* in order to establish a reliable link between the rightful holder and the document, making an important contribution to ensuring protection against its fraudulent use.

- (9) In particular, the form of the *laissez-passer* should comply with the security standards and technical specifications applicable to the national travel documents issued by Member States pursuant to Council Regulation (EC) No 2252/2004¹. This allows for compliance with the specifications of the International Civil Aviation Organisation ("ICAO"), in particular those appearing in ICAO Document 9303 on machine-readable travel documents, as they will contribute to protecting the *laissez-passer* against fraudulent use and to having it internationally recognised as a valid travel document. Likewise, the Union should participate in the ICAO Public Key Directory following the applicable ICAO standards and recommended practices with a view to allowing facilitated worldwide validation of *laissez-passer*.
- (10) In order to ensure that uniform conditions for future security standards and technical specifications for passports and travel documents issued by Member States apply equally, where appropriate, to Union *laissez-passer*, implementing powers should be conferred on the Commission. Moreover, implementing powers should be conferred on the Commission to establish rules for institutions, agencies or other bodies of the Union, as well as to the European External Action Service (hereinafter referred to as the "institutions"), in cases of loss, theft, issuance of duplicates and returns of *laissez-passer*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council².

¹ 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 (OJ L 385, 29.12.2004, p. 1).

² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (11) The advisory procedure should be used for the adoption of implementing acts ensuring, where appropriate, compliance with future minimum security standards and technical specifications for passports and travel documents issued by Member States adopted pursuant to Regulation (EC) No 2252/2004, which may remain secret in order to prevent the risk of counterfeiting and falsifications. The advisory procedure should also be used for the adoption of implementing acts on the handling of cases of loss, theft, issuance of duplicates and returns of *laissez-passer* by the institutions. Under the advisory procedure the Commission should be assisted by the Committee established by Article 6 of Council Regulation (EC) no 1683/95¹.
- (12) It should be ensured that no further information is stored in the laissez-passer's electronic medium other than that pursuant to this Regulation and the Annexes thereto.
- (13) Each institution, individually or acting together on the basis of service-level agreements, responsible for the processing of the personal data of its own staff or of other agents, and the Commission acting as a central point for processing purposes, should ensure compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council².

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

² Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (14) In order to ensure that personal data are not made available to more persons than necessary, it is essential that the Commission coordinate the implementation of this Regulation and designate a single entity having the responsibility for the production and personalisation of the *laissez-passer*. Specific consideration should be given by the Commission to ensure secure access to the personal data contained in the *laissez-passer* for the purposes of production and personalisation by the authorised single entity ensuring an adequate level of data protection.
- (15) Personal data should only be kept for the time necessary to achieve the purposes for which they were collected. Personal data should be kept in the register or by the entity only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights. Personal data should be automatically deleted after a period following the closure of the proceeding. This period of time should be justified and motivated.
- (16) In order to prevent falsification and fraudulent use of the *laissez-passer*, the single entity designated by the Commission to produce and personalise the *laissez-passer* should be selected in accordance with the provisions applicable to the award of contracts, in particular those of Regulation (EC, Euratom) No 966/2012 of European Parliament and Council¹, and taking due account of the sensitive nature of the documents to be produced.

¹ Regulation (EC, Euratom) No 966/2012 of European Parliament and Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- (17) In accordance with the principle of proportionality, this Regulation does not go beyond what is necessary to achieve the objectives pursued in accordance with the second subparagraph of Article 5(4) of the Treaty on European Union.
- (18) This Regulation should replace Regulation (ECSC, EEC, Euratom) No 1826/69 of the Council¹. Regulation (ECSC, EEC, Euratom) No 1826/69 should therefore be repealed with effect from 25 November 2015 following a transitional period.
- (19) It is necessary to provide for a transitional period from the entry into force of this Regulation until 24 November 2015, when it will still be possible to issue and use *laissez-passer* pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69. However, this transitional possibility should be applied in such a way that, from the moment when *laissez-passer* start being issued pursuant to this Regulation, no more *laissez-passer* are issued pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69, and such *laissez-passer* still in circulation are systematically replaced until 24 November 2015. This approach will limit as much as possible the period during which the two forms of *laissez-passer* circulate simultaneously,

HAS ADOPTED THIS REGULATION:

¹ Regulation (ECSC, EEC, Euratom) No 1826/69 of the Council of 15 September 1969 laying down the form of the 'laissez passer' to be issued to members and servants of the institutions (OJ L 235, 18.9.1969, p. 1).

Article 1

Scope

1. The *laissez-passer* shall be accorded solely in the interest of the Union to members of the institutions of the Union referred to in paragraph 2 and its servants. It shall be issued to servants in accordance with the conditions laid down in Article 23 of the Staff Regulations of Officials, as well as Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union. The *laissez-passer* may be issued, solely in the interest of the Union in exceptional cases and upon due motivation, to special applicants pursuant to Annex II.
2. This Regulation shall apply to the institutions, agencies and other bodies of the European Union, as well as to the European External Action Service (hereinafter referred to as the "institutions").

Article 2

Process

1. For the purposes of this Regulation, each institution may conclude agreements with other institutions with a view to creating synergies and alleviating the costs. These institutions shall be responsible for the processing of personal data of staff or special applicants referred to in Article 1(1). Such data shall include the biographical and biometric data used to identify unambiguously the *laissez-passer* applicant, including the facial image and two digital finger prints as biometric features.

2. For the purposes of this Regulation, the Commission shall act as a central point with a view to transmitting the personal data processed by institutions to the entity referred to in paragraph 3.
3. The Commission shall designate an entity to be responsible for designing, producing and personalising the *laissez-passer*, taking into account the sensitive nature of the documents to be produced. It shall do so in accordance with the provisions applicable to the award of contracts, in particular those in Regulation (EC, Euratom) No 966/2012. Any transfer of personal data during the process shall be done in accordance with Regulation (EC) No 45/2001.
4. Each *laissez-passer* shall remain the property of the Union.

Article 3

Linguistic regime

The *laissez-passer* shall be issued in all official languages of the institutions of the Union as indicated in Annex I. The presentation of biographical data shall take into account ICAO recommendations.

Article 4

Validity

1. Without prejudice to Article 5(2), a *laissez-passer* shall be issued for a maximum period of six years and for no less than twelve months subject to the conditions of return specified in the implementing acts adopted in accordance with Article 6(4). The period of its validity shall be adapted to the length of the mandate for a member of an institution, to the length of stay or of posting for an official or to the length of the contract for a temporary agent or for a contract agent.
2. All *laissez-passer* that have expired or have no blank pages for visa affixes must be returned to the issuing authority for formal cancellation or renewal. The *laissez-passer* shall also be returned when its bearer leaves his function or service. This paragraph shall also apply to the special applicants referred to in Article 1(1). In any event, when an original holder returns his *laissez-passer*, a dependent family member shall equally return his *laissez-passer*.

Article 5

Personal data - Rights of individuals

1. Persons to whom a *laissez-passer* is issued shall have the right to verify the personal data contained in it, pursuant to Regulation (EC) No 45/2001, and, where appropriate, to ask for its rectification or erasure.
2. Persons for whom fingerprinting is physically impossible shall be exempted from the obligation to provide them. Where fingerprinting of the designated fingers is temporarily impossible, the fingerprinting of the other fingers shall be allowed. Where it is also temporarily impossible to take fingerprints of any of the other fingers, a temporary *laissez-passer* may be issued, having a validity of 12 months or less.
3. The *laissez-passer* shall contain no machine-readable information other than that pursuant to this Regulation.
4. For the purposes of this Regulation, the biometric features in the *laissez-passer* shall only be used for verifying:
 - the authenticity of the document;
 - the identity of the holder by means of directly available comparable features.
5. The personal data shall be secured, in particular against unauthorised access, and its integrity, authenticity and confidentiality shall be guaranteed.
6. Access to fingerprints on the storage medium in the *laissez-passer* shall only be granted by the Commission to third countries under the conditions set out in Article 9 of Regulation (EC) No 45/2001.

Article 6

Technical specifications and security standards

1. In order to guarantee an equivalent security level, the *laissez-passer* shall comply with the minimum security standards provided for in Regulation No 2252/2004 and in Commission Decision C(2005) 409 of 28 February 2005 establishing the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States, Commission Decision C(2006) 2909 of 28 June 2006 establishing the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States, Commission Decision C(2008) 8657 of 22 December 2008 laying down a certificate policy as required in the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States and updating the normative reference documents, Commission Decision C(2009) 7476 of 5 October 2009 amending Commission Decision (C(2008) 8657 final) laying down a certificate policy as required in the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States, Commission Decision C(2011) 5499 of 4 August 2011 amending Commission Decision C(2006) 2909 final laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States and Commission Implementing Decision C(2013) 6181 of 30 September 2013 amending Commission Decision C(2006) 2909 final laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States.

2. In order to ensure, where appropriate, compliance of the *laissez-passer* with future minimum security standards adopted pursuant to Regulation No 2252/2004, the Commission shall establish, by means of implementing acts, additional technical specifications in accordance with international standards, including in particular the standards and recommended practices of ICAO for *laissez-passer*, relating to the following:
- (a) additional security features and requirements, including enhanced anti-forgery, counterfeiting and falsification standards;
 - (b) technical specifications for the storage medium of the biometric features and their security, including prevention of unauthorised access and facilitated validation;
 - (c) requirements for quality and common technical standards for the facial image and the fingerprints.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 7(2).

3. In accordance with the advisory procedure referred to in Article 7(2), it may be decided that the specifications referred to in paragraph 2 of this Article shall be secret and not be published. In that case, they shall be made available only to the single entity authorised by the Commission in accordance with Article 2(3) and on the condition that this single entity shall guarantee an adequate level of protection.

4. The Commission shall establish, by means of implementing acts, rules for institutions in cases of loss, theft, issuance of duplicates and returns of *laissez-passer*. Those implementing acts shall apply to all *laissez passer*. They shall be adopted in accordance with the advisory procedure referred to in Article 7(2).

Article 7

Committee procedure

1. The Commission shall be assisted by the Committee established by Article 6 of Regulation (EC) No. 1683/95. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 8

Repeal and transitional provisions

1. Regulation (ECSC, EEC, Euratom) No 1826/69 is repealed with effect from 25 November 2015. During the period from ...^{*} until 24 November 2015, Regulation (ECSC, EEC, Euratom) No 1826/69 shall continue to apply.
2. Any *laissez-passer* issued pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69 shall cease to be valid with effect from 25 November 2015.

^{*} EE: Please insert date of entry into force of this Regulation.

Article 9
Entry into force

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

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

Done at Brussels,

For the Council
The President

ANNEX I

Outside cover page (in EU blue with twelve golden stars forming a circle)

The outside cover page will include :

- (a) The mention of EUROPEAN UNION Laissez-passer
- (b) Twelve stars
- (c) ICAO chip logo

Inside cover page

ЕВРОПЕЙСКИ СЪЮЗ * UNIÓN EUROPEA * EVROPSKÁ UNIE * DEN EUROPÆISKE UNION * EUROOPA LIIT * ΕΥΡΩΠΑΪΚΗ ΕΝΩΣΗ * AN tAONTAS EORPACH * UNIONE EUROPEA * EIROPAS SAVIENĪBA * EUROPOS SAJUNGA * EURÓPAI UNIÓ * UNJONI EWROPEA * EUROPESE UNIE * UNIA EUROPEJSKA * UNIÃO EUROPEIA * UNIUNEA EUROPEANĂ * EURÓPSKA ÚNIA * EVROPSKA UNIJA * EUROOPAN UNIONI * EUROPEISKA UNIONEN

РАЗРЕШЕНИЕ ЗА ПРЕМИНАВАНЕ * SALVOCONDUCTO * PRŮKAZ * PASSÉRSEDDEL * REISILUBA * ΑΔΕΙΑ ΔΙΕΛΕΥΣΗΣ * LAISSEZ-PASSER * LASCIAPASSARE ** CAURLAIDE * LEIDIMAS * LAISSEZ-PASSER * PASS * LAISSEZ-PASSER * PRZEPUSTKA * LIVRE-TRÂNSITO * PERMIS DE LIBERĂ TRECERE * LAISSEZ-PASSER * PREPUSTNICA * KULKULUPA * IDENTITETSHANDLINGEN

(chip logo)

(Integrated photograph of the holder)

1.

2.

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4.

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8.

9.

10.

11.

12.

13.

1. Type
2. Code
3. Laissez-passer number
4. *Фамилно име. / Apellidos / Příjmení / Efternavn / Nimi / Επώνυμο / Ainm / Cognome /
Uzvārds / Pavadē / Családi név / Kunjom / Naam / Nazwisko / Apelido / Nume /
Priezvisko / Priimek / Sukunimi / Efternamn /*
5. *Име / Nombre / Jméno / Fornavn / Eesnimed / Ονόματα / Céadainm(eacha) / Nome /
Vārdi / Vardas / Utónév / Isem / Voornamen / Imiona / Nomes próprios / Prenume / Meno /
Ime / Etunimet / Förnamn /*
6. Official of / Nationality
7. *Дата на раждане / Fecha de nacimiento / Datum narození / Fødselsdato / Sünnikuupäev /
Ημερομηνία γέννησης / Dáta breithe / Data di nascita / Dzimšanas datums / Gimimo data /
Születési idő / Data tat-twelid / Geboortedatum / Data urodzenia / Data de nascimento /
Data naşterii / Dátum narodenia / Datum rodstva / Syntymäaika / Födelsedatum /*
8. *Пол / Sexo / Pohlaví / Køn / Sugu / Φύλο / Gnέas / Sesso / Dzimums / Lytis / Nem / Sess /
Geschlecht / Płeć / Sexo / Sex / Pohlavie / Spol / Sukupuoli / Kön /*
9. *Място на раждане / Lugar de nacimiento / Místo narození / Fødselsregistreringsted /
Sünnikoht / Τόπος γέννησης / Áit bhreithe / Luogo di nascita / Dzimšanas vieta / Gimimo
vieta / Születési hely / Post tat-twelid / Geboorteplaats / Miejsce urodzenia / Naturalidade /
Locul naşterii / Miesto narodenia / Kraj rodstva / Födelseort / Syntymäpaikka / Födelseort /*

10. Дата на издаване / Fecha de expedición / Datum vydání / Udstedelsesdato / Väljaandmise kuupäev / Ημερομηνία έκδοσης / Dáta eisiúna / Data di rilascio / Izdošanas datums / Išdavimo data / Kiállítás időpontja / Data tal-ħruġ / Datum van afgifte / Data wydania / Data de emissão / Data eliberării / Dátum vydania / Datum izdaje / Myöntämispäivä / Utställandedatum /
11. Issuing authority/ ausstellende Behörde/ Autorité de délivrance
12. Дата на изтичане срока на валидност / Fecha de caducidad / Platnost do / Udløbsdato / Kehtiv kuni / Ημερομηνία λήξης / Dáta éaga / Data di scadenza / Derīga līdz / Galioja iki / Lejárát időpontja / Data ta' l-għeluq / Geldig tot / Termin upływu ważności / Date de validade / Data expirării / Dátum platnosti / Velja do / Viimeinen voimassaolopäivä / Sista giltighetsdag/
13. Подпис на притежателя / Firma del titular / Podpis držitele / Indehavers underskrift / Omaniku allkiri / Υπογραφή του κατόχου / Síniú an tsealbhóra / Firma del titolare / Turētāja paraksts / Savininko parašas / Jogosult aláírása / Firma tad-detentur / Handtekening van de houder / Podpis posiadacza / Assinatura do titular / Semnătura titularului / Podpis držitel'a / Lastnoročni podpis / Haltijan nimikirjoitus / Innehavarens namnteckning /

Page 4

Длъжност / Cargo/ Funkce / Stilling/ Ametikoht / Ιδιότητα / Post / Funzione / Amats /Pareigos /
Beosztás / Kariga / Functie / Stanowisko / Cargo / Functie / Funkcia / Funkcja / Virka / Befattning /

(This page will also be used for comments such as "Family member" or "Temporary laissez-passer")

Page 5 to Page 37

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Pages 38-42

This laissez-passer is issued as a valid travel document pursuant to the first paragraph of Article 6 of the Protocol on the privileges and immunities of the European Union annexed to the Treaty on the Functioning of the European Union.

Authorities of non-EU countries are hereby requested to allow the bearer to pass freely without hindrance.

This laissez-passer contains [48] pages.

NOTES

This laissez-passer remains the property of the European Union.

Electronic Component | This laissez-passer contains sensitive electronics. For best performance please do not bend, perforate or expose to extreme temperature or excessive moisture.

Alteration | This laissez-passer must not be tampered with or passed to an unauthorised person. Any alteration will render it invalid for use.

Theft or Loss | Any theft, loss or destruction must be immediately reported to local police authority and to the issuing institution of the European Union.

At the end of the period of validity it must be returned to the issuing authority.



ANNEX II

Article 1

Definitions

1. In this Regulation, the term "special applicants" means family members of a member of an institution, and the following applicants if they are on long stay outside the Union, including long-term posting:
 - (a) family members of officials and other servants of the Union who fulfil the conditions laid down in Article 23 of the Staff Regulations of Officials or Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union to be issued the *laissez-passer*,
 - (b) officials and other servants of the Union who do not fulfil the conditions laid down in Article 23 of the Staff Regulations of Officials or Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union to be issued the *laissez-passer*, and their family members,
 - (c) Seconded National Experts ("SNEs") and their family members, and
 - (d) Junior Professionals in Delegation ("JPDs") and their family members.
2. In this Regulation, the term "original holder" means members of an institution, officials and other servants of the Union, SNEs and JPDs holding a *laissez-passer* pursuant to this Regulation.

3. The term "family member" referred to in this Regulation shall cover *mutatis mutandis* the spouse or registered partner within the meaning of Article 1 of Annex VII of the Staff Regulations of Officials, the unmarried partner within the meaning of Article 72(1) of the Staff Regulations of Officials, the dependent children within the meaning of Article 2 of Annex VII of the Staff Regulations of Officials and the persons recognised as dependent children within the meaning of Article 2(4) of Annex VII of the Staff Regulations of Officials.
4. Children who are members of the family as defined under Article 1 of the present Annex are covered by the exemption from the requirement to give fingerprints in accordance with point (a) of Article 1(2a) of Regulation (EC) No 2252/2004.

Article 2

General Conditions applicable to the categories of applicants under Article 1

1. The attribution of a *laissez-passer* to the categories of special applicants under Article 1 shall only be possible in exceptional circumstances and solely if it is in the interest of the Union.
 2. In case of a long stay outside the Union, including long-term posting, the *laissez-passer* shall be granted for the sole purpose of the safe and correct running of the service, when exceptional circumstances and the impossibility to use national passports or travel documents justify it, in particular if it is required for the purpose of travel and proper notification and residency in a third country.
 3. The duration of validity of the *laissez-passer* held by a family member shall never exceed the duration of the validity of the *laissez-passer* held by the original holder.
 4. Any application for a *laissez-passer* under this Annex shall be duly motivated taking full account of the conditions listed in paragraphs 1 to 3.
 5. Applicants under Article 1 shall undergo the same identification and application procedure as the other Union *laissez-passer* holders.
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