

Report on the Conference on the new form of the *laissez-passer* issued by the European Union

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Introduction

The Conference on the new form of the *laissez-passer* issued by the European Union was held in Centre de Conférence Albert Borschette, Rue Froissart on June 1, 2016. Over 100 participants were registered coming from 23 EU Member States and 10 different Third Countries. The day was grouped into four sessions focusing on four areas of the new document.

The Conference was opened by Mr. Marco Umberto Moricca, Director of Directorate General of Human Resources and Security in the European Commission. Mr Moricca thanked the Task Force for completing this challenging project within the limited time frame with such high quality outcome. He stressed the ongoing work to support the recognition of the new *laissez-passer* (LP) on international borders.

1. Issuing a new form of laissez-passer: challenges and successes

The historical development

The LP is based on Protocol N°7 on the Privileges and Immunities annexed to the EU treaties. It entails the definition of the form of the *laissez-passer* to be issued to members and servants of the institutions. The implementation started with the adoption of the Council Regulation N° 1417(2013) on 17 December 2013, which defined the new form of the *laissez-passer* by the European Union taking due account of the international ICAO standards and European legal Framework, namely Council Regulation (EC) N° 2252/2004 dated 13 December 2004 which defines standards for security features and biometrics in passports and travel documents issued by Member States the subsequent implementing decisions.

Since 25 November 2015 all *laissez-passer* in circulation have the form established by Council Regulation 1417/2013.

The legal features of the EULP

From a legal point of view, it is worth saying that the LP remains the property of the Union. It is an administrative document, not a passport, accorded solely in the interest of the Union to well defined categories of potential holders belonging to the institutions, agencies and other EU bodies, as well as to the EU External Action Service (EEAS). In that sense, it does not automatically grant privileges and immunities to its holder, though it is automatically recognised as a valid travel document by the 28 EU Member States.

As a travel document, it belongs to the category of the e-MRTD, the EU LP is issued by rule of law in all 24 official languages of the institutions of the Union for a maximum period of 6 years and for no less than 12 months. The duration is adapted to the length of the service that motivates it (duration of mandate, of posting or of contract).

Since 2013 Council Decision a new category of potential holders (Special Applicants) has appeared. Indeed under certain well defined conditions - family members of a member of an institution, other officials, seconded national experts and junior professional in Delegations and their family members can apply for an EULP.

Securing the issuance process of the new EU Laissez-Passer: the key to recognition

The old format of the LP was a simple booklet, where data was hand-written and the photo glued and manually embossed by a seal. The issuance process was managed by one person only and data provided by the LP holder were not verified against his/her national passport.

In the issuance process of the new LP the European Commission plays a central role on behalf of all the EU institutions that have agreed to benefit from the common issuance system. It started being operational already Mid July 2015 in Brussels, later Luxembourg and Frankfurt followed. Remote enrolment in EU Delegations was possible as of September 2015 by means of mobile stations transiting via diplomatic pouch.

The project followed a Risk Management approach: no single entity/person can issue an EU LP on its own. Three parties are involved, which-are the Commission (for enrolment/ Document Signer/delivery), the Contractor Österreichische Staatsdruckerei of Austria (for production/personalisation) and the Joint Research Centre JRC (for PKI, Certification Authority). Apart from physical security measures for all entities, strong logical security was implemented by IP/VPN between locations, HSM, encryption of all data during storage and transmission and by isolating the EU LP infrastructure from any network. The-operations ensure confidentiality, integrity and accountability for the new LP issuance process.

Full functional verification and quality control is solely carried out in Brussels including EAC capabilities. Should there be rejected LPs, they must be personalised again with new LP number, but no new enrolment. All valid LPs are put in safe for storage until delivery.

A 24/7 service was installed as support to EU LP holders in trouble. The EU declares lost and stolen documents to SIS and works at creating the conditions for declaring them also to the Interpol SLTD database.

The LP design

It was created to allow for easy identification by international authorities, respect the identity of the EU and all its Member States and incorporates a sufficient mix of security features of all levels. Photos displaying some of the various security features were presented.

The *laissez-passer* has all electronic security measures implemented to combat fraud. To detect a forged chip, Passive Authentication is implemented; to combat skimming and eaves dropping, Basic Access Control and Supplemental Access Control are installed; Active Authentication detects cloning; and non-authorized access to sensitive data is prevented by Extended Access Control and Terminal Authentication.

Specimen Kits, including a sample LP, a folder describing the security features and a CD for verifying the (test) keys with/without fingerprint verification were distributed from November on.

2. User Testimony

In the European Parliament, the launch of the new issuance system of the upgraded EU laissez-passer for Members entailed a significant change of mentality as regards the application for and the use of the LP which was brought about by introducing new rules, setting up new procedures and conducting awareness-raising among the potential holders.

Visa for missions and residence permits for long posting are issued in the LP. Notification of staff in Delegations is launched upon the presentation of the LP. The LP is the document allowing to establish an official link between the holder and the EU. It shows the diplomatic title of the holder (on page 4) allowing subsequently, EU staff to be listed in the official diplomatic list of the third country or of the international organization concerned.

Feedback from EU staff in third countries states that visa are issued without difficulty. The document is especially important in countries, where security issues are critical, however immigration and border officials remain not yet familiar with new LP (EUE code, cannot find the nationality of holder in their national database).

ICAO placed the movement of people across borders into an international context, where many more actors are involved (border police, immigration, airlines, airports, etc.). This broader concept is reflected in the TRIP– Strategy (Traveller Identification Programme), taking evidence of identity, the machine readable document (MRTD) issuance process and control, inspection systems and tools and interoperable applications into consideration.

In order to ensure facilitation for travellers, interoperability of travel documents establishing the identity of the holder is a must. It was stressed that the exchange of keys for verification of the document via ICAO's Public Key Directory (ICAO PKD) is of major importance.

The United Nations Security Council Resolution 2178 (September 2014) calls strongly upon States to introduce Advance Passenger Information (API). The benefits of API are improved pre-clearance possibilities of passengers, quicker clearance at border controls, combat of illegal migration, and easier identification of passengers who are a known immigration or security threat and more effective allocation of border control and law enforcement resources.

3. Recognition in a Global Context

In order to be sure that data in the passport/*laissez-passer* chip were not changed and were inserted by right authorities, the digital signature on the chip has to be verified by the control authorities. The Schengen Masterlist is a compilation of the CSCA keys for verification of all EU Member States as well as third countries.

Currently, the Schengen Masterlist is a pilot in a conceptual stage. In order to prove the genuineness of the Schengen Masterlist, it has to be signed by the own EU CSCA certificate, which is yet to be done. Work on the Schengen Masterlist is ongoing. The target is to permit Third Country Nationals the use of Automated Border Control (eGates) in the framework of the Smart Border Initiative.

The EU created the Travel Document Committee, composed of Member States experts. According to the information provided, all existing Travel Documents (TD) issued worldwide by all countries and organisations are listed and it shows which EU Member States recognise which documents. Typically the main types of passports (ordinary, service, diplomatic) are recognised. It is the sole responsibility of a Member State to recognise a TD, typically political and technical issues are main reasons for not recognising TDs, and very importantly, the lack of specimen.

The most recent list dates of February 2016 and it reveals that 70% of TDs issued by Third Countries are not recognised by one or more EU Member State.

The creation of a Single Point of Contact, (SPOC) is among the next developments within the EU LP project a project to allow States seeking authorisation to read the fingerprints stored in the chip of the TD. This entails important security operational requirements, for the registration authorities involved as well as a sound auditing system. Cooperation with each country concerned implies, before the SPOC goes live, the installation by each of them of a compatible testing system to be used notably for interoperability tests and updates ensuring thus full compatibility.

The Joint Research Centre in Ispra (Italy) serves as a Knowledge Centre, supporting EU policies. Its contributions to the *laissez-passer* relate to the PKI, the SPOC and the National PKD. Additionally, JRC is engaged in the Schengen Masterlist, interoperability testing, digital tachograph, biometrics (children, ageing of fingerprints). JRC currently makes a study on the use of mobile devices for pre-enrolling data in the Entry -Exit system for purpose of immigration.

4. Interoperability at Check-in and Borders

Participants to the conference had the possibility to understand further what information a border officer sees when reading a *laissez-passer* at a border control point. As for the EULP it was acknowledged that 23 elements of the data page can be authenticated by machine, which makes the EU LP very receptive to automated controls. Explanations showed that though the results of the machine assisted control should be unambiguous for the border officer, in reality there is room for interpretation and many different aspects need to be considered. Indeed, up to 7 different images are taken of the data page, and only 5-6 seconds are allowed to check a document.

The document reader compares the photo from chip with the printed photo and makes plausibility checks (e.g. 00000 document numbers, name SPECIMEN or UTOPIA shall not appear,...). All security features shall stay unchanged over the lifetime of the document, however in reality some deterioration can occur complicating the integrity check.

As already more than 700 million ePassports are already issued worldwide, IOM (International Organisation for Migration) conducted a survey as to whether countries use the full benefits of ePassports. 30 out of 40 countries participated in the survey leading to the conclusion that there are only a few countries using the tools for identity verification optimal.

IOM supported border agencies by developing and introducing the Verifier TD & B, which is a stand-alone system for use at secondary inspection. It performs 1:1 biometric verification using a live photo and if access to the fingerprints is possible also a 1:1 verification on these biometric features. The system is currently installed in 14 countries at 21 locations (mainly in airports). It has to be stated that it is always the border officer who makes the final decision about the authenticity of the travel document or if the user is the same person as shown in the passport.

IATA (International Air Transport Association) owns and manages IATA Timatic, the industry standard used by airlines and travel agents to verify passengers travel document requirements for their destination and any transit points. Airlines use various Timatic solutions to ensure their customers are compliant with border control rules and regulations. Timatic delivers personalized information to over 200 airlines based on the passenger's destination, transit points, nationality, travel document, residence country etc. IATA will use this platform to inform the airlines about the EU laissez-passer and enhance its recognition for check-in and travel. The concept of getting information from IATA is not new to airlines and airports; it is IATA's duty to point them to the new form of the LP.

Information on the EU LP can already be found in Timatic, as well information on all countries that accept it. Most airlines use Timatic to make automated document checks to see what documents a traveller needs to board the plane. However, if a new document is issued, like the EU LP, the information needs to go to the headquarters of the airline first and is then disseminated to the airport staff. IATA will also inform about some of the security features and will push the acceptance of the EUE code as an issuing authority.

The Conference was closed with summaries of each session's moderator and ended at 17:00hrs.