



Ad-Hoc Query on National data stored on the harmonised Residence Permits

Requested by the Commission on 16th May 2011

Compilation produced on 7th June 2011

Responses from Austria, Belgium, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway
(20 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

According to Article 4 of [Regulation \(EC\) N° 380/2008](#)¹ (amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals), Member States have the possibility to store data for national purposes. Annex I point 16 of the amending regulation lists the different ways to store this data (logically separated data in the same chip, chip with dual interface, separate contact chip).

Previous Ad-hoc Queries on this topic, notably 2010.246 and 2010.247, have not been able to provide the information required and thus the Commission would like to know **whether Member States have used the possibility to store data for national purposes and if yes what means of storage they have opted for** (logically separated data in the same chip, chip with dual interface, separate contact chip).

¹ See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:115:0001:01:EN:HTML>.







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This information would be useful in the context of the ongoing negotiations on the Single Permit proposal with regard to the technical possibilities to specify the information on the access to the labour market (ie.: name of the employer, address of the employer, concrete employment activity etc). The tight deadline is due to the scheduled meetings (Trilogue with the European Parliament and Council), which is also the reason why the Article 6 Committee can not be used for this purpose.





We would, therefore, very much appreciate it if responses could be provided for **23 May 2010**.

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	Belgium has chosen the option of a "separate contact chip."
	Estonia	Yes	Separate contact chip for national PKI services.
	Finland	Yes	At the time being, Finland has not used the possibility to store data for national purposes. Using separate contact chip for storing data for national purposes has been discussed but decision is yet to be made.
	France	Yes	<p>The Council Regulation of the European Union (EC) No 1030/2002 of 13 June 2002 did establish a uniform format for residence permits for third country nationals. It was amended April 18, 2008 by Regulation (EC) No 380/2008 which requires, inter alia, Member States with the inclusion of biometric identifiers (fingerprints and photography) of the carrier in a contactless integrated electronic component under.</p> <p>In addition to this electronic component "contactless", the European Regulation recommends Member States to the insertion of a second bullet to "contact", comparable to that of a credit card, allowing the wearer to authenticate to a safe or administrative transactions electronically sign or trade, for example to track the progress of a file, apply for credit, etc..</p> <p>For France, it was decided that the activation of this component "contact" and the features it provides will not occur before those that will be implemented by the future electronic national identity card, including the timing of release has not yet stabilized, so as to provide residents with foreign services similar to those that will be offered to French citizens.</p>
	Germany	Yes	Germany makes use of the possibility to store additional data for national purposes. Additional data is stored logically separated in the same chip.











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	Hungary	Yes	<p>The purpose of the Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals is solely to set the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals.</p> <p>Hungary has implemented this regulation. The relevant laws had modified, namely the Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence, as well as the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. Hungary is going to introduce the documents in ID 1 format, which contain storage elements (chip), as well as the image of the fingerprint of the card owner.</p> <p>Residence permits to third-country nationals shall be issued as stand-alone documents in ID 1 format, which contain storage elements form 20th May 2011. The format of the local border traffic permit/residence permit/permanent residence permit/immigration permit/residence card is going to be an ID 1 card. The previous paper-based sticker format permits is going to be replace by the plastic-based chip cards which are suitable for storing biometric data.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. In the case of immigration: immigration permit. 2. In the case of permanent residence permit: residence permit. 3. In the case of national residence permit: national permanent residence permit. 4. In the case of temporary residence permit: temporary residence permit. 5. In the case of EC permanent residence permit: long-term residence permit.
	Latvia	Yes	<p>Latvia will use separate contact chip with IAS (Identification Authentication Signature) application and possibility to add additional applets in the future.</p>
	Lithuania	Yes	<p>In Lithuania, residence permit cards do not contain any chips yet. A draft law foresees that the following data will be stored by electronic means:</p> <ul style="list-style-type: none"> -biometric data (facial image and two fingerprints), - a certificate for online registration, - a qualified certificate for e-signature. <p>It is too early to say, how it will look like, but probably it will be similar to the ID card: http://www.dokumentai.lt/atk/bukletas_atk_2009.pdf.</p>
	Luxembourg	Yes	<p>No. Luxembourg has not used the possibility to store data for national purposes – see attached file also.</p>


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	Netherlands	Yes	The Netherlands will not store data for national purposes on the residence permit yet.
	Poland	Yes	Poland has not used the possibility to store data on the residence permit cards.
	Portugal	Yes	PT electronic RP stores line MRZ (Machine Readable Zone) and a colour photo in a contactless chip. There are no national additional data. The possibility of including the holder's address, fiscal and social security identity numbers was considered, but not implemented.
	Romania	Yes	According to a draft Government Decision the documents issued to aliens (including residence permits) contain biometric elements of the owner corresponding to the categories provided for by Article 4b of Council Regulation 1030/2002/EC laying down a uniform format for residence permits for third-country nationals (amended and completed) and respecting the technical specifications provided for by the Commission Decision C(2009) 3770 of 20 May 2009 on modification of technical specifications for the uniform format for residence permits for third-country nationals. As technical solution it was opted for "logically separated data in the same chip."
	Slovak Republic	Yes	The Slovak Republic informed the European Commission that due to technical problems the issuing of residence permits and small cross-border movement permits is planned to start on 1 November 2011 latest. In the first phase the Slovak Republic opted for a separate contactless chip and in the second phase for a chip with dual interface.
	Slovenia	Yes	No national data is stored in the chip. Contact chip is not implemented.
	Spain	Yes	Spain has not used the possibility to store data for national purposes.
	Sweden	Yes	Swedish law does not support storing biometric data for national purposes as expressed in Annex I, Point 16 of the amending regulation Council Regulation (EC) No 380/2008.
	United Kingdom	Yes	The EC regulation allowed member states to use part of the chip on the BRP for national purposes, so long as it was separated from the part of the chip to meet EU needs. It was also to be a contact chip rather than contactless which is used for the EU requirements.

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			The UK to date has not used the contact (national) part of the chip. The original intention had been to use it for the Identity Card programme, but this has now been disbanded. However, this does not rule out future use of the technology.
	Norway	Yes	Data are not stored. Norway has no intention to store data for national purposes on the integrated chip, and we have selected not to add a separate contact chip in the cards.
