



**COUNCIL OF
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NOTE

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

**Subject: Presidency's proposal regarding the activities of the Working Party on
Frontiers / False Documents**

Combating document fraud is a major factor in the fight against organized crime and illegal immigration, requiring several joint measures for the prevention and the detection of such criminal activities, including in particular making the best use of the new technologies for improving document security and control.

Measures already adopted in this area include the definition and the implementation by the Member States of minimum security standards regarding EU biometric passports, whereas the main challenges for the near future would be the implementation of an electronic residence permit and the issuance of electronic identity cards.

In this regard, with the entry into force of the Lisbon Treaty, Article 77 (3) of the TFEU has provided for a specific legal basis for the adoption of provisions concerning passports, identity cards, residence permits or any other such document with a view to facilitating the freedom of movement in the territory of the Member States.

It is noted that the JHA working structures following the entry into force of the Lisbon Treaty were agreed upon by Coreper as set out in doc. 17653/09 POLGEN 239 JAI 931.

Following the introduction of high- level security features for travel and identity documents in accordance with EU and international standards, including biometrics, the level of document security has already significantly improved, thus contributing to the fight against document fraud and related criminal activities.

However, criminal networks involved in forging of identity and travel documents have achieved a higher degree of specialization, including high-level types of forgeries, such as the manipulation of anti-forgery devices. Furthermore, such criminal networks have adapted their modus operandi by engaging in different types of fraud, such as the so-called identity fraud, where fraudulent supporting documents (breeder documents) are produced for the purpose of obtaining authentic travel or identity documents.

Consequently, the main focus regarding document fraud prevention and detection is gradually shifting, on the one hand, from the document security aspects to the efficiency of document control, requiring an improved capacity and a higher level of expertise, and on the other hand, from external borders checks to administrative authorities' controls within the territories of the Member States.

The Presidency believes that in order to address these new challenges in a comprehensive, coherent and efficient manner, and given the diversity and the complexity of documents related issues, a flexible approach at EU level covering both the security as well as the control aspects regarding all types of identity and travel documents as well as breeder documents has become necessary.

In light of the above, the Presidency suggests considering to define the scope of the Frontiers/ False Documents Working Party in order that it could appropriately cover any matters in the field of document security and control linked to the EU border policy.

The Presidency proposes that the competence of the Working Party would cover all types of travel and identity documents as well as breeder documents, both false and authentic, at all levels of production, issuing and control procedures by all competent authorities of the Member States.

The Working Party would continue to exchange information and intelligence between the Member States and gather and analyse the information regarding specific topics, where appropriate through questionnaires.

In addition, the Working Party could also discuss proposals for legislative acts, as well as political documents and exchange views on the implementation by the Member States of relevant measures in the area, including with a view at identifying best practices. Finally, it could also continue the exchange information and best practices with third countries, whose representatives, where appropriate, could be invited to participate in joint meetings.

The Working Party would continue to meet in the format of Mixed Committee depending on the subject matter.

The Presidency invites delegations to reflect on its proposal as described above, with a view to discussing the issue at next meeting of the Working Party on Frontiers/False documents/Mixed Committee on 22 September 2010.
