

**Mercer, John W**

From: Overstrom, Kevin K  
 Sent: Tuesday, July 15, 2003 11:45 AM  
 To: Mercer, John W  
 Subject: Berlin cable

Just in case you haven't seen this.

Kevin

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ACTION VO-01

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 SUBJ: READ-OUT FROM EUROPEAN FORUM FOR TRAVEL DOCUMENTS

1. SUMMARY. US policy concerning biometrics, machine readable passports (MRPs), and fingerprinting came under fire at the second European Forum for Travel Documents, which took place in Berlin June 30-July 1, 2003. The US and Japan were present as observers. Participants enthusiastically endorsed the ICAO May 2003 resolution in favor of a full facial image to be recorded on a contactless chip with public-key encryption, but also sharply criticized the legislative mandate that by October 26, 2004 countries currently participating in the Visa Waiver Program (VWP) begin issuing MRPs with an ICAO-approved biometric in order to continue to benefit from the VWP. Both German and French representatives criticized what they characterized as "insufficient notice" of the requirement that travelers from VWP countries must present MRP's on or after October 1, 2003 to continue benefiting from the VWP. Participants (notably U.K. and Japan) were consistently and adamantly pessimistic about any country, including the U.S., meeting the U.S.-set deadline of 26 October 2004 for production of passports with ICAO-standard biometrics. Delegates also expressed concern about new US

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fingerprint requirements and the use to which the data so collected would be put. The Final Statement proposed that the EU push for a realistic alternative mandatory implementation date. End Summary.

2. The second annual European Forum for Travel Documents was held in Berlin, 30 June - 1 July, hosted by the German Interior Ministry Travel/ID documents office. The meeting was attended by most EU members, the countries to join the EU in 2004, plus Bulgaria and Norway, with observers from Japan and the U.S. (MCCA and Berlin ConsChief). Criticism of US policy emerged during initial discussions on common EU minimum security standards for travel documents, with the German delegates expressing concern that the dialogue in the EU was being driven by the demands of US legislation that was not clearly understood. There was also a strong undercurrent of resentment over having the terms and timetable of the debate set by US security concerns rather than common EU principles and decisions. The Estonian representative described US emphasis on travel document security as being about "free movement of documents, not people", a somewhat elliptical comment which nonetheless seemed to resonate with many participants, who viewed US emphasis on border security as excessive and an impediment to free travel.

Germany: In the lead technically

3. German Federal Criminal Police presenter Edgar Friedrich, who led a discussion of current and proposed biometric and security technologies, told participants that large-scale, multi-vendor facial recognition trials show great potential, although most systems would will require Germany at some point to switch from the traditional half-profile facial image to a [U.S.-style] frontal image. He urged countries to stop putting their photo/data pages in the front or back cover of passports to facilitate examination by human or mechanical means. Friedrich noted that the biometric must be stored on-board the document; under German law prohibiting government storage of personal data, the Bundesdruckerei, which issues all MRPs and Personal Identity Cards, is not permitted to retain the data it prints on the documents. Friedrich was followed by German Interior Ministry ICAO New Technology Working Group representative Olivia Strese, who presented the results of the May 2003 ICAO meeting, which endorsed the use of facial recognition as the preferred biometric indicator for travel documents. Information on the ICAO standard presented by Ms. Strese broadly mirrored what the ICAO has published at <http://www.icao.org/icao/en/nr/pio200309.htm>.

October 1, 2003 MRP Requirement: Too soon and you didn't warn us

4. The US delegation's presentation of a paper on the Visa Waiver Program provided an opportunity to criticize US policy that proved too tempting to resist and energized what had been a somewhat dull and heavily technical discussion. After our presentation, both the German and

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French delegations lodged strong criticisms against the US requirement that VWP travelers hold valid MRPs by October 1, 2003 in order to continue to benefit from the VWP. The French delegate noted that France had received "insufficient" notice of the new requirement and would have trouble complying. The German delegation seconded this, and added that they hoped the US would take note of the fact that it had not adequately prepared German citizens for this new requirement. The Japanese delegate described the new MRP requirement as "shocking" and said it would have a serious impact on the flow of travelers to the US.

He then added that he was not speaking in any sense of "retaliating" against the US for its policies.

October 26, 2004 Biometric Requirement: No one will be ready

5. Participants were even more unhappy with the 10/26/04 deadline for biometric inclusion. No one considered it to be realistic; the Germans raised the question of what the EU would do collectively if no member was in compliance by the deadline. In general discussion of the challenges of producing the ICAO-standard biometrics passport, only small countries without indigenous technology claimed they could be ready by 26 October 2004 (Lithuania, Slovenia). Others expressed their commitment to producing such documents but were scornful of claims that production would be underway by the U.S. deadline. The British delegation, led by the Systems Director of the Home Office's Passport Service, John Davies, made it clear that while the U.K. is moving rapidly to acquire the necessary systems, technology, and expertise, there was no way that the UK would be in compliance with this requirement by that date. Davies bluntly asserted that the US itself would be unable to meet its own deadline and later inserted a proposal into the Forum's final statement (below) urging the EU to formulate a realistic alternative date to the 26 October 2004 deadline.

Fingerprinting: What are you doing with all that information?

6. Data security issues were not on the forum's formal agenda, but were very much on the mind of participants. Both the German and the Polish delegations expressed concern about the uses to which the US would put the fingerprint data to be collected from all travelers and visa applicants as of January 1, 2004. The US delegation stressed that the US had its own privacy and data protection laws that would apply to all data collected in connection with travelers—an assertion which caused several participants to shake their heads in disagreement.

United Kingdom: "Virtual" National Ids

7. During a presentation on "ID cards" Davies discussed

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the UK's proposed "travel card", an ID-card sized laminated document that would be the equivalent of a legal passport. Davies noted that while the idea of a national ID was highly controversial in the UK, the technology involved in this travel card and proposals to include it on the back of the UK driver's license would make it the equivalent of a national ID if adopted.

Japanese Concerns: "Deep Regret"

8. Toyoei Shigeeda, the principal observer from the Japan MFA passport division, stated that he "deeply regretted" the U.S. imposition of both the 1 October 2003 MRP requirements and the 26 October 2004 requirements. However, Shigeeda also noted that the only hindrance to Japanese compliance with the 1 October 2003 MRP requirement was the fact that Japanese overseas missions do not issue MRPs. Emboffs noted that during his comments Shigeeda was holding a copy of Embassy Tokyo's dipnote with the text from STATE 161093.

9. The second day of the conference was largely spent on highly technical discussion of internal EU policies concerning ID, residence permits, and visas. At the conclusion of the conference, participants contributed to a formal final statement, the text of which follows:

MEMBERS FINAL STATEMENT. Begin quote. At their meeting on 20 June / 1 July 2003 in Berlin, the participants in the European Forum for Travel Documents agreed as follows:

First: The integration of biometric features into travel documents is a modern and consistent further development of such documents. Participants are agreed that the methods applied should be co-ordinated at an international level so as to ensure the necessary interoperability. The International Civil Aviation Organisation (ICAO) is the relevant co-ordination body. The participants shall make every effort to ensure that their states actively contribute to the work of ICAO bodies and promptly implement relevant recommendations.

Second: The participants should make every effort to ensure that the travel documents of their states - as soon as possible - fulfill the ICAO recommendations on machine-readability (ICAO document 9303 Part 1 (passports), 5th

edition 2003 and Part 3 (Size 1 and Size 2 Official Travel Documents) 2nd edition 2002, and the minimum security standards (ICAO Document 9303 Part 1 Annex III-A) already implemented if they have not yet done so.

Third: The participants in the Forum, including Member States of the European Union and from states joining the EU in 2004 have agreed on the following principals and proposals:

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-- Any biometric features incorporated into travel documents or visas of the European Union should be machine readable by all member states.

-- The Standing Committee should be asked to establish a realistic target date for incorporating an ICAO compliant electronically stored facial image in all European Union passports.

-- The Standing Committee working with the commission should identify the benefits offered by a second biometric in European passports and travel documents.

-- The European Commission should be asked to propose a resolution to improve the format of EU passports to take into account the accession of new Member States.

-- The measures shall be provided for as a supplement to the EU minimum security standards of travel documents of 17 October 2000.

-- The standards for security protection of passports already included in the EU minimum security standards shall be implemented as soon as possible if they have not yet been implemented and reviewed to determine whether they must be supplemented in view of requirements for fighting international terrorism as well as document misuse and usage of these documents for criminal purposes and illegal immigration.

-- The Standing Committee of the Forum is asked to approach the Presidency of the Council during the November meeting in Rome in order to propose an initiative for incorporating biometrics into travel documents. This initiative could be reviewed in the Council Working Party on Frontiers and false documents working group in co-operation with the Commission.

Fourth: The participants advocate enhanced information exchange on national measures for travel documents. They should therefore advise one another on the substantive content of such measures by entering information on the home page of the forum. For the EU Member States, further information exchange could take place in the above-mentioned Council Working Party in order to foster a systematic dialogue between all Member States and in co-operation with the Commission on the question of integrating biometrics into travel documents.

Fifth: The participants in the European Forum for Travel Documents note that the Forum is an excellent international platform for the expert exchange of opinions in travel document matters and should therefore be continued.

The Netherlands, as Forum Secretary, presented the materials available on the Forum webpage at <http://www.eftd.org>.

Conclusion: We're simply not convinced

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10. Without the pressure generated by the U.S. Enhanced Border Security Act to overhaul passport production, the conference would have remained highly technical and dull. Our presentation provided participants with an opportunity to vent, and they took full advantage of it. The commitment of all participants to enhanced document security in the post-9/11 world is genuine, but it is difficult to deny the uneasiness with which the Europeans and Japanese view the strict new US requirements for VWP travelers. Our MRP and biometrics deadlines are seen as unrealistic and a major disruption to the right of travel; our use of data collected from travelers as suspect. Attempts to stress that these new requirements are essential to protect our borders and are not designed to inconvenience legitimate travelers did not entirely persuade; while participants recognized they had little option but to respond to our new procedures, it was clear that they also felt that we were asking the unreasonable and would be forced to retreat when it became apparent that no one would be able to comply. The overwhelming sentiment of most participants was clear: US policy and regulations were forcing European countries

to move too quickly to adopt policies of questionable merit.

10. Readers with additional questions are invited to e-mail Jim Levy at LevyJM@state.gov. COATS

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End Cable Text

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