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No 290

Ordinance amending the Identity Card Ordinance, the Passport Ordinance, the Residence Ordinance and other provisions*

Dated 30 October 2023

On the basis of § 69(3) first sentence of the Residence Act, as amended by Article 1 subparagraph 1 point (c) of the Act of 13 July 2017 (Federal Law Gazette (BGBl.) I p. 2350), the Federal Government decrees,

on the basis of § 4(5) first sentence in conjunction with § 3(4) first sentence of the Meat Act, of which § 3(4) first sentence has been amended by Article 400 subparagraph 1 of the Ordinance of 31 August 2015 (Federal Law Gazette (BGBl.) I p. 1474), the Federal Ministry of Food and Agriculture decrees,

and on the basis of

- § 6a(3) first sentence subparagraphs 1 to 3, 6 and the second sentence of the Passport Act, of which paragraph 3, first and second sentences, has been last amended by Article 1 subparagraph 5 of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No. 271), in consultation with the Federal Foreign Office and, with regard to § 6a(3) first sentence subparagraph 2, also in consultation with the Federal Ministry for Economic Affairs and Climate Action,
- § 20(3) first sentence of the Passport Act, as amended by Article 1 subparagraph 11 of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No. 271),
- § 31(3) of the Identity Card Act, as amended by Article 2 subparagraph 13 of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No 271),
- § 34 first sentence subparagraphs 3 points (a) to (c), 6, 9 point (c), 12 and second sentence of the Identity Card Act, of which the first and second sentences have been last amended by Article 2 subparagraph 14 of the Act of 8. October 2023 (Federal Law Gazette (BGBl.) 2023 I No 271), in consultation with the Federal Foreign Office and, with regard to § 34(1) subparagraph 3 point (b), also in consultation with the Federal Ministry for Economic Affairs and Climate Action,
- § 23(3) of the eID Card Act, as amended by Article 3 subparagraph 8 of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No 271),

* Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

- § 25 first sentence subparagraph 12 of the eID Card Act, as amended by Article 3 subparagraph 9 point (c) of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No 271), in consultation with the Federal Foreign Office,
- of § 99(1) subparagraphs 13 points (a) to (c), 13a first sentence points (a), (d), (e), (g), (h) and (k) and second sentence and subparagraph 15 points (a) to (c) of the Residence Act, of which subparagraphs 13 and 13a first sentence point (a) have been recast by Article 7 subparagraph 4(a)(aa) and (bb) of the Act of 3. December 2020 (Federal Law Gazette (BGBl.) I p. 2744), of which subparagraph 13a first sentence point (k) has been amended by Article 4 subparagraph 3 of the Act of 8 October 2023 (Federal Law Gazette (BGBl.) 2023 I No. 271), subparagraph 13a second sentence has been amended by Article 4 subparagraph 2 points (a) and (b) of the Act of 5 July 2021 (Federal Law Gazette (BGBl.) I p. 2281) and subparagraph 15 has been amended by Article 3 subparagraph 11 point (a) of the Act of 4 August 2019 (Federal Law Gazette (BGBl.) I p. 1131),
- § 11a of the Law on freedom of movement of Union citizens, as last reworded by Article 1 subparagraph 12 of the Act of 12. November 2020 (Federal Law Gazette (BGBl.) I p. 2416), in conjunction with § 1(2) of the Jurisdiction Adjustment Act of 16 August 2002 (Federal Law Gazette (BGBl.) I, p. 3165) and the organisational decree of 8. December 2021 (Federal Law Gazette (BGBl.) I, p. 5176),
- § 40 subparagraph 1 of the Central Register of Foreigners Act, the part of the sentence preceding subparagraph 1 of which has been amended by Article 167 of the Ordinance of 19. June 2020 (Federal Law Gazette (BGBl.) I p. 1328), in conjunction with § 1(2) of the Jurisdiction Adjustment Act of 16 August 2002 (Federal Law Gazette (BGBl.) I, p. 3165) and the organisational decree of 8. December 2021 (Federal Law Gazette (BGBl.) I p. 5176), the Federal Ministry of the Interior and Community decrees:

Article 1

Amendment of the ID Card Ordinance

The ID Card Ordinance of 1 November 2010 (Federal Law Gazette I p. 1460), last amended by Article 3 of the Ordinance of 20 August 2021 (Federal Law Gazette I p. 3682), is amended as follows:

1. In the content overview, the word 'delivery' is replaced by the words 'issue and dispatch' in the reference to Chapter 4.
2. § 2 The first sentence is amended as follows:
 - a) Subparagraph 1 is amended as follows:
 - aa) In point (b), the words 'electronic storage and processing medium' are replaced by the word 'chip'.
 - bb) In point (c), the words 'electronic storage and processing medium' are replaced by the word 'chip'.
 - b) In subparagraph 2 point (f), the words 'electronic storage and processing medium' are replaced by the word 'chip'.
3. § 4 Paragraph 3 is amended as follows:
 - a) In Number 1 letter d, the word "and" is replaced with a semicolon at the end.
 - b) In number 2 letter d, the full stop at the end is replaced by the word "and" .
 - c) The following point 3 is added:

'3. in connection with the deletion of the blocking entry of the electronic proof of identity pursuant to § 10 (8) first sentence of the Identity Card Act

 - a) the blocking amount as well as the date and time of deletion,
 - b) the removal of the general blocking feature from the block list, as well as the date and time of the removal,
 - c) the provision of the block list for retrieval, as well as the date and time of the deployment; and
 - d) the actual retrieval and the date and time of the actual retrieval".
4. § 5 is amended as follows:
 - a) Paragraph (3) is amended as follows:
 - aa) In Number 1, the words "ten years and" are deleted and the words "whose entry" are replaced by the words "expiry of validity".
 - bb) In Number 3, the words "ten years and" are deleted and the words "their storage" are replaced by the words "expiry of the validity period of an electronic proof of identity".
 - cc) In number 4, the words "ten years and one month after the blocking key has been stored with the blocklist operator", are replaced by the words "one month after the expiry of the validity period of an electronic identity certificate" and the full stop at the end is replaced by a semicolon.
 - dd) The following point 5 is added:

'5. the log data generated pursuant to § 4(3) shall be deleted 20 weeks after its creation.'

- b) Paragraph (4) is amended as follows:
- aa) In sentence 4, the words “ten years and one month after their registration” are replaced by the words “one month after expiry of the validity period of an electronic proof of identity” .
 - bb) The following clause is inserted after clause 4:
“The block list operator shall inform the identity card manufacturer of the deletion operations referred to in paragraph 3(1) and (2).”
 - c) In the first sentence of Section 98(5), “§ 22” is replaced by “§ 21”.
 - d) In subparagraph 6, the words ‘electronic storage and processing medium’ are replaced by the word ‘chip’.
5. § 13 is worded as follows:

‘§ 13

Chip interface

The chip of the identity card is equipped with a contactless interface and requires the power supply from readers for data transmission.’

6. § 14 is amended as follows:
- a) Paragraph 1 is amended as follows:
 - aa) In the first sentence, the words ‘electronic storage and processing medium’ are replaced by the word ‘chip’.
 - bb) The second sentence is amended as follows:
 - (aaa) In subparagraph 1, the words ‘the electronic storage and processing medium’ are replaced by the words ‘the chip’.
 - (bbb) In subparagraph 3, the words ‘electronic storage and processing medium’ are replaced by the words ‘chip’.
 - b) In paragraph 2 subparagraph 3, the words ‘the electronic storage and processing medium’ are replaced by the words ‘the chip’.
7. § 17 shall be worded as follows:

‘§ 17

Receiving the secret number and unblock number

(1) The applicant shall receive the secret number and unblock number of the identity card from the identity card authority in a sealed envelope. The applicant must confirm the receipt of these in writing.

(2) If the applicant has its permanent residence or usual abode outside the Federal Republic of Germany, the secret number and the unblock number can be sent by the identity card authority to the address designated by the applicant, if the handover cannot take place at the time of the application and the collection of the letter from the identity card authority would only be possible for the applicant under unreasonable circumstances and the place of residence is in a state in which there is a reasonable guarantee of proper transmission by post. Identity card and secret number may not be sent together in one postal item. In the case of letters returned as undeliverable, the applicant shall receive the letters from identity card authority in accordance with paragraph 1.

(3) Until the applicant has received the secret code and unblock number, the identity card authority shall ensure that third parties cannot obtain access to the secret number and the unblock number’.

8. In the heading of Chapter 4, the word ‘delivery’ is replaced by the words ‘issue and dispatch’.
9. § 18 is worded as follows:

‘§ 18

Issuing and dispatch of the ID card and blocking password

(1) The identity card shall be issued together with the blocking password by the identity card authority to the applicant, to another person entitled pursuant to Section 9(1) or (2) of the Identity Card Act, or to a person authorised by the applicant.

(2) The identity card, together with the blocking password, is sent by the identity card manufacturer to the domestic registered address of the applicant, which can be served, provided that the applicant has a valid photo ID issued by a public authority or a body governed by public law which allows his identity to be properly established and has consented to this procedure with the national identity card authority. A dispatch pursuant to sentence 1 is excluded if there is no available domestic registration address. The previous identity card must be invalidated when applying. Before handing over, the delivery person must check the identity of the applicant, who must present a photo ID as mentioned in the first sentence. The identity card manufacturer informs the identity card authority about the handover of the identity card and the blocking password to the applicant.

(3) In a procedure referred to in paragraph 2, the applicant shall provide the identity card authority with an email address, provided that the identity card authority does not already have one. The identity card authority sends this e-mail address to the card manufacturer so that they can send the email address to the deliverer. In this case, the deliverer announces to the applicant the period of delivery by email to the stored email address. The announcement may contain only the title, the indication of the forthcoming delivery of the identity card, the expected date of delivery and the arrangements for delivery in accordance with paragraph 2 fourth sentence. The email address may only be used for the purposes for which it was collected and must be deleted immediately by the identity card authority, the card manufacturer and the deliverer after the identity card has been handed over to the applicant, provided that it was collected solely for the purposes of the procedure under paragraph 2. If the identity card is not handed over, the fifth sentence shall apply with the proviso that the identity card manufacturer and the deliverer shall delete the email address immediately after the identity card has been deposited with the competent identity card authority, and the identity card authority shall delete it immediately after the identity card has been handed over to the applicant.

(4) The holder of the card may at any time request an identity card authority to display the readable personal data stored on his identity card.

(5) Certified readers with a sovereign authorisation certificate are to be used to read the data referred to in paragraph 4.

(6) By way of derogation from paragraph 2, the identity card authority may also send identity cards abroad together with the blocking password by post, without the deliverer identifying the applicant, provided that the collection of the identity card by the applicant would only be possible under unreasonable circumstances and the place of residence is in a State in which there is a reasonable guarantee of proper handover. In accordance with paragraph 1, the identity card authority shall issue identity cards and blocking passwords returned undeliverable to the applicant.

(7) If an order pursuant to Section 6(7) of the German Identity Card Act has been issued to an applicant who does not have a residence in the Federal Republic of Germany, the identity card shall be issued by the identity card authority in Germany, in whose district the applicant person was last required to report their residence and in the place of their main residence if they have several residences. If the applicant has never been required to report their residence in the Federal Republic of Germany, the issue should be made by an identity card authority in the Federal Republic of Germany to be designated by the applicant. The issue of the identity card to another person authorised under Section 9(1) or (2) of the German Identity Card Act or to a person authorised by the applicant shall be excluded in such cases".

10. § 19 Paragraph 2 is amended as follows:

- a) In the first sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
- b) In the second sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
- c) In the fifth sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.

11. § 20 Paragraph 2 is amended as follows:

- a) In the second sentence, the words 'storage and processing medium' are replaced by the word 'chip'.
- b) In the fifth sentence, the words 'the storage and processing medium' are replaced by the words 'the chip'.

12. § 21 is amended as follows:

- a) In paragraph 1 sentence 1 after "paragraph 3" the entry "sentence 1" is deleted.

- b) Paragraph 2 is amended as follows:
- aa) In the first sentence, after 'paragraph 3', the entry 'sentence 1' is deleted.
 - bb) In the second sentence, the words 'storage and processing medium' are replaced by the word 'chip'.
 - cc) In the fifth sentence, the words 'the storage and processing medium' are replaced by the words 'the chip'.
 - c) In paragraph 3 first sentence, 'paragraph 2' is replaced by the entry 'paragraph 1'.
13. § 22 is amended as follows:
- a) In paragraph 2, the words 'has an authorised electronic storage and processing medium, which' are replaced by the words 'has an authorised chip, which'.
 - b) In paragraph 4 first sentence, the words 'the electronic storage and processing medium' are replaced by the words 'the chip'.
 - c) Paragraph 6 is amended as follows:
 - aa) In subparagraph 3, the words 'the electronic storage and processing medium' are replaced by the words 'the chip'.
 - bb) In subparagraph 4, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
 - d) In paragraph 7 first sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
14. After § 36c the following § 36d is inserted, reading:

"§ 36d

Derogation for the eID card

§ 20 The third sentence of paragraph 2 shall apply on the condition that, when the letter is handed over, the deliverer shall verify the identity of the applicant by the applicant presenting an identity card or passport of the Member State of which they are a national".

15. The former § 36d becomes § 36e.
16. § 37 is amended as follows:
- a) Paragraph 4 is worded as follows:

'(4) Until the end of 31.12.2032, Section 5(3)(1), (3) and (4) and paragraph 4 fourth sentence shall apply, with the proviso that the period shall be ten years and three months and shall begin to run as follows:

 - 1. in the case of Section 5(3)(1), with the entry in the reference list,
 - 2. in the case of Section 5(3)(3), with the storage of the update of the blocking list,
 - 3. in the case referred to in § 5(3)(4), with the storage of the blocking key by the blocking list operator or with the unblocking by the identity card authority,
 - 4. in the case of § 5(4) fourth sentence, with the entry of the blocking amounts or the last day of validity of the issued identity cards in this list.'
 - b) The following paragraph 5 is added:

'(5) Until 31 October 2024, § 17 paragraphs 1 and 2 shall apply with the proviso that the envelope may contain the blocking password in addition to the secret code and the unblock number if this is sent to the applicant by the identity card manufacturer. The sender's address must be the postal address of the issuing identity card authority. In this case, receipt of the envelope shall be confirmed by the applicant immediately prior to the delivery of the identity card and in the form referred to in § 17(1) second sentence.'

17. In Annex 3, Section 2, 'photo quality' is worded as follows:

"Photo quality

The photo should have a resolution of at least 600 dpi. The photo must be colour-neutral and reflect the natural skin tones. In principle, digital photos must be presented in colour. If the presentation of a paper-based photo is permitted in exceptional cases, that photo may be presented in colour or in black and white; however, it must not have any kinks or contamination".

18. In Annex 4, point 1 is worded as follows:

'1.	Chip on the identity card (hardware and software)	Obligation for the card manufacturer'.
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Article 2

Amendments to the Passport Ordinance

The Passport Ordinance of 19 October 2007 (Federal Law Gazette I p. 2386), as last amended by Article 2 of the Ordinance of 20 August 2021 (Federal Law Gazette I p. 3682), is amended as follows:

1. The table of contents is amended as follows:
 - a) In the reference to Chapter 1, the words "passport sample" are replaced by the words "passport sample; issue and dispatch of the passport".
 - b) The information in § 2 is deleted.
 - c) The previous information on Sections 3 to 5 become the information on Sections 2 to 4.
 - d) After the information in § 4, the following entry for § 5 is inserted:
 '§ 5 Issue and handover of the passport'.
 - e) The information on Appendix 2 is repealed.
2. In the heading of Chapter 1, the words "passport sample" are replaced by the words "passport sample; issue and dispatch of the passport".
3. § 2 is deleted.
4. The former Sections 3 to 5 become Sections 2 to 4.
5. After § 4, the following § 5 is inserted:

§ 5

Issuing and dispatch of the passport

(1) The passport is issued by the passport authority to the applicant, to another person authorised under § 6(1) of the Passport Act or to a person authorised by the applicant.

(2) The passport is sent to the domestic registered address of the applicant, which can be served, provided that the applicant has a valid photo ID issued by a public authority or a body governed by public law which allows his identity to be properly established and has consented to this procedure with the national passport authority. A dispatch pursuant to sentence 1 is excluded if there is no available domestic registration address. The previous passport shall be invalidated at the time of application, unless it contains valid endorsements from other countries at that time. Before handing over, the delivery person must check the identity of the applicant, who must present a photo ID as mentioned in the first sentence. The passport manufacturer informs the passport authority about the handover of the passport to the applicant.

(3) The applicant shall communicate an email address to the passport authority in a procedure referred to in paragraph 2, provided that the passport authority does not already have one. The passport authority transmits this email address to the passport manufacturer so that they can send the email address to the deliverer. In this case, the deliverer announces to the applicant the period of delivery by sending an email to the stored email address. The announcement may contain only the title, the indication of the forthcoming delivery of the passport, the expected date of delivery and the arrangements for delivery in accordance with paragraph 2 fourth sentence. The email address may only be used for the purposes for which it was collected and must be deleted immediately by the passport authority, the passport manufacturer and the deliverer after the passport has been handed over to the applicant, provided that it was collected solely for the purposes of the procedure under paragraph 2. If the passport is not handed over, the fifth sentence shall apply with the proviso that the passport manufacturer and the deliverer shall delete the email address immediately after the passport has been deposited with the competent passport authority, and the passport authority shall delete it immediately after the passport has been handed over to the applicant.

(4) By way of derogation from paragraph 2, the passport authority may also send passports abroad by post, without the deliverer identifying the applicant, provided that the collection of the passport by the applicant would only be possible under unreasonable circumstances and the place of residence is in a State in which there is a reasonable guarantee of proper handover. In accordance with paragraph 1, the passport authority shall issue passports returned undeliverable to the applicant.'

6. In § 9, the entry '§ 5' is replaced by the entry '§ 4'.
7. § 15 is amended as follows:
 - a) Paragraph (1) is amended as follows:
 - aa) Subparagraph 1 is amended as follows:
 - aaa) In letter a the information 'EUR 60' is replaced by the information 'EUR 70'. bbb)
 - Point f) is repealed.
 - ccc) The previous letters g to i become letters f to h.

- bb) In subparagraph 2, after the words 'extension or modification' the words 'of a child's passport' are deleted and the full stop at the end is replaced by a comma.
 - cc) The following point 3 is added:
'3. For delivery pursuant to Section 5(2) EUR 15'.
 - b) In paragraph 2 subparagraph 2, the words 'and f' are deleted.
 - c) Paragraph 3 is amended as follows:
 - aa) The specification '21' is replaced by the specification '31'.
 - bb) The specification '13' is replaced by the specification '44'.
 - cc) The specification '12' is replaced by the specification '17'.
 - dd) The entry ', f' is deleted.
 - d) In paragraph 4(3), after the words "provisional passport", the words ", in the child's passport" are deleted.
8. Annex 2 is repealed.
9. In Annex 8 "photo quality" is worded as follows:

'Photo quality'

The photo should have a resolution of at least 600 dpi. The photo must be colour-neutral and reproduce the skin tones naturally. In principle, digital photos must be presented in colour. If the presentation of a paper-based photo is permitted in exceptional cases, that photo may be presented in colour or in black and white; it shall not have any kinks or contamination".

10. Annex 11 is amended as follows:
- a) The preliminary remark is amended as follows:
 - aa) In number 1 sentence 2 after the words "applies to" the words "Child's passport" are deleted.
 - bb) In number 2 sentence 1 after the words "personal data" the words "children's passports", and after the words "diplomat passports" the words ", the sticker extension/modification of children's passports" are deleted.
 - cc) In Number 6 letter b sentence 1, after the word "For", the words "the children's passport" are deleted.
 - dd) In number 7 sentence 3, after the word "For", the words "the children's passport" are deleted.
 - ee) In number 9 sentence 2 after the word "in" the words "child's passport" are deleted.
 - ff) In number 10 the words "in the service passport, diplomat passport and child's passport" are replaced by the words "in the service passport as well as in the diplomatic passport".
 - gg) In number 12 sentence 1 after the word "passport", the words ", child's passport" are deleted.
 - b) The heading of Table 2 is entered as follows:
"Table 2: Provisional passport, provisional service and diplomatic passport".

Article 3

Amendment to the Residence Ordinance

The Residence Ordinance of 25 November 2004 (Federal Law Gazette I, p. 2945), last amended by Article 5 of the Ordinance of 30 August 2023 (Federal Law Gazette 2023 I, No 233), is amended as follows:

- 1. The table of contents is amended as follows:
 - a) The entry for § 45a is worded as follows:
"§ 45a Fees for express processing".
 - b) In the reference to § 57a, the words "electronic storage and processing medium" are replaced by the word "Chip".
 - c) In the heading to Chapter 5 Section 2 Subsection 1, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
 - d) The following entry shall be added after the entry for § 60:
'§ 60a Issue and dispatch of electronic residence permit and the blocking password'.
 - e) In the entry for § 61a the words 'electronic storage and processing medium' are replaced by the word 'chip'.

2. § 4 is amended as follows:

a) Paragraph 1 clause 4 reads as follows:

In justified cases, children up to the age of 12 may, by way of derogation from the first sentence of paragraph 4, be issued passport replacement papers in accordance with the sentence 1, points 1, 3 and 4 without chips".

b) In paragraph 1 sentences 2, 3 and 4, the words 'electronic storage and processing medium' are replaced respectively by the word 'chip'.

c) In paragraph 4 first sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.

d) In paragraph 5, first sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.

3. § 45a reads as follows:

"§ 45a

Fees for express processing

For the issue of a residence permit pursuant to § 78(1) sentence 1 of the Residence Act in urgent cases (express processing), an additional fee of EUR 35 shall be charged in respect of the charges referred to in §§ 44, 44a, 45 and 45c'.

4. § 45b is worded as follows:

"§ 45b

Fees for residence permits in exceptional cases

For the issue of a residence permit pursuant to the first sentence of § 78a(1) of the Residence Act, the fee to be levied pursuant to §§ 44, 44a or 45 shall be reduced by EUR 44'.

5. § 47 Paragraph 1 is amended as follows:

a) In subparagraph 15 the full stop at the end is replaced by a comma.

b) The following point 16 is added:

'16. in the case of a handover pursuant to Section 60a(2), in addition to the respective fixed fees for the issue of the electronic residence permit pursuant to Section 78(1), first sentence, of the Residence Act, EUR 15'.

6. In § 48(1), first sentence, point 1c, the information "60" is replaced by the information "70".

7. § 52 is amended as follows:

a) In paragraph 2, first sentence, the words 'electronic storage and processing medium' are replaced by the word 'chip'.

b) Paragraphs (3) to (5) are reworded as follows:

'(3) Persons entitled to asylum, resettlement refugees within the meaning of Section 23(4) first sentence of the Residence Act and other foreigners who enjoy the legal status of foreign refugees or of persons entitled to subsidiary protection within the meaning of Section 4(1) of the Asylum Act in the territory of the Federal Republic of Germany shall be exempt from the fees under

1. § 44 subparagraph 3, § 45c(1)(1) and (2), § 45b and 47(1)(11) for the granting, reissue, issue and transfer of the settlement permit in exceptional cases,

2. § 45 subparagraphs 1 and 2, § 45c(1)(1) and (2), § 45b and 47(1)(11) for the granting, renewal, reissue as well as the issue and transfer of the residence permit in exceptional cases,

3. § 47 Paragraph 1(8) for the issue of a fictional certificate and".

4. § 49 paragraphs 1 and 2 for processing applications for the official acts mentioned in subparagraphs 1 and 2.

(4) Persons who receive a right of residence in accordance with § 23(2) of the Residence Act for special political interests in the Federal Republic of Germany are exempt from the fees in accordance with

1. § 44 subparagraph 3, § 45(1)(1) and (2), § 45b and 47(1) subparagraph 11 for the granting, reissue as well as the issue and transfer of the settlement permit in exceptional cases; and

2. § 49 Paragraphs 1 and 2 or the processing of applications for the performance of the official acts mentioned in number 1".

(5) Foreigners who receive a scholarship from public funds for their stay in Germany are exempt from the fees in accordance with

1. § 46 Paragraph 2(1) for the issue of a national visa;
2. § 45 Numbers 1 and 2, § 45c(1)(1) and (2), § 45b and § 47(1)(11) for the issue, renewal, reissue and transfer of the residence permit in exceptional cases,
3. § 47 Paragraph 1(8) for the issue of a fictional certificate; and
4. § 49 Paragraph 2 for the processing of applications for the performance of the official acts mentioned in point 2".

Point 1 of the first sentence shall also apply to spouses or partners and unmarried minor children in so far as they are included in the funding.'

8. § 53 Paragraph 1 is amended as follows:

- a) In point 8, the comma at the end is replaced by the word 'and'.
- b) In subparagraph 9, the word 'and' is deleted.
- c) Point 10 is repealed.

9. § 57a is amended as follows:

- a) In the heading and in sentence 1, the words "electronic storage and processing medium" are replaced by the word "chip".
- b) In number 2, the words "electronic storage and processing medium" are replaced by the word "chip".
- c) In point 2, the full stop at the end is replaced by a comma.
- d) The following subparagraph 3 is added:

'3. in the case of issue by mail, to notify the competent aliens authority if the postal consignment has been opened without authorisation or if it does not contain the electronic residence permit or if any information on the electronic residence permit is incorrect'.

10. In the first sentence of § 60(1), the entry '§ 5' is replaced by the entry '§ 4'.

11. After § 60, the following § 60a is inserted:

"§ 60a

Issue and dispatch of electronic residence permit and the blocking password

(1) The electronic residence permit is issued in person together with the blocking password by the competent immigration authority to the applicant, to another person authorised under § 80 of the Residence Act or to a person authorised by the applicant.

(2) The electronic residence permit, together with the blocking password, is sent by the manufacturer to the domestic registered address of the applicant, which can be served, by post if the applicant has a recognised and valid passport, passport substitute or identity card substitute and has consented to this procedure with the competent immigration authority. A dispatch pursuant to sentence 1 is excluded if there is no available domestic registration address. Before handing over, the deliverer must verify the identity of the applicant through presentation of one of the documents mentioned in the first sentence. The manufacturer shall inform the immigration authority of the handover of the electronic residence permit to the holder of the electronic residence permit. It is not possible to send a replacement for the electronic residence permit.

(3) In the case of a procedure referred to in paragraph 2, the applicant shall provide the competent aliens authority with an email address, if the immigration authorities do not already have one. The immigration authority send this email address to the manufacturer so that the latter can send it to the deliverer. In this case, the deliverer announces to the applicant the period of handing over by email to the stored email address. The announcement may contain only the title, the indication of the forthcoming delivery of the electronic residence permit, the expected date of delivery and the arrangements for delivery in accordance with paragraph 2 third sentence. The email address may not be used by the immigration authority, the manufacturer and the deliverer for purposes other than those mentioned and must be deleted immediately at the immigration authority, the manufacturer and the deliverer after the electronic residence permit and the blocking password has been handed over to the applicant, provided that it was collected solely for the purposes of the procedure under paragraph 2. If the passport is not handed over, the fifth sentence shall apply with the proviso that the manufacturer and the deliverer shall delete the email address immediately after the electronic residence permit has been deposited with the competent immigration authority, and the immigration authority shall delete it immediately after the electronic residence permit has been handed over to the applicant'.

12. § 61a is amended as follows:

- a) In the heading, the words 'electronic storage and processing medium' are replaced by the word 'chip'.
- b) In paragraph 1 sentence 1 and paragraph 2 sentence 1 the words "electronic storage and processing medium" are replaced with the word "chip".

13. § 61h(1) is worded as follows:

'(1) With regard to the electronic identity card pursuant to § 78(5) of the Residence Act and with regard to the technical requirements for the procedure for the secure transmission of the photograph pursuant to § 60(2), the following regulations shall apply mutatis mutandis, provided that the aliens authority replaces the identity card authority:

1. §§ 1, 2 with the exception of sentence 1(2)(e) and (f) of the Identity Card Ordinance,
2. §§ 3, 4 and 5(1) sentence 2, paragraphs 2, 3, 4 sentences 1 to 5 and paragraph 7 of the Identity Card Ordinance,
3. §§ 10, 13 to 16, § 17(1), (2) sentence 2 and 3, as well paragraph 3, § 18(5) of the Identity Card Ordinance,
4. § 20 Paragraphs 1, 3 and 4, first sentence, of the Identity Card Ordinance,
5. §§ 21 to 25(1), (2) sentence 1 and (3) of the Identity Card Ordinance,
6. Sections 25a and 26(1) and (3) of the Identity Card Ordinance, and
7. Sections 26a to 36a of the Identity Card Ordinance".

14. The following:

- a) In section 28, second sentence, section 58, first sentence, number 11 letter c and number 14, section 59, paragraph 2, first and second sentence, section 2, subsection 1, title, section 61b, paragraph 4 and 5, first sentence, and paragraph 6, second sentence, number 2, section 61f, paragraph 1, first and second sentence, and paragraph 2, Schedule D11a, Schedule D14a, the words 'electronic storage and processing medium' are replaced respectively by the word 'chip',
- b) in § 5(5), § 6 sentence 2, as well § 7(1) and (2) the words 'electronic storage and processing medium' are replaced respectively by the word 'chip' and
- c) in § 45c(1)(4), the words "electronic storage and processing medium" are replaced by the word "chip".

Article 4

Amendment of the Passport Data Acquisition and Transmission Ordinance

The Passport Data Acquisition and Transmission Ordinance of 9 October 2007 (Federal Law Gazette I, p. 2312), last amended by Article 79 of the Ordinance of 19 June 2020 (Federal Law Gazette I, p. 1328), is amended as follows:

1. Under § 1, the following §§ 1a to 1f are inserted:

"§ 1a

Production and transmission of the photograph through a safe process

(1) In cases in which a passport is requested from a passport authority pursuant to §19(1) of the Passport Act, the applicant may commission a service provider to produce the photograph. The service provider shall produce the photograph electronically and then transmit it to the passport authority through a secure procedure. A service provider is any natural or legal person who takes photographs of other persons that are intended exclusively or at least in part for presentation to a passport authority.

(2) A safe procedure within the meaning of the second sentence of paragraph 1 is:

1. the transmission of the photograph to the passport authority by a service provider involving a cloud provider, or
2. the transmission of the photograph to the passport authority from a certified photograph-taking device of a service provider that is directly connected to the authority network of a passport authority.

§ 1b

Transmission of the photo with the involvement of a cloud provider

(1) In the event of a transmission pursuant to § 1a (2) point 1, the service provider transmits the photograph to a cloud provider and then transmits to the applicant a code, which they transmit to the passport authority as part of the application.

(2) With this code, the passport authority retrieves the photo from the cloud provider. When retrieved, the photo is sent to the passport authority together with the pseudonym of the person transmitting from the service provider.

(3) The transmission of the photograph from the service provider via the cloud provider to the passport authority is encrypted as end-to-end encryption; Decryption by the cloud provider is to be ruled out. Transmission of the photograph from the service provider to the cloud provider is only permitted if certified components are used for this purpose in accordance with § 4(1) sentence 1.

(4) The processing of personal data may only be carried out by a cloud provider located in the territory of the European Union and exclusively in the territory of the European Union.

§ 1c

Registration and identification of a service provider with a cloud provider

(1) Service providers must register with a cloud provider with a user account. Upon registration, proof of the service provider's status and proof of the identity of the service provider must be provided.

(2) Proof of the service provider's status must be provided by

1. proof of trade registration;
2. an extract from the business register;
3. a certificate of membership of the Chamber of Crafts; or
4. confirmation from a tax office about the registration of a freelance activity as a photographer.

(3) Upon registration, proof of the identity of the service provider is carried out by:

1. electronic proof of identity in accordance with § 18 of the Identity Card Act, in accordance with §12 of the eID Card Act or in accordance with Section 78(5) of the Residence Act; or
2. another electronic identification means used in accordance with Article 6 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73); L 23, 29.1.2015, p. 19; L 155, 14.6.2016, p. 44) has been notified at the level of safety 'high' within the meaning of Article 8(2)(c) of Regulation (EU) No 910/2014.

Several persons can be assigned to a user account if they are permanently employed by the service provider. When registering in a user account, persons pursuant to sentence 2 must also register in the user account using one of the means of identification specified in sentence 1.

(4) For each person who has registered in a user account in accordance with paragraph 3, a pseudonym shall be created by the cloud provider.

(5) Before each transmission of a photograph to the cloud provider, the transmitting person shall again identify themselves with one of the means of identification referred to in the first sentence of paragraph 3. With each transmission, the photo is permanently linked by the cloud provider to the pseudonym of the transmitting person. The passport authority enters the transmitted pseudonym in the passport register in accordance with § 21 Paragraph 2 Number 17 of the Passport Act as the photo-taking body.

§ 1d

Obligations of the cloud provider

(1) The cloud provider documents the transmission process of a created and transmitted photo for the purpose of traceability

1. the transmission of an encrypted photograph by a service provider, the date and time of the transmission; and
2. the retrieval of an encrypted photograph by the passport authority as well as the date and time of the retrieval.

(2) The cloud provider has the obligation to delete immediately after retrieval by the passport authority, but no later than six months after receipt of the photograph from a service provider, unless the passport authority has indicated at the request of the applicant that the photograph should not be deleted for a maximum period of six months from the date of application. Furthermore, the cloud provider has an obligation to store the data stored with it for the following periods of time; after the deadline, the data must be deleted:

1. the log data referred to in paragraph 4 for ten years and six months after their creation;

2. the personal data of the service providers and the pseudonyms to be attributed to them after six months from the date on which the service provider requested the cloud provider to terminate their user account;
3. by way of derogation from point 2, for a period of ten years and six months from the date of transmission of the photograph to the competent passport authority, where the photograph has been transmitted for the passport application by a person belonging to the user account.

(3) If certain facts give rise to the assumption that a photograph retrieved from the cloud provider has been created in an unauthorised manner, the passport authority may request the cloud provider to provide information on which person the pseudonym associated with the photograph is assigned to. This also applies in the event that a cloud provider stops operating and until the data is deleted by the cloud provider.

§ 1e

Transmission of the photograph from a photo recording device of a service provider

(1) In the case of a transmission pursuant to § 1a(2)(2), the service provider shall produce the photograph by means of their photo recording device, which is directly connected to its public authority network with the consent of the respective passport authority.

(2) The photo is transmitted with the name of the service provider who made the photo recording device available and the ID of the photo recording device used. In accordance with § 21(2) no. 17 of the Passport Act, the passport authority shall enter in the passport register as a photo-imaging body the name of the service provider and the identifier of the photo recording device used.

§ 1f

Production of the photo by the passport authority

(1) If the photo is made by the passport authority with its own photo recording device, the passport authority shall enter the passport authority in the passport register as a photo-imaging body in accordance with § 21(2) no. 17 of the Passport Act. The production of the photograph with its own photo recording device shall only be permitted if the photo recording device has been certified as a system component within the meaning of § 4(1) sentence 1.

(2) The photograph produced in accordance with paragraph 1 shall be deleted from the photo recording device immediately after it has been retrieved by the passport authority. If the photograph produced is not forthwith retrieved by the passport authority, it shall be stored until retrieval, but no later than 96 hours after its was taken'.

2. § 2 is amended as follows:

a) The heading is worded as follows:

‘§ 2

Quality Assurance”.

b) Clause 1 of paragraph 2 is amended as follows:

aa) In subparagraph 2, the word “and” at the end is replaced by a comma.

bb) In point 3 the word “and” is added.

cc) After point 3, the following point 4 is inserted:

‘4. the secure method of transmitting photographs from a service provider to the passport authority’.

3. § 4 is amended as follows:

a) Paragraph (1) is worded as follows:

‘(1) The system components of the passport authorities, the passport manufacturer and the service providers that use photographic imaging devices within the meaning of § 1a(2) number 2, the cloud providers to be used within the meaning of Section 1a(2) number 1 and the application components for the encryption and transmission of photographs to the cloud by the service provider, for which certification is mandatory, are set out in Annex 2. The type and details of the certification are based on the technical guidelines of the Federal Office for Information Security”

b) Paragraph 3(2) is repealed.

4. In Annex 1 the following point 5 is added:

‘5. BSI: Technical guideline TR-03170, Secure digital transmission of biometric photographs of service providers to passport, identity card and immigration authorities”.

5. In Annex 2, the following points 5 to 7 are added:

"5	Hardware and software for the operation of the cloud	Obligation for the cloud provider
6	Photo recording equipment for the production of the photo	Obligation for the passport authority to produce the photograph itself in accordance with § 1f. Obligation for the service provider who uses photographic imaging devices within the meaning of § 1a (2) number 2".
7	Software for encrypting and transmitting photographs from service providers to the cloud	Obligation for software manufacturers".

Article 5

Amendment of passport and identity card data retrieval ordinance

The Passport and Identity Card Data Retrieval Ordinance of 20 August 2021 (Federal Law Gazette I p. 3682) is amended as follows:

1. The heading is worded as follows:

"Ordinance on automated data transmission and on automated data retrieval from the passport, identity card and eID card registers (passport, identity card and eID card data retrieval ordinance – PPeKDAV)".

2. § 1 is worded as follows:

"§ 1

Scope and procedural principles

(1) This Regulation lays down the conditions for:

1. Automated retrieval of the photograph from the passport or identity card register by the authorities referred to in § 22a(2) sentence 5 of the Passport Act and in § 25(2) sentence 4 of the Personal Card Act with the issuing passport or identity card authority
2. Automated retrieval of the photograph and signature from the central passport or identity card register or, if a country has exercised the regulatory power of Section 27a of the Passport Act or 34a of the ID Card Act,
3. Automated retrieval of the photograph and signature from the passport or identity card register by the authorities referred to in § 22a (2) sentence 6 of the Passport Act and in § 25(2) sentence 5 of the Identity Card Act with the issuing passport or identity card authority
4. Automated retrieval of the photograph and signature from the central passport or identity card register or, if a country has exercised the regulatory power of Section 27a of the Passport Act or 34a of the ID Card Act,
5. Automated retrieval as well as automated notifications from a passport, identity card or eID card authority to another passport, identity card or eID card authority pursuant to § 24(1a) of the Identity Card Act, § 22(1a) of the Passport Act or § 19a of the eID Card Act.

(2) Automated retrievals referred to in paragraph 1(1) to (4) shall be carried out in a synchronous manner. Automated retrievals and automated communications referred to in point 5 of paragraph 1 may be carried out in a synchronous or asynchronous manner".

3. § 2 Paragraph 1 sentence 1 shall read as follows:

"Data retrieval shall be carried out electronically on the basis of the XPass data exchange format from the standard XInneres and using the OSCI Transport transmission protocol in the applicable version published in the Federal Gazette".

4. § 3 is amended as follows:

a) Paragraph (1) is amended as follows:

aa) After entries 'paragraph 1' the words 'number 1 to 4' are inserted.

bb) The following clause is added:

'XPass card is a data exchange format in the standard XInneres for the transmission of data between passport, identity card and eID card authorities pursuant to § 1(1) no. 5 and for the transmission of data as part of the automated photo retrieval to the retrieving authorities in accordance with § 1 paragraph 1 subparagraphs 1 to 4.'

- b) In paragraph 3 sentence 1 the words “The data exchange format” are replaced with the words “The data exchange formats XPass ID,”.
 - c) In paragraph 4 sentence 1 the words “of the data exchange format” are replaced with the words “the XPass data exchange formats”.
5. § 4 is amended as follows:
- a) In paragraph 1 after the words ‘after § 1(1)’ the words ‘numbers 1 to 4’ are inserted.
 - b) Paragraph 2 is worded as follows:

‘(2) The passport or identity card register may only be used:

 - 1. to transmit the photograph in the case of retrievals in accordance with § 1(1)(1) and (2), and
 - 2. and to transmit the photograph and the heading in the case of retrievals in accordance with § 1(1)(3) and (4) if the request has led to a clear match.’
 - c) The following paragraph 3 is added:

‘(3) The serial number and the date of birth may be used as selection data for retrievals pursuant to § 1(1)(5) and to address automated communications pursuant to § 1(1)(5)’.
6. The following § 5 is added:

‘§ 5

Transitional provisions

- (1) By way of derogation from the first sentence of § 1(2), automated retrievals pursuant to (1) subsection (1) to (4) may also take place in an asynchronous procedure until 31. October 2025.
- (2) By way of derogation from the first sentence of § 2(1), electronic data retrievals pursuant to § 1(1) sentence 1 numbers 1 to 4 may also take place by 30 April 2024 on the basis of the data exchange format XLichtbild from the standard XInneres’.

Article 6

Amendment of identity card and eID card fee ordinance

The Identity Card and eID Card Fees Ordinance of 1 November 2010 (Federal Law Gazette II p. 1477), as last amended by Article 3 of the Ordinance of 15 October 2020 (Federal Law Gazette I p. 2199) is amended as follows:

- 1. § 1 is amended as follows:
 - a) Paragraph 3(2) is repealed.
 - b) Paragraph (4) is worded as follows:

“(4) The fee referred to in paragraph 1 shall be increased

 - 1. by EUR 30 if the official act is carried out by a non-competent authority at the initiative of a person habitually resident abroad,
 - 2. by EUR 41 if the official act is carried out by a consular or diplomatic representation of the Federal Republic of Germany abroad,
 - 3. by EUR 15 if a handover takes place in accordance with §18(2) of the Identity Card Ordinance’.
- 2. § 1a is repealed.
- 3. § 2 is worded as follows:

‘§ 2

Fee for the eID card

- (1) A fee of EUR 37 must be charged for the issue of an eID card for EU citizens and European Economic Area nationals.
 - (2) The fee referred to in paragraph 1 shall be increased by EUR 15 if a handover takes place in accordance with § 18(2) of the Identity Card Ordinance in conjunction with § 36b of the Identity Card Ordinance’.
4. § 2a is repealed.

Article 7

Further amendment of the ID Card Ordinance

The ID Card Ordinance, last amended by Article 1 of this Ordinance, is amended as follows:

1. The table of contents is amended as follows:
 - a) The heading to Chapter 2 is worded as follows:

“Chapter 2 Transmission of the photo by service provider”.
 - b) The previous headings relating to Chapters 2 to 11 will refer to Chapters 3 to 12.
2. § 2 Sentence 1 point 2 is amended as follows:
 - a) In letter g, the word “and” is replaced by a comma at the end.
 - b) In letter h, the full stop at the end is replaced by the word “and” .
 - c) The following point (i) is added:

‘i) the secure method of transmitting photographs from a service provider to an identity card authority’.
3. § 3 is amended as follows:
 - a) Paragraph 1 clause 1 shall read as follows:

“The system components result from Annex 4

 1. the identity card authorities,
 2. the identity card manufacturer,
 3. the cloud provider,
 4. the service provider who uses photographic imaging devices within the meaning of § 5a(2),
 5. the service provider and its processors pursuant to Article 4(8) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1; L 314, 22.11.2016, p. 72; L 127, 23.5.2018, p. 2; L 74, 4.3.2021, p. 35), whose certification is mandatory or optional’.
 - b) Paragraph 3 sentence 2 is deleted.
4. To § 4, the following paragraph 4 is added:

‘(4) The cloud provider documents the transmission process of a created and transmitted photo for the purpose of traceability

 1. the transmission of an encrypted photograph by a service provider, the date and time of the transmission; and
 2. the retrieval of an encrypted photograph by the identity card authority and the date and time of the retrieval”.
5. § 5 is amended as follows:
 - a) The following clause is added to paragraph 1:

“Photographs produced in accordance with § 6a by means of photo recording devices of the identity card authority shall be deleted from the photo recording apparatus immediately upon request by the identity card authority”.
 - b) The following paragraph 7 is added:

‘(7) The cloud provider has the obligation to delete immediately after retrieval by the identity card authority, but no later than six months after receipt of the photograph from a service provider, unless the identity card authority has indicated at the request of the applicant that the photograph should not be deleted for a maximum period of six months from the date of application. Furthermore, the cloud provider has an obligation to store the data stored with it for the following periods of time; after the deadline, the data must be deleted:

 1. the log data referred to in § 4(4) for ten years and six months after its creation;
 2. the personal data of the service providers and the pseudonyms to be attributed to them for six months from the date on which the account holder requested the cloud provider to terminate their user account;
 3. by way of derogation from point 2, the data referred to therein for ten years and six months from the date of transmission of the photograph to the competent identity card authority, if it was sent by a person assigned to the user account for the identity card application’.

6. The following Chapter 2 is inserted after § 5:

‘Chapter 2

Transmission of the photograph by service providers

§ 5a

Production and transmission of the photograph through a safe process

(1) In cases in which an identity card is requested from an identity card authority pursuant to § 8(1) of the German Identity Card Act, the applicant may commission a service provider to produce the photograph. The service provider shall produce the photograph electronically and then transmit it to the identity card authority by means of a secure process. A service provider is any natural or legal person who takes photographs of other persons that are intended exclusively or at least in part for presentation to an identity card authority.

(2) A secure process within the meaning of paragraph 1 second sentence shall be:

1. the transmission of the photograph to the identity card authority by a service provider involving a cloud provider, or
2. the transmission of the photo to the identity card authority from a certified service provider's photo capture device that is directly connected to the authority network of an ID card authority.

§ 5b

Transmission of the photo with the involvement of a cloud provider

(1) In the event of a transmission pursuant to § 5a(2) number 1, the service provider transmits the photograph to a cloud provider and then transfers a code to the applicant for the purpose of submitting an application to the identity card authority.

(2) With this code, the identity card authority retrieves the photo from the cloud provider. When the photo is retrieved together with the pseudonym of the service provider, the photo is transmitted to the identity card authority.

(3) The transmission of the photograph from the service provider to the identity card authority shall be encrypted using end-to-end encryption; Decryption by the cloud provider is to be ruled out. Transmission of the photograph from the service provider to the cloud provider is only permitted using certified components in accordance with § 3(1) sentence 1.

(4) The processing of personal data may only be carried out by a cloud provider located in the territory of the European Union and exclusively in the territory of the European Union.

§ 5c

Registration and identification of a service provider with a cloud provider

(1) Service providers must register with a cloud provider with a user account. Upon registration, proof of the service provider's status and proof of the identity of the service provider must be provided.

(2) Proof of the service provider's status must be provided by transmission of:

1. proof of trade registration;
2. an excerpt from the business register;
3. a certificate of membership in the Chamber of Crafts, or
4. a confirmation from a tax office about the registration of a freelance activity as a photographer.

(3) Upon registration, proof of the identity of the service provider is carried out by:

1. electronic proof of identity in accordance with §18 of the Identity Card Act, in accordance with §12 of the eID Card Act or in accordance with § 78(5) of the Residence Act, or

2. another electronic identification means that in accordance with Article 6 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73); L 23, 29.1.2015, p. 19; L 155, 14.6.2016, p. 44)
has been notified at the level of safety 'high' within the meaning of Article 8(2)(c) of Regulation (EU) No 910/2014.

Several persons can be assigned to a user account if they are permanently employed by the service provider. When registering in a user account, persons pursuant to sentence 2 must also register in the user account using one of the means of identification mentioned in sentence 1.

(4) For each person who has registered in a user account in accordance with paragraph 3, a pseudonym shall be created by the cloud provider.

(5) Before each transmission of a photograph to the cloud provider, the transmitting person of the service provider shall again identify themselves with one of the means of identification referred to in paragraph 3 sentence 1. With each transmission, the photo is permanently linked by the cloud provider to the pseudonym of the transmitting person. The identity card authority shall enter the pseudonym in the identity card register as a photo-imaging body in accordance with § 23(3)(20) of the Identity Card Act.

§ 5d

Obligations of the cloud provider

If certain facts give rise to the assumption that a photograph retrieved from the cloud provider has been created in an unauthorised manner, the identity card authority may request the cloud provider to provide information on which person the pseudonym associated with the photograph is to be assigned to. This also applies in the event that a cloud provider stops operating and until the data is deleted by the cloud provider.

§ 5e

Transmission of the photograph from a photo recording device of a service provider

(1) In the event of a transmission pursuant to Section 5a(2)(2), the service provider shall produce the photograph by means of their photo recording device, which is directly connected to the public authority network with the consent of its respective identity card authority.

(2) Together with the photograph, the name of the service provider who provided the photograph-taking device and the identifier of the photograph-taking device used are transmitted to the ID card authority. The identity card authority shall enter in the identity card register the name of the service provider and the identification of the photo recording device used in accordance with § 23(3)(20) of the Identity Card Act".

7. The previous chapter 2 becomes chapter 3.
8. After § 6, the following § 6a is inserted:

"§ 6a

Production of the photo by the identity card authority

(1) If the photo is made by the identity card authority with its own photo recording device, the identity card authority shall enter the identity card authority in the identity card register as a photo-imaging body in accordance with § 23(3)(20) of the Identity Card Act. The production of the photograph with its own photo recording device shall only be permitted if the photo recording device has been certified as a system component within the meaning of § 3(1) sentence 1.

(2) The photograph produced in accordance with paragraph 1 shall be immediately deleted from the photo recording device by the identity card authority, when it has been retrieved by the identity card authority. If the photograph produced is not forthwith retrieved by the identity card authority, it shall be stored until retrieval, but no later than 96 hours after its was taken".

9. § 7 Paragraphs 1 and 2 are worded as follows:

'(1) A photograph produced in accordance with § 9(3) sentence 3 of the Identity Card Act must be up-to-date and comply with the requirements of the Technical Guideline TR-03121 of the Federal Office for Security in Information Technology as amended.

(2) By way of derogation from paragraph 1, an up-to-date photograph of 45 mm x 35 millimetres in portrait format and without border may also be presented for an identity card application abroad to the identity card authority in accordance with § 8(2) of the Identity Card Act, provided that electronic production by means of devices of the authority for taking photographs is not possible”.

10. The previous chapters 3 to 11 become chapters 4 to 12.

11. In § 36b(1) the words “of Chapters 1 to 9” are replaced by the words “of Chapter 1 and Chapters 3 to 10”.

12. Annex 4 is amended as follows:

a) Point 4 is repealed.

b) In point 5, the words “§ 7(1) sentence 2 number 2” are replaced by the words “§§ 6a, 7(1) sentence 3 manufacture themselves or for service providers who use photo recording devices within the meaning of § 5a(2) number 2”.

c) The following points 12 and 13 are added:

“12	Hardware and software for the operation of the cloud	Obligation for the cloud provider”.
13	Software for encrypting and transmitting photographs from service providers to the cloud	Obligation for software manufacturers”.

Article 8

Further amendment of the Passport Ordinance

The Passport Ordinance, last amended by Article 2 of this Ordinance, is amended as follows:

1. § 4 is worded as follows:

‘§ 4

Photo

(1) A photograph produced in accordance with § 6(2) sentence 3 of the Passport Act must be up-to-date and comply with the requirements of the Technical Guideline TR-03121 of the Federal Office for Information Security in the current version.

(2) The photo must show the person in a frontal shot, without headgear and without the eyes covered. In addition, the photograph must comply with the requirements of Annex 8. The passport authority may allow exemptions from the requirement of no headgear, in particular for religious reasons, from the other requirements for medical reasons, which are not merely temporary. Annex 8 regulates further permissible deviations in the case of photographs of children.

(3) By way of derogation from paragraph 1, a current photograph of 45 mm x 35 millimetres in portrait format and without border may also be presented for a passport application abroad to the passport authority pursuant to §19(2) of the Passport Act, provided that electronic production by means of devices for photo recording is not possible by the authority’.

2. § 9 is worded as follows:

‘§ 9

Photographs for passport replacement

If a photograph is intended to be attached to a substitute passport, a current photograph without a border that is 45 millimetres high and 35 millimetres wide must be submitted to the passport authority. If the technical requirements are met in the passport authority, the photograph is to be produced by the passport authority’.

3. § 15 Paragraph 1 is amended as follows:

a) In number 3 the full stop at the end is replaced by a comma.

b) The following point 4 is added:

‘4. for a photograph made by the passport authority, in addition to the fees referred to in points 1(a) to (f), EUR 6’.

Article 9

Further amendment of the Residence Ordinance

The Residence Ordinance, last amended by Article 3 of this Ordinance, is amended as follows:

1. § 48 Paragraph 1(1) is amended as follows:
 - a) In number 15 the full stop at the end is replaced by a comma.
 - b) The following point 16 is added:

‘16. for the production of a photograph (§ 60(2) sentence 2 in conjunction with § 6(2) sentence 3 No. 2 Passport Act) EUR 6.’
2. After § 60, Paragraph 2, the following Paragraph 2a is inserted:

“(2a) In the cases referred to in subsection (2) sentence 2, the competent immigration authority shall enter in the foreigner file A (§ 63) as a photo-imaging body pursuant to § 65(7)

 1. the pseudonym transmitted if a photograph has been produced in accordance with the requirements of § 6(2) sentence 3 number 1 of the Passport Act and § 1a(2) number 1 of the Passport Data Collection and Transmission Ordinance,
 2. the name of the service provider who made the photo recording device available, as well as the identifier of the photo recording device used, if a photograph has been produced in accordance with the requirements of § 6(2) sentence 3 number 1 of the Passport Act and § 1a(2) No 2 of the Passport Data Acquisition and Transmission Ordinance; or
 3. the relevant immigration authority, if a photograph has been produced in accordance with the requirements of § 6(2) sentence 3 number 2 of the Passport Act”.
3. § 61h(1) is amended as follows:
 - a) The following point 3 is inserted after point 2:

‘3. §§ 5a, 5b and 5c(1), 2, 3, 4 and 5 sentences 1 and 2, §§ 5d and 5e(1) of the Identity Card Ordinance,
 - b) The existing points 3 to 7 shall become points 4 to 8.

Article 10

Further amendment of identity card and eID card fee ordinance

§ 1 Paragraph 4 of the Identity Card and eID Card Fees Regulation, last amended by Article 6 of this Ordinance, is amended as follows:

1. In number 3 the full stop at the end is replaced by a comma.
2. The following point 4 is added:

‘4. by EUR 6 if the photograph was produced by the identity card authority’.

Article 11

Amendment of the AZRG Implementing Ordinance

The AZRG Implementing Ordinance of 17 May 1995 (Federal Law Gazette I p. 695), as last amended by Article 7 of the Ordinance of 30 April 2023 (Federal Law Gazette 2023 I No 233), is amended as follows:

1. § 3 Paragraph 3 is worded as follows:

‘(3) After six months, the registration authority automatically saves the message "Moving to unknown" in the general database of the register if the foreigner has entered the country and

 1. neither an immigration authority, a reception centre nor the Federal Office for Migration and Refugees is the file-keeping authority, or
 2. They have made a request for asylum, entered the country illegally or are illegal within the scope of this Act, and no information on moving in or moving out has been saved after any of these facts have been stored”.

2. In the Annex, Section I General database

a) number 9 (Part I) column A is amended as follows:

"A	A1*)	B * *)	C	D
9 (Part I) Name of the data (§ 3 of the AZR Act)	Group of pers ons	Date of trans mission	Transmission by the following public bodies (§ 6 of the AZR Act)	Transmission/transfer to the following bodies
<p>§ 3 Paragraph 1(3), (6) and 7 as well paragraph 3f in conjunction with § 2(2) (3)</p> <p>Residence status</p> <p>(a) Public bodies entrusted</p> <p>(b) Issuance/renewal of the residence permit rejected on</p> <p>(aa) delivered on</p> <p>bb) incontestable since</p> <p>cc) Schengen identification number for the</p> <p>alert in the Schengen information system (Schengen ID number)</p> <p>(dd) type of</p> <p>offence underlying the alert</p> <p>– Penal provision</p> <p>— legal description of the offence</p> <p>– Type and amount of penalty</p> <p>(c) Residence permit withdrawn on</p> <p>(aa) delivered on</p> <p>(bb) incontestable since</p> <p>(cc) Schengen identifica-</p> <p>tion number for the alert in the Schengen information system (Schengen ID number)</p> <p>(dd) type of</p>		<p>(</p> <p>5</p> <p>)</p> <p>(</p> <p>5</p> <p>)</p> <p>(</p> <p>6</p> <p>)</p> <p>(</p> <p>7</p> <p>)</p> <p>(</p> <p>7</p> <p>)</p> <p>(</p> <p>5</p> <p>)</p> <p>(</p> <p>6</p> <p>)</p> <p>(</p> <p>7</p> <p>)</p> <p>(</p>	<p>– Immigration authorities and public bodies in charge of implementing the provisions of the law on foreign nationals</p> <p>– Federal Police and others in the policing of cross-border traffic</p> <p>as per Column A (d) and (e)</p>	<p><u>§§ 15, 16, 17, 17a, 18, 18a, 18b, 18d, 18g, 19, 21, 23, 23a, 24a of the AZR Act</u></p> <p>I. The data relating to columns A(b) and (c) respectively double letters cc and dd are transmitted only to the Federal Criminal Police Office in its function as SIRENE Bureau.</p> <p>– Immigration authorities and public bodies entrusted with the implementation of foreign national legislation</p> <p>– Reception facilities or bodies pursuant to § 88(3) of the Asylum Act</p> <p>– Federal Office for Migration and Refugees</p> <p>– Federal Police</p> <p>– – other authorities responsible for the police control of cross-border traffic</p> <p>– supreme Federal and Land authorities entrusted with the implementation of foreign, asylum and passport legislation as their own task</p> <p>– Federal Agency for Work on the performance of tasks pursuant to § 18(1) of the AZR Act</p> <p>– German foreign missions, the Federal Office for Foreign Affairs and other public authorities in the</p>

		7)		visa procedure
offence underlying the alert				– Federal Statistical Office for columns A(a) to (k)
– Penal provision				
— legal description of the offence				
– Type and amount of pen alty				
revoked on				
(aa) delivered on		(5)		
(bb) incontestable since		(6)		

“A	A1*)	B * *)	C	D
9 (Part I) Name of the data (§ 3 of the AZR Act)	Group of persons	Date of transmission	Transmission by the following public bodies (§ 6 of the AZR Act)	Transmission/transfer to the following bodies
c Schengen identification number for the alert in the Schengen Information System (Schengen ID number) d Nature of the offence underlying the alert – Penal provision – — legal name of the act – Nature and level of punishment expired on d Border crossing certificate issued on valid until issuing authority, e Initial aid certificate issued on valid until issuing authority, f Entry permit pursuant to § 11(8) Residence Act issued on for the period from... to... g homeless foreigners h Application for a residence permit requested on i Application for a residence permit pursuant to § 24 Residence Act requested on j Application for renewal of a residence permit requested on	(1)	(7) (7) (5) (2) (2) (2) (6) (1) (1) (1) (1)		II. – Aviation security authorities responsible for the background check pursuant to § 7 of the Aviation Security Act and for the background check in accordance with §12b of the Atomic Energy Act – Federal Criminal Police Office – National criminal law enforcement agencies – Other police enforcement authorities – Public prosecutors' offices – Courts – Customs administration authorities – Providers of social assistance and bodies responsible for the implementation of the Asylum Seeker Benefits Act – Federal Agency for Work on the performance of tasks pursuant to § 18b of the AZR Act – Federal Agency for Work on the performance of tasks pursuant to § 23a of the AZR Act on column A(a) to (k) – Bodies responsible for the basic protection for job seeker – Youth Offices – Holders of German Pensions – Citizenship authorities

					<ul style="list-style-type: none">– Customs Criminal Investigation Office– Central office for financial transaction investigations in order to fulfil their tasks pursuant to § 28(1), second sentence, number 2 of the Money Laundering Act
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“A	A 1 (*)	B * *)	C	D
9 (Part I) Name of the data (§ 3 of the AZR Act)	Group of persons	Date of transmission	Transmission by the following public bodies (§ 6 of the AZR Act)	Transmission/transfer to the following bodies
k Certificate of the effect of the application (fiction certificate) issued on valid until moved in on expired on l Residence permit number)		(7)		
§ 3 Paragraph 4(3), 6 and 7 in conjunction with § 2(3) (3) and (4) Residence status — as above column A(a), (d), (h), (j) to (l) and (b) and (c) without double letters cc and dd —	(2)	(7) — as above —	— as above —	— as above, with Exception of the Federal Employment Agency on the performance of tasks pursuant to § 23a of the AZR Act —
§ 3 Paragraph 4(3), 6 and 7 in conjunction with § 2(3) (3) and (4) Residence status — as above column A(a), (h), (j) to (l), and (b) and (c) without double letters cc and dd —	(3)	— as above —	— as above —	<u>§ 15 Subsection 1 sentence 1 Nos 1 and 6, § 18(1) §§ 21, 23 of the AZR Act</u> — only the bodies referred to in point I of column D for group of persons —

* In these cases, entry into the Federal territory shall be reported at the same time if the entry is not yet recorded in the register”.

- b) In point 13, column A, points (a), (c) and (e), the words '(following voluntary departure)' are inserted after the words 'effect limited to'.
- c) In point 14, column A is amended as follows:
 - aa) Point (g) is worded as follows:
 - “(g) deportation due to expulsion carried out on effect limited to’.
 - bb) In point (h), the words ‘for a period of... years/... months from removal’ are deleted.
- d) Subparagraph 14a is amended as follows:
 - aa) Column A is amended as follows:
 - (aaa) The following point (b) is inserted after point (a):
 - ‘(b) pursuant to § 11(1) and (2) in conjunction with paragraph 5b of the AufenthG on grounds of removing,
 - expulsion or deportation ordered on
 - aa) delivered on
 - bb) incontestable since
 - cc) Schengen identification number for the alert in the Schengen Information System (Schengen ID number)

- dd) Nature of the offence underlying the alert
 - Penal provision
 - — legal name of the act
 - The nature and amountof the penalty shall have effect indefinitely'.
- (bbb) The former points (b) to (e) are renumbered as points (c) to (f).
- bb) Column B is amended as follows:
 - (aaa) In column A, point (b), the entry '(2)' is added.
 - (bbb) In column A(b)(aa), the entry '(5)' is inserted. (ccc) Column A, point (b)(bb), the entry '(6)' is added.
 - (ddd) In column A(b)(cc) and (dd), the entry '(7)' is added.
- cc) In column C, the words '- Federal Office for Migration and Refugees in column A(c) to (e)' are replaced by the words '- Federal Office for Migration and Refugees in column A(d) to (f)'.
- dd) In column D, the words 'in column A(a) to (d)' are replaced by the words 'in column A, points (a) to (e)'.
- e) In point 15, column C, the words 'in column A(a) to (d)' are deleted;
- f) In point 16, column C, the words 'in column A(a) to (d)' are deleted;
- g) In point 20, column A is amended as follows:
 - aa) In point (d), the words 'for a period of... years/... months from removal' are deleted.
 - bb) In point (f), the words 'for a period of... years/... months from removal' are deleted.

Article 12

Amendment of the 2nd Meat Act Implementing Regulation

In § 6 paragraph 2 first sentence subparagraph 2 of the 2nd Meat Act Implementing Regulation of 12 November 2008 (BGBl. I p. 2186, 2189), as last amended by Article 107 of the Act of 10 August 2021 (BGBl. I p. 3436), the words '§ 5, first, second and fourth sentences of the Passport Ordinance' shall be replaced by the words '§ 4, first, second and fourth sentences of the Passport Ordinance'.

Article 13

Entry into force

- (1) This Ordinance shall enter into force on the day following the publication, subject to paragraphs 2 to 6.
- (2) Article 1 subparagraphs (3), (4), (12) and (16) shall enter into force on 1 January 2024.
- (3) Article 1(7), Article 3(1)(a) and (3) and Article 5 shall enter into force on 1 November 2023.
- (4) Article 2(1)(b), (c), (e), subparagraphs 3, 4, 6, 7(a)(aa), (bb), point (b), (c)(dd), point (d), subparagraphs 8 and 10, as well Article 3 subparagraph 2 point (a), subparagraphs 6 and 10 shall enter into force on 1 January 2024.
- (5) Article 1(1), (8), (9), (14) and (15), Article 2(1)(a), (d), (2), (5) and (7)(a)(cc), Article 3(1)(d), 5, 9(c), (d), 11 and 13, Article 6 as well Article 11(2)(b), (c), (d) and (g) shall enter into force on 1 November 2024.
- (6) The Articles 4, 7, 8, 9 to 10 shall enter into force on 1 May 2025.

Approved by the Federal Council.

Berlin, 30 October 2023

The Chancellor

Olaf Scholz

The Federal Minister
for the Interior and Community Nancy Faeser

The Federal Minister
for Food and Agriculture

Cem Özdemir

The Federal Minister
for Economic Affairs and Climate Action

R. Habeck

The Federal Minister for Foreign Affairs,
Annalena Baerbock

