

ECJ Ruling on Fingerprints in Identity Cards

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On 21 March 2024, the ECJ delivered its judgment in [Case C-61/22 \(RL\)](#) involving the city of Wiesbaden, the capital of the German state of Hesse, regarding the mandatory inclusion of two fingerprints in identity cards. In the case at issue, a German citizen objected to the City of Wiesbaden's refusal to issue an identity card without his fingerprints. For the Opinion of the Advocate General (AG) *Laila Medina* in this case → [euCRIM 2/2023, 150-151](#).

The Court found that the obligation to insert two complete fingerprints into the storage medium of identity cards is compatible with the fundamental rights to respect for private life and protection of personal data. Although it constitutes a limitation of said fundamental rights, the measure is justified by the objectives of preventing the production of false identity cards and identity theft and ensuring the interoperability of verification systems.

However, the ECJ declared the underlying regulation requesting this measure ([Regulation \(EU\) 2019/1157](#) of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement) invalid because it was adopted on an incorrect legal basis, namely following the ordinary legislative procedure instead of the special legislative procedure requiring unanimity in the Council. Despite this irregularity, the ECJ decided to uphold the Regulation until a new one is adopted on a correct legal basis, with a deadline set for 31 December 2026. This decision was made to avoid serious negative consequences for EU citizens and their safety.

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