

Thursday 23 October 2008

Aviation security measures and body scanners

P6_TA(2008)0521

European Parliament resolution of 23 October 2008 on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection

(2010/C 15 E/14)

The European Parliament,

- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Charter of Fundamental Rights of the European Union, Article 6 of the EU Treaty, Article 80(2) of the EC Treaty, and Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security ⁽¹⁾,
- having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the Commission has proposed a draft Commission regulation supplementing the common basic standards on civil aviation security, which includes, among the permitted methods for screening of passengers in EU airports, 'body scanners', i.e. machines producing scanned images of persons as if they were naked, equivalent to a virtual strip search,
- B. whereas body scanners may be one of the technical solutions required to keep a high level of security at European airports,
- C. whereas a European framework to guarantee the rights of European passengers, in the event of body scanners being used, is essential to prevent every airport from applying different regulations,
- D. whereas that draft measure, far from being merely technical, has a serious impact on the right to privacy, the right to data protection and the right to personal dignity, and therefore needs to be accompanied by strong and adequate safeguards,
- E. whereas the draft measure was not accompanied by a Commission impact assessment relating to fundamental rights, as required by the Commission communication of 27 April 2005 on compliance with the Charter of Fundamental Rights in Commission legislative proposals (COM(2005)0172); whereas the Commission consulted neither the European Data Protection Supervisor (EDPS) as required by Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾, nor the Article 29 Working Party, nor the Fundamental Rights Agency (FRA); and whereas no enquiries have been made into the possible impact of such machines on passengers' health,
- F. whereas, for the abovementioned reasons, doubts arise in relation to the justification of this measure and its proportionality and necessity in a democratic society,
- G. whereas this draft measure on methods of screening of passengers, which has been examined by way of the regulatory procedure with scrutiny (comitology), will be followed by implementing measures relating to requirements and procedures for screening, which will be decided through procedures under which Parliament has almost no powers,

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

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- H. whereas no wider, transparent and open debate involving passengers, stakeholders and institutions at EU or national level has been promoted on what is an extremely delicate issue affecting citizens' fundamental rights,
- I. whereas effective security must be ensured in the aviation sector,
- J. whereas the decision of the Commission to phase out the ban on liquids by April 2010 at the latest is a positive step forward,
1. Considers that the conditions for taking a decision have not yet been met, given that essential information is still lacking, and asks the Commission, before the expiry of the three-month deadline, to:
- carry out an impact assessment relating to fundamental rights;
 - consult the EDPS, the Article 29 Working Party and the FRA;
 - carry out a scientific and medical assessment of the possible health impact of such technologies;
 - carry out an economic, commercial and cost-benefit impact assessment;
2. Believes that this draft measure could exceed the implementing powers provided for in the basic instrument, as the measures in question cannot be considered mere technical measures relating to aviation security, but have a serious impact on the fundamental rights of citizens;
3. Considers, in this respect, that that all aviation security measures, including use of body scanners, should respect the principle of proportionality as justified and necessary in a democratic society, and therefore asks the EDPS, the Article 29 Working Party and the FRA, as a matter of urgency, to urgently deliver an opinion on body scanners by the beginning of November 2008;
4. Reserves the right to verify the compatibility of such measures with human rights and fundamental freedoms with the EU legal services, and to take the necessary follow-up actions;
5. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

EC-Bosnia and Herzegovina Stabilisation and Association Agreement

P6_TA(2008)0522

European Parliament resolution of 23 October 2008 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part

(2010/C 15 E/15)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council (19-20 June 2003) and to the annex thereto entitled 'The Thessaloniki Agenda for the Western Balkans: moving towards European integration',
- having regard to the Council decision of 7 November 2005 to open negotiations with Bosnia and Herzegovina (BiH) with a view to a Stabilisation and Association Agreement (SAA),
- having regard to the initialling of the SAA on 4 December 2007 and its signature on 16 June 2008,
- having regard to the draft Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part (8226/2008),