

Written Contribution of Mr. Sandro GOZI Chairman of the "Schengen" committee of the Italian Parliament

Good morning/Good afternoon ladies and gentlemen.

I should like to thank the European Parliament for their hospitality and the Data Protection Authorities for organizing this seminar on such a key and certainly interesting topic.

I should also like to thank the Italian Privacy Watchdog for inviting me to speak here today. An invitation I was more than happy to accept. I should also like to extend greetings to all those attending this workshop today and in particular the representatives of public and private authorities and organizations that are involved in the search for a suitable strategy to deal with the thorny problem of balancing security needs with the infringement of individual rights incurred, at the same time continuing to maintain the high level of personal privacy guaranteed by European legislation.

I believe that the topic under discussion here today is one that must be given our full attention and I appreciate the opportunity to do so in such a qualified framework.

It is important for each country to fuel and influence internal debate on this subject and make those members of the public who are likely to be affected, aware of existing legislation which obliges airlines in particular, to observe the regulations or suffer fines and also of their right to demand such rights be respected.

It is important to ensure the transparency of the decision making process and make sure that the European Union and the institutions it represents are guaranteed suitably authoritative and wide ranging talks in the lead up to deciding the legal provisions due to substitute the provisional agreements signed with the American authorities in force until June this year. As the Deputy Chair of the LIBE Committee and Sophie It Veld, who speaks next have pointed out, this is particularly so for the European Parliament, which has played a very important role since negotiations with the United States began and indeed continues to do so.

It is important to ensure that national Parliaments, Governments and other areas of political representation are adequately involved to encourage the adoption of decisions that take adequate account of the interests of any public and private parties involved in the matter concerned. The negotiation of international agreements at European Union Level, which are binding for member states, should be preceded by appropriate debate in national Parliaments in order to assign to Governments the powers to be delegated to the Council for this purpose and they should receive regular feedback on the progress of the negotiations.

This is especially relevant in a sector where the matter in question may pertain to one or more EU pillars, a situation that continues today because the non-adoption of the Treaty for the European Constitution means that it has not been possible to introduce proposed changes in procedure. Opinions differ over information and personal details that have been gathered for "commercial" reasons, for example by airlines seeking to satisfy passengers' requests, as opposed to their use for security purposes and therefore with different consequences in terms of information and individual rights.

In more general terms, it is important to consider the role of national Parliaments with regard to the negotiation of legislation at Community level which is acquiring increasing force and importance and which, especially in the security sector, involves the collection and processing of personal data as well as forms of preventive control with their wide reaching effects on individual

rights. Let us take the provisional agreement stipulated with the United States of America in October 2006 as an example. It is most unusual that despite it being an international agreement stipulated by the European Council on behalf of the EU member states, it was not subject to ratification in national Parliaments. In fact the majority of Justice and Home Affairs Ministers declared that no ratification was needed. That same agreement is currently under provisional effect even in those countries where ratification is being sought.

If we put the security cogestion EU-USA in a wider context , however, if we take in to account the following signature of the Open Sky Agreement and the revision of the Patriot Act two needs emerge clearly:

- the need to have an impact assessment by the commission of the New American acts on the current legislation*
- the need to develop new synergies between Euro Parliament and National Parliaments.*

Under this perspective it could be interesting to meet again at informal and operational level, after the visit of EU delegation to Washington on 16th and 17th April

The importance of supporting the European Parliament in today's poorly defined legislative framework is fundamental and an attempt must be made to increase forms of procedural synergy. There should also be a proactive effort to move beyond the current system of dividing EU policy in pillars which create rigidity and a lack of transparency in decision making processes. ...

A more general and proactive approach is also needed with regard to the use of passengers' personal data which not only the United States but also an increasing number of other countries request access to for purposes of civil aviation security, national security and frontier control, as well as for use in the fight against terrorism and serious crime. I agree with the call put forward by the promoters of the workshop for a single response using existing international organizations for the stipulation of regulations and proposals on the subject of air transport and civil aviation security – IATA and the ICAO – with preliminary and necessary conditions being set according to the objectives in order to introduce such requests and set in place a single set of regulations. The creation of a legal framework from a secure source of reference would also assist the airlines.

Again, in this case too, it is essential to guarantee the transparency and democracy of the decision making process and therefore encourage debate in national Parliaments.

It is important to consider the necessity of introducing new or further forms of controls for passengers entering EU countries over and above obligations already included in Directive 2004/84/CE which, building on the Schengen acquis, introduced the compulsory communication of API data, collected during embarkation procedures, to the relative authorities of the destination countries within the EU. It should be remembered that the close monitoring of third country nationals and EU citizens required by such regulations is already carried out both by means of the European databases SIS, VIS and Eurodac and the existing forms of police co-operation which offer a number of ways of entering reports or checking on people entering a member state. I have welcomed the opportunity for continued discussion on this subject here in the European Parliament and hope we can bring a useful contribution to the ongoing debate and search for solutions.

Thank you.