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MOTION FOR A RESOLUTION

further to Question for Oral Answer B6-0478/2008

pursuant to Rule 108(5) of the Rules of Procedure

by Philip Bradbourn, Manfred Weber

on behalf of the PPE-DE Group

by Claudio Fava, Martine Roure

on behalf of the PSE Group

by Marco Cappato, Jeanine Hennis-Plasschaert, Ignasi Guardans Cambó, Sarah Ludfordon behalf of the ALDE Group

by Kathalijne Maria Buitenweg, Eva Lichtenberger

on behalf of the Verts/ALE Group

by Roberta Angelilli

on behalf of the UEN Group

by Søren Bo Søndergaard, Giusto Catania, Mary Lou McDonald, Adamos

Adamou, Marco Rizzo, Willy Meyer Pleite, Bairbre de Brún

on behalf of the GUE/NGL Group

on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection

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

The European Parliament,

- having regard to the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights, Article 6 of the Treaty on European Union, Article 80(2) of the Treaty establishing the European Community, and Regulation 300/2008 on common rules in the field of civil aviation security,
 - 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 inserts 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 the 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,
- C. whereas the Commission did not accompany the measure with a fundamental rights impact assessment as required by the communication on compliance with the Charter of Fundamental Rights and with the ECHR in Commission proposals, and did not consult either the European Data Protection Supervisor (EDPS) as required by Article 28(2) of Regulation 45/2001, or the Article 29 Working Party, or the Fundamental Rights Agency (FRA), while no enquiries have been made into the possible impact on passengers' health of such machines,
- D. whereas, for the above-mentioned reasons, doubts arise in relation to the justification of this measure and its proportionality and necessity in a democratic society,
- E. whereas this measure on methods of screening of passengers, examined by commitology (PRAC), will be followed by implementing measures on requirements and procedures for screening which will be decided through procedures concerning which the EP has almost no powers,
- F. whereas no wider, transparent and open debate involving passengers, stakeholders and institutions at EU and national level has been promoted on what is an extremely delicate issue affecting citizens' fundamental rights,
1. Considers that the conditions for 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 a fundamental rights impact assessment;
 - 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 foreseen cannot be considered mere technical measures related 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 Parliaments and Governments of the Member States.