

2nd Meeting of Commission Task Force on Security Scanners
Tuesday 14th September 2010, 10:00 - 13:00

Opening remarks by the European Commission

- Welcome
- We should be happy. During summer things have been under control. No security challenges.
- On 12th December 2008, we have had our first Task Force meeting.
- That time, the European Commission had proposed to implement the use of security scanners in the Regulation as a measure of primary screening.
- First meeting was a constructive meeting where we identified the issues at stake.
- 25th December 2009 - Amsterdam Detroit Flight. This event relaunched the debate.
- Afterwards, a very strong message of the EU ministers of Transport to the European Commission to come with a report. It is evident that there is a certain amount of vulnerability in the use of metal detection.
- Following this mandate and following the European Parliament resolution, the European Commission on 15th June 2010 - COM(2010)311.
- The European Commission in its communication indicates that security scanners have a better detection rate than metal detectors. Very clear conclusion that we cannot disregard.
- European Commission expressed that the legitimate concerns of the European Parliament and civil society regarding fundamental rights and health can be addressed. They can be overcome. How we should be doing this is open for discussion.
- Second Generation Security Scanners take into account these concerns.
- There still exist several important issues for further examination. The European Commission now undertakes an impact assessment which will be ready early 2011.
- No single measure will ever give 100% security. A multi level approach is needed.
- ICAO Assembly will give us the opportunity to have a global approach to security. Security scanners should become a part of this approach.
- There is a risk for chaos in Europe. Different machines and different rules in all EU member states. The main problem is that this could jeopardize fundamental rights and security. This is why the European Commission is so concerned in moving forward on this file. We want the highest protection of fundamental rights in Europe AND the highest possible level of security at EU level.

Overview European Commission Communication - Developments since the first Task Force Meeting

- The Communication of the European Commission is a response to the European Parliament Resolution. Why was this needed? European Commission proposed a Regulation to add the security scanners to the

measures of primary screening. The European Parliament rejected this addition.

- The rejection of the European Parliament was very clear. They asked the European Commission to:
 - to have an impact assessment
 - to ask for an opinion of the EDPS
 - to ask for an opinion of the FRA
- The concerns of the European Parliament were:
 - health concerns
 - possibility of seeing bodies
 - data protection: capture, store, and process the image without the persons consent
 - impact on human dignity and private life (prostheses, diapers)
 - potential impact on religious belief
 - potential impact of fundamental rights of children
 - non-discrimination
- Security scanners are currently not on the list of the eligible methods for primary screening under EU legislation.
- Airports now only can use scanners, if:
 - more stringent measures
 - trial of new technical process of methods (up to 30 months)
 - these two options are monitored by the European Commission
- Communication discusses 4 topics
 - detection performance: improvement, objectively
 - privacy / fundamental rights: screeners could initially see naked bodies - now possibility to only see stick figures. Reviewer must be remotely located - screeners must be of same sex as person that is screened - no storage.
 - health - council recommendation of 12.07.1999 and directive 2004/40/EC and 97/29/EURATOM - exposure must be as low as reasonably achievable. X-ray transmission cannot comply with these EU laws.
- Security is not a solution to everything, but is useful as part of a comprehensive security construction.
 - better detection
 - passenger throughout is acceptable
 - existing technologies can address fundamental rights and health issues
- EU approach is needed to guarantee a uniform level of protection of fundamental rights and health and security.
- After impact assessment, the European Commission possibly comes with a legislative proposal - **under comitology**
- First European Commission will focus on the impact assessment

Cristine Lacoste on behalf of the European Data Protection Authority:

- Most points that the EDPS made during the consultation are still valid.
 - necessity!!
 - proportionality!!
 - data subjects rights!!

- EDPS is in principle not against security scanners, but still some issues need to be addressed
- EDPS sent a letter to the European Commission mid-July
 - Holistic approach of the European Commission
 - Best available techniques. There is a need for privacy by design. Privacy and data protection must be imbedded in scanners
 - Role of opt-out and consent
- EDPS and Art. 29 WP will be consulted during the next steps in the process.

Hedzer Komduur on behalf of the Dutch Nationaal Coordinator Terrorisme Bestrijding

- In 2006, the Dutch customs authority and Schiphol Airport started a joint project to introduce the security scanners.
- There were a lot of complaints from passengers regarding the full body pat down. Besides, screening in such a way costs a hell of a lot of time. Security scanners are more consumer / passenger friendly.
- Start in 2006. Back then we used a remote operator. No storing of images and persons. We wanted to improve the technologies because it still took a lot of time. If something was wrong, person in the remote location should come to the gate, etc etc. Took a lot of time. We wanted automated detection. No longer human interpretation of image, less room for mistakes.
- US authorities have been invited to Schiphol in November 2009. We wanted to show TSA how we used the security scanner. It was the idea to have the scanner on flights to the US somewhere mid 2010. But then December accident. Immediately afterwards we had scanners to US flights.
- We do not store images / data / raw data. We have no intention of doing this, there is absolutely no need whatsoever to store data.
- Kohnstamm said about our security scanners: "perfect example of privacy by design."
- Passengers now have much better idea why they have pat downs.
- Currently, our scan time and analysis is 6 seconds, pretty quick. With newer software there is a possibility to make it even quicker. Now we need a lot less full body pat downs. Passengers are much happier
- No naked images - almost no opposition in the Netherlands anymore.
- Only of some persons that are cautious of any form of new technology.
- In the Netherlands, you cannot opt out, Everybody needs to go through the scanner. Minister's decision.

Steven May - Department of Transport in the United Kingdom

- UK government is the security regulator but scanners are privately exploited by the airports. Important part of our challenge against a continuing threat. UK welcomes the work of the European Commission in this regards.
- We now have security scanners at Heathrow, Gatwick, and Manchester. We use millimeter wave and backscatter technologies.
- In Manchester they are used in a by the European Commission approved trial.
- We have made 248,000 scans since February, since we deployed the scanners.
- Process is very effective in its detection capability & very efficient
- 94% of the passengers rated the speed of the process as good or excellent. Staff at airports is also really happy.

- We have a Government Code of Practice that includes the rights of the passengers.
- People must not be chosen on the basis of ethnicity or race or whatever. Images cannot be saved nor printed.
- We have a remotely located person.
- Now, consultation of the government on the Government Code of Practice. We get a very good, positive response.
- In the UK, there is no possibility to opt out. 0.1% have refused to go through a scan.
- We use backscatter version. The risk of ionizing is very small - too small to quantify the risk. Nonetheless we exercise local risk assessments.
- Any standards coming from the European Union should be technologically neutral! Decision should be up to the Member States in light of threat position.
- Scanners should be part of primary screening measures
- UK does not want any extra restrictions on ionizing scanners. Our risk assessments allow for use of these scanners
- We want to move quickly to be able to use the scanners flexibly.
- Our experience is that they add value. Passengers accept it and scanners are effective.
- People that are against scanners have not been flying for a long time.

BREAK

Discussion