

*Antonio Tajani*  
*Vice-President of the European Commission*

Brussels, the 20<sup>th</sup> of November 2008.  
CAB06 \* 1158

**Subject:** *Follow-up to resolution of 23 October 2008 on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection*

*Dear President Costa,*

*Dear President Deprez,*

*Following the adoption on 23 October 2008 of a resolution on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection (reference: B6-0562/2008), I would like to inform you on how I intend to follow up the issues raised in the resolution.*

*The resolution was adopted following the submission to both the Council and the European Parliament, in accordance with the regulatory procedure with scrutiny, of a draft Commission Regulation supplementing the common basic standards on civil aviation security. This Commission Regulation is to be adopted on the basis of Article 4(2) of Regulation (EC) No 300/2008 on common rules in the field of civil aviation security<sup>1</sup> and it envisages body scanners as a method of screening to be allowed (Annex – Part A under 1(d)).*

*The resolution states that the conditions for a decision (on the draft Commission Regulation) have not yet been met, given that essential information is still lacking. It asks the Commission, before the expiry of the three month deadline (5 December 2008) to:*

- carry out an impact assessment relating to fundamental rights;*
- consult the European Data Protection Supervisor (EDPS), the Article 29 Working Party and the Fundamental Rights Agency (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.*

**Mr Paolo Costa**  
*Chairman of the Transport and  
Tourism Committee  
European Parliament  
Rue Wiertz 60  
1049 Brussels*

**Mr Gérard Deprez**  
*Chairman of the Civil Liberties, Justice  
and Home Affairs Committee  
European Parliament  
Rue Wiertz 60  
1049 Brussels*

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<sup>1</sup> OJ L 97, 9.4.2008, p. 72.

*On this basis, I intend:*

- to consult the European Data Protection Supervisor (EDPS), the Article 29 Working Party and the Fundamental Rights Agency (FRA);*
- to start a so-called 'public-private dialogue' by creating a Body Scanners Task Force for all parties with an interest in the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection. The first meeting of this Body Scanners Task Force is provisionally planned for 12 December;*
- to develop a 'Questionnaire on body scanners' which will be sent out to all relevant parties.*

*To undertake this work in a satisfactory manner will take some time. It would be inappropriate for the European Parliament and Council to be asked to agree on the existing draft Regulation before this work is completed. For this reason I would like to withdraw the draft Regulation as submitted.*

*It is my intention to re-submit a new draft Regulation as swiftly as possible but excluding body scanners as a method of screening. It is likely that this would be submitted to the European Parliament and Council in January 2009 for scrutiny in accordance with the regulatory procedure with scrutiny. I trust that the revised proposal will prove to be acceptable.*

*Simultaneously, the work to address the issues relating to body scanners will be undertaken. I would estimate that this work would be completed by the second quarter of 2009. Once completed and evaluated to see if the concerns raised in the Resolution have been addressed, a decision will be taken whether or not to make a proposal to add body scanners to the Regulation. As this would be a 'stand alone' measure it would enable the European Parliament and Council to have a full and frank discussion on the topic of body scanners.*

*I have also informed the Council of my intentions. I hope that you will agree that this approach is the most appropriate in the circumstances.*

*Yours sincerely*

*Antonio Tajani*