

FORM FOR TABLING PARLIAMENTARY QUESTIONS

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To the: COUNCIL
COMMISSION

ORAL QUESTIONS	WRITTEN QUESTIONS
Oral Question with debate (Rule 108) <input checked="" type="checkbox"/> Question Time (Rule 109) <input type="checkbox"/>	Written Question (Rule 110) <input type="checkbox"/> Priority Written Question (Rule 110 (4)) <input type="checkbox"/>
AUTHOR(S): Marco CAPPATO, Ignasi GUARDANS, Jeanine HENNIS-PLASSCHAERT, Renate WEBER, Ona JUCKNEVICIENE, Sarah LUDFORD, Alexander ALVARO, Sophie IN'T VELD on behalf of the ALDE group	
SUBJECT: (please specify) impact of aviation security measures and of body scanners on human rights, privacy, data protection and personal dignity	
<p>TEXT:</p> <p>The European Commission has proposed to insert among the allowed methods for screening of passengers in EU airports also the so-called "body scanners", that is to say "millimeter wave"-based technology machines that allow to get images of persons as if they were naked, in an extremely detailed manner, genitalia included. The declared aim of such a measure would be to allow the detection of objects that cannot be detected in other ways, such as X-ray machines.</p> <p>Although such a measure has a fundamental impact on fundamental human rights, such as the right to privacy, to data protection and to personal dignity, it is being examined in the framework of the comitology procedure, as if it was a merely technical measure related to civil aviation. The European Data Protection Supervisor has not been consulted on the matter, nor the Fundamental Rights Agency, while the Commission did not accompany the proposal with an impact analysis on fundamental human rights.</p> <p>Doesn't the Commission think that the proposal:</p> <ul style="list-style-type: none"> - has a serious impact on fundamental human rights, the right to privacy, data protection and dignity, that has to be evaluated through a human rights impact assessment and that the EDPS shall be consulted on this matter, as well as the Fundamental Rights Agency? - taking into consideration the impact on human rights and fundamental freedoms, as well as the fact that such measure goes beyond mere technical measures related to civil aviation, it cannot be examined according to the comitology procedure, while the legal basis of the act consequently seems to be inadequate, as security issues fall under the third pillar? - raises doubts in relation to the proportionality and necessity in a democratic society, so that it exposes the EU and its Member States to possible court cases in relation to the violation of human rights and fundamental freedoms, as well as to condemnation by human rights bodies, at the national, European and international level? - should be based on technical and scientific in-depth researches on the available technologies as well as of those that are being developed, such as that on liquids, and that researches should be done possible impact on passengers' health? - that a wider, transparent and open debate involving passengers, stakeholders and institutions at the EU and national level should be promoted on such a delicate issue touching upon fundamental citizens' rights? 	
Signature(s):	Date: 26/06/2008