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*Committee on Civil Liberties, Justice and Home Affairs*

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**2010/2154(INI)**

14.2.2011

## **DRAFT OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Transport and Tourism

on aviation security with a special focus on security scanners  
(2010/2154(INI))

Rapporteur: Judith Sargentini

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Emphasises the importance of the fight against terrorism and supports in this only the use of legitimate means, which are necessary in a free and open democratic society;
2. Stresses that any counterterrorism measure should therefore be in full accordance with the fundamental rights and obligations of the European Union, which are necessary in a democratic society and must be proportionate, prescribed by law and thus delimited within the specific aim it wishes to achieve;
3. Points to the fact that the use of body scanners is not restricted only to airports but also to other public places; urges therefore that the Commission present a proposal covering the deployment and use of security scanners in places other than airports;
4. Calls for every body scanner to meet a minimum set of technical requirements before it can be placed on a permissible screening methods list; these requirements should inter alia ensure the prevention of any possible health risk, including long-term risks; calls in this regard for any form of x-ray technology to be explicitly excluded from the permissible screening methods list;
5. Insists furthermore that body scanners should only be equipped with technology that does not enable any possibility of rendering full body images but merely standardised gender-neutral ‘stick figure’ images that are fully anonymised, and that no data processing or data storage should be possible;
6. Stresses that every person should have the right to refuse a body scan, without the obligation to give any explanation, and the right to request a standard security check, with full respect for the rights and dignity of that person; calls in this regard for all security personnel to receive proper, extensive training;
7. Stresses that refusal to undergo a body scan should not constitute ipso facto any suspicion of the person concerned and that, in the procedure before being submitted to a body scan or related to the refusal of a body scan, any form of profiling based on, for example, sex, race, colour, ethnicity, genetic features, language, religion or belief is unacceptable;
8. Calls for people who are willing to be submitted to a body scan to be properly and comprehensibly informed about the body scanner, including their right to refuse to be submitted to a body scan and their right to complain and seek redress in case of perceived irregularities related to the body scan or their refusal to be submitted to it and the subsequent standard security check;
9. Stresses that any proposal to allow the deployment and use of body scanners as a permissible screening method should be extensively justified in an impact assessment covering inter alia the fundamental rights aspect of body scanners and the possible health risks, taking into account the opinions of the European Union, international and national

human rights and data protection authorities, such as the EDPS, the FRA and the UN Special Rapporteur on the Protection of Human Rights while Countering Terrorism;

10. Requests that the European Union Agency for Fundamental Rights be asked to provide an extensive opinion on the fundamental rights aspect of any proposal concerning the deployment and use of body scanners.