Attn: News Desks, Political, Home Affairs Correspondents

PUBLICATION OF REPORT

Emargo: Not to be published in any form before 00.01 Friday 18 December 2009

“E-BORDERS” PROJECT TO DIGITISE IMMIGRATION CONTROL “WILL BE ILLEGAL IN EU” SAYS COMMITTEE

In a report released today, Friday 18 December 2009 the Commons Home Affairs Committee comments on the UK’s ‘e-Borders programme’, the project to gather information electronically on all travellers entering or leaving the UK. The Committee highlights a number of practical difficulties with the programme — despite progress in certain areas — but says the main problem is that the compulsory gathering of such information may be illegal on intra-EU routes under the EU treaty.

An EU Member State cannot impose any requirement other than simple production of a valid identity document on an EU citizen other than in exceptional circumstances. The Committee says UKBA is imposing expensive requirements on the private transport sector for the e-borders programme, in the name of urgent public good, without apparently having ascertained that the programme requirements are lawful. There are also problems with complying with national data protection laws, for example in Germany. The Committee says it has “seen no proof that UKBA’s predecessors held serious talks with the European Commission about this” and UKBA must now urgently seek an authoritative opinion from the European Commission on this issue. It must also make it a priority to discuss all the national-level data protection problems with the relevant bodies. UKBA must report the results of these discussions to the Committee by the end of February at the latest, and in the meantime, any proposals to extend ‘go live’ to further intra-EU routes must be put on hold.

Chairman of the Committee Rt Hon Keith Vaz said:

“The ins and outs of the technical problems are one thing – UKBA has made some progress in some areas, particularly with the airlines after our intervention, but seems to be having greater problems co-ordinating with the way some of the other modes of transport in and out of the UK work.”

“But the major stumbling block, and a very disappointing oversight, is that we are sure that what the programme requires will be illegal under the EU Treaty. The programme is intended to cost the taxpayer £1.2 billion and may be illegal. It is shocking that money has already been spent on a programme which could never be implemented.”

“This programme is supposed to cover tens of millions of passengers intra-EU account for a very significant chunk of travel in and out of the UK. Until this legality is resolved
UKBA must just halt any further work to “go live” on intra-EU routes. We cannot have another massive IT project which flounders or is even abandoned at huge cost to the taxpayer, it is simply unacceptable.”

Session 2009–10 No. 17 18 December 2009

Notes to editors:

The Committee membership is as follows:

Rt Hon Keith Vaz (Chairman) (Lab) (Leicester East)
Tom Brake (Lib Dem) (Carshalton & Wallington)
Mr James Clappison (Con) (Hertsmere)
Mrs Ann Cryer (Lab) (Keighley)
Mr David T. C. Davies (Con) (Monmouth)
Mrs Janet Dean (Lab) (Burton)
Mr Khalid Mahmood (Lab) (Birmingham Perry Barr)
Patrick Mercer (Con) (Newark)

Margaret Moran (Lab) (Luton South)
Mr Gwyn Prosser (Lab) (Dover)
Bob Russell (Lib Dem) (Colchester)
Martin Salter (Lab) (Reading West)
Mr Gary Streeter (Con) (South West Devon)
Mr David Winnick (Lab) (Walsall North)

FURTHER INFORMATION:
Media Enquiries: Jessica Bridges Palmer, Tel 020 7219 0724, email: bridgespalmerj@parliament.uk
Specific Committee Information: Tel 020 7219 3276, email: homeaffcom@parliament.uk
Committee Website: www.parliament.uk/homeaffairscom
Watch committees and parliamentary debates online: www.parliamentlive.tv
Publications / Reports / Reference Material: Copies of all select committee reports are available from the Parliamentary Bookshop (12 Bridge St, Westminster, 020 7219 3890) or the Stationery Office (0845 7023474). Committee reports, press releases, evidence transcripts, Bills; research papers, a directory of MPs, plus Hansard (from 8am daily) and much more, can be found on www.parliament.uk