Computerization in the field of customs. Convention

1995/2209(COS) - 29/05/1997 - Text adopted by Parliament, single reading

In adopting the report by Mr Martin SCHULZ (PSE, D) regarding the Convention on the use of information technology for customs purposes, the European Parliament notes with disapproval the fact that the Presidency failed to consult it in accordance with the second paragraph of Article K6 of the TEU. It therefore takes the view that, since Parliament has not been consulted, the Convention has not been established in accordance with the Treaty. It accordingly calls on Member States to take account of Parliament's opinion prior to any decision concerning any conventions relating to the 'principal aspects of activities' within the meaning of the second paragraph of Article K6 of the TEU. It also regrets that the Council Act of 26 July 1995 drawing up the Convention on the use of information technology for customs purposes and the Agreement on the provisional application between certain Member States of the European Union of the Convention were also not forwarded to Parliament prior to signature. Concerning legal protection, it points out that the CIS central data bank contains data not only about goods, means of transport, business, etc. but also data of a personal nature and feels that any person should be able to bring an action or complaint before the national courts concerning personal data relating to himself in the CIS. Those concerned should enjoy in particular a right to information concerning the data stored in the system. It advises national parliaments to ensure, upon ratification, that measures are taken with a view to bringing about a very high level of data protection (preventing unauthorized access to the systems, restricting the number of users, etc.) regarding individuals and their privacy and that the data protection measures envisaged in the Convention are fully complied with. In addition, Parliament considers that it must be possible to refer disputes which have a bearing on the rules and multilateral nature of the convention to the Court of First Instance or the Court of Justice of the European Communities. It emphasizes that data-processing systems geared to different objectives and customs, police and general administration are preferable to a uniform European data-processing system for the purposes of implementing data protection rules. Regarding the individual, Parliament calls for a right to self-determination and information and a right of redress concerning personal data. It takes the view that the Commission should play a greater role in the implementation and coordination of all the systems (EUROPOL, EIS, etc.) and calls on the Commission to determine whether the CIS could be regulated under the EC Treaty by means of a directive or a regulation.