Basic information

2010/2154(INI) INI - Own-initiative procedure	Procedure completed
Aviation security with a special focus on security scanners **Subject** 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	DE GRANDES PASCUAL Luis (PPE)	12/07/2010
	Shadow rapporteur LEICHTFRIED Jörg (S&D) MEISSNER Gesine (ALDE) LICHTENBERGER Eva (Verts/ALE) VAN DALEN Peter (ECR) WILS Sabine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	RIVELLINI Crescenzio (PPE)	05/10/2010
LIBE Civil Liberties, Justice and Home Affairs	SARGENTINI Judith (Verts/ALE)	09/12/2010

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
15/06/2010	Non-legislative basic document published	COM(2010)0311	Summary

09/09/2010	Committee referral announced in Parliament		
24/05/2011	Vote in committee		Summary
01/06/2011	Committee report tabled for plenary	A7-0216/2011	
05/07/2011	Debate in Parliament		
06/07/2011	Decision by Parliament	T7-0329/2011	Summary
06/07/2011	Results of vote in Parliament		
06/07/2011	End of procedure in Parliament		

Technical information

Procedure reference	2010/2154(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/03639

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ENVI	PE452.692	27/01/2011	
Committee draft report		PE450.741	23/02/2011	
Amendments tabled in committee		PE460.986	22/03/2011	
Committee opinion	LIBE	PE458.487	27/04/2011	
Committee report tabled for plenary, single reading		A7-0216/2011	01/06/2011	
Text adopted by Parliament, single reading		T7-0329/2011	06/07/2011	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2010)0311	15/06/2010	Summary
Commission response to text adopted in plenary	SP(2011)8297	15/11/2011	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary

Contribution	CZ_SENATE	COM(2010)0311	05/11/2010	
Contribution	PT_PARLIAMENT	COM(2010)0311	21/01/2011	
Contribution	SE_PARLIAMENT	COM(2010)0311	16/06/2011	

Aviation security with a special focus on security scanners

2010/2154(INI) - 15/06/2010 - Non-legislative basic document

PURPOSE: to present a Commission communication on the use of security scanners at EU airports.

CONTENT: this Communication addresses an increasing and use of Security Scanners at the airports of the EU regulated at national level. The report is submitted in response to European Parliament Resolution No (2008)0521 on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection. Different standards of scanners currently deployed in Europe bring a serious risk of fragmenting fundamental rights of EU citizens, impeding their rights of free movement and escalating their health concerns related to new security technologies. While security scanners are still exceptional at European airports, there is a growing need to address these concerns and find a common solution. The Communication examines arguments that only the common European standards for aviation security can provide the framework ensuring a harmonised approach to the use of Security Scanners at airports. It looks at how such a harmonised approach should incorporate EU fundamental rights standards and a common level of health protection to allow adding this technology to the existing list of equipment for screening persons at airports.

The concerns raised over past years on the use of Security Scanners for screening at airports relate primarily to two issues, the creation of body images and the use of x- ray radiation. Firstly, until recently all security scanners produced images of the screened person's body in order to allow a human reviewer of these images to assess the absence of items prohibited from being brought on board aircrafts. Secondly, part of the security scanner technologies emit low doses of radiation, ionising (x-ray) and non-ionising, for detection purposes. In particular, the use of ionising radiation raises health questions. Today technologies exist that neither produce images nor emit radiation. However these two concerns have created a fierce debate on the security scanner's compliance with fundamental rights and public health principles and legislation, applicable in the EU. The key issues are:

Detection performance and operating considerations: airport trials and tests suggest that Security Scanners permit a rigorous screening for a great number of passengers in a short amount of time while providing a reliable detection capability.

Protection of fundamental rights: the paper considers issues on human dignity and personal data. It notes the capability of some screening technologies to reveal a detailed display of the human body (even blurred), and medical conditions, such as prostheses and diapers, has been seen critically from the perspective of respect for human dignity and private life. In addition, the rights of the child require a careful analysis and operating standards must ensure that passengers requested to undergo a security scan are not chosen based on criteria such as gender, race, colour, ethnic or social origin, religion or belief.

With regard to data protection, the criteria against which the scanning has to be assessed are i) whether the measure proposed is appropriate to achieve the objective (detection of non-metallic items and therefore a higher security level), ii) whether it does not go beyond what is necessary to achieve this objective and iii) whether there is no less intrusive means.

Health: the report looks at different systems from passive millimetre-wave imaging systems which does not emit radiation to active millimetre-wave imaging system, X-ray backscatter, X-ray transmission imaging. It also examines possible ways to address health concerns of X-ray Security Scanners. While the doses emitted by X-ray security scanners to screen persons are rather low, it is evident any exposure to ionising radiation, however small, may have health effects in the longer term. Therefore exposure even below the dose limits set by European legislation require that any decision on exposure to ionising radiation must be justified on grounds of their economic or public benefit to offset the potential damage from radiation. In addition, radiation protection measures must ensure that all exposures are as low as reasonably achievable (the ALARA principle) for workers, the general public, and the population as a whole. Therefore, if and when a ionising technology is being deployed, the improved efficiency in security terms, compared to the use of a non ionising technology, must be weighed against the possible health impact and thus has to be justified through a considerable gain in security level. Special considerations might also be called for when it comes to passengers that are especially sensitive to ionising radiation, primarily pregnant women and children.

Costs: the purchase cost of a basic Security Scanner per equipment ranges between EUR 100 000 and 200 000. The paper disucsses the additional costs of upgrading and components as well as related costs on training and personnel.

Conclusion: the Communication states that common EU standards for security scanners can ensure an equal level of protection of fundamental rights and health. Only a EU approach would legally guarantee uniform application of security rules and standards throughout all EU airports. This is essential to ensure both the highest level of aviation security as well as the best possible protection of EU citizens' fundamental rights and health. The deployment of any security scanner technology requires a rigorous scientific assessment of the potential health risks that such technology may pose for the population. Scientific evidence documents the health risks associated with exposure to ionising radiation. It justifies particular precaution in considering the use of such radiation in Security Scanners.

It is evident that security scanners alone -like any other single security measure, cannot guarantee 100% aviation security. Nevertheless, tests have shown that security Scanners can improve the quality of security controls at EU airports. Their use could considerably increase the detection capacity especially of those prohibited items, such as liquid or plastic explosive, which cannot be detected by walk-through metal detectors. Alternatives to security scanners based on ionising radiation technology should be available when specific health related risks arise. Any possible future EU harmonisation in this area needs to provide for alternative security checks for vulnerable groups including pregnant women, babies, children and people with disabilities.

Security scanner technologies exist that neither produce neither full body images nor emit ionising radiation. Technical standards and operational conditions to be laid

down by law could significantly reduce concerns related to fundamental rights and health:

- under existing technology and safeguards attached to the use of security scanner equipment, fundamental rights issues can be dealt with by a combination of technical equipment specifications and operational rules. Minimum standards could be laid down by law;
- with the exception of full X-ray transmission imaging, current security scanner technologies can meet existing EU health standards but certain types of equipment will require technical and operational standards to be fixed. Maximum radiation doses must be respected and precautionary safeguards established. Individual protection must ensure that exposure is as low as reasonably achievable, in particular for travellers and workers. The long-term effects of exposure to security scanners should be regularly monitored and new scientific developments taken into account;
- the travelling public must receive clear and comprehensive information at airports and before travelling on all aspects linked to the use of Security Scanners;

The Commission nevertheless takes note of the ongoing discussion and further possibility for opt-outs, should security scanners be deployed. At the same time, it takes note of the fact that such opt-outs raise issues in relation to security, cost and feasibility that could put the usefulness of a possible deployment in question.

Aviation security with a special focus on security scanners

2010/2154(INI) - 06/07/2011 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on aviation security, with a special focus on security scanners, in response to the Commission Communication on the subject.

Parliament takes the view that an integrated approach to aviation security is needed, with one-stop security so that passengers, luggage and cargo arriving at an EU airport from another EU airport do not need to be screened again. It calls on the Commission and Member States to develop an integrated risk-analysis system for passengers who may with good reason be suspected of being a security threat and for checks on luggage and cargo, based on all available, reliable information, in particular that provided by the police, intelligence services, customs and transport undertakings. It takes the view that the entire system should be informed by the search for effectiveness, and in full compliance with Article 21 of the EU Charter of Fundamental Rights on Non-discrimination and in line with EU legislation on data protection.

Security scanners: Members call on the Commission to propose adding security scanners to the list of authorised screening methods, under the condition that it will be accompanied with appropriate rules and common minimum standards for their use, as set out in this resolution. However, the impact assessment requested by the European Parliament in 2008 must first be carried out. It must demonstrate that the devices do not constitute a risk to passenger health, personal data, the individual dignity and privacy of passengers and the effectiveness of these scanners. Furthermore, security scanners should serve to speed up the pace and tempo of checks at airports and reduce inconvenience to passengers, and the Parliament calls on the Commission to take this aspect into account in its proposed legislation.

Necessity and proportionality: the escalating terrorist threat means that public authorities must take the protective and preventive measures. Members state that the detection performance of security scanners is higher than that offered by current metal detectors, particularly with regard to non-metallic objects and liquids, whilst a full hand-search is more likely to cause more irritation, waste more time and face more opposition than a scanner. Concerns regarding privacy and health can be resolved with the technology and methods available. Members feel, however, that **people undergoing checks should be given a choice** as to whether use security scanners whereby if they refuse, they would be obliged to submit to alternative screening methods that guarantee the same level of effectiveness as security scanners and full respect for their rights and dignity. A refusal should not give rise to any suspicion of the passenger.

Health: Parliament takes the view that **exposure to doses of cumulative ionising radiation cannot be acceptable**, and that any form of technology using ionising radiation should be explicitly excluded from use in security screening. It calls on the Commission to examine the possibility, under the next research framework programme, of using technology that is completely harmless to all members of the public and which at the same time guarantees aviation security. Member States are asked to monitor the long-term effects of exposure to security scanners, taking new scientific developments into account, and to check that the equipment has been correctly installed and is properly used and operated.

Body images: Members feel that **only stick figures should be used** and insists that no body images may be produced. Data generated by the scanning process must not be used for purposes other than that of detecting prohibited objects, may be used only for the amount of time necessary for the screening process, must be destroyed immediately after each person has passed through the security control and may not be stored.

Prohibition of discrimination: Members take the view that the operating rules must ensure that a random process of selection is applied and passengers must not be selected to pass through a security scanner on the basis of discriminatory criteria.

Data protection: as well as using a stick figure to protect passengers' identities, Members stress that the technology used must not have the capacity to store or save data. The use of security scanners must comply with Directive 95/46/EC on the protection of personal data.

Information and treatment of people scanned: Members feel that people undergoing checks should receive comprehensive information in advance, particularly regarding the operation of the scanner concerned, the conditions in place to protect the right to dignity, privacy and data protection and the option of refusing to pass through the scanner. Security staff must receive special training in the use of security scanners in such a way as to respect passengers' fundamental rights, personal dignity, data protection and health.

Financing aviation security: Parliament urges the Council to adopt a position on aviation security charges at first reading, given that legislation on aviation security and legislation on aviation security charges are closely linked. Security charges should be transparent, that they should be used only to cover security costs and that Member States which decide to apply more stringent measures should finance the ensuing additional costs.

Ban on liquids: Parliament reiterates that the ban on carrying liquids should come to an end in 2013, and it invites Member States and airports to ensure that adequate technology is available in good time so that the scheduled end of the ban on carrying liquids does not have the effect of undermining security.

Security measures for cargo: Members recall that 100% scanning of cargo is not practicable. They want Member States to continue their efforts to implement Regulation (EC) No 300/2008, and the corresponding Commission Regulation (EC) No 185/2010, in order to enhance security throughout the entire supply chain. The Commission and Member States are asked to strengthen screening and inspections concerning air cargo, including those relating to the validation of regulated agents for known consignors. Members stress the need to have more inspectors available at national level. They ask the Commission to:

- continue its work on the possible use of customs-related electronic systems for aviation security purposes; in particular by making use of the EU's Import Control System to improve cooperation between customs authorities;
- ensure the safe transport of cargo originating in third countries, starting at the airport of origin, and to lay down criteria for determining high-risk cargo, identifying the responsibility of each of the various agents;
- propose a harmonised system for the initial and further training of security staff in relation to cargo, in order to remain abreast of the latest technical developments in the field of security.

International relations: Parliament calls on the Commission and Member States to promote global regulatory standards within the framework of the ICAO in order to support the efforts made by third countries to implement those standards, move towards the mutual recognition of security measures and pursue the objective of effective one-stop security.

Lastly, Members believe that the comitology procedure is inappropriate in the aviation security sector, at least for measures having an impact on citizens' rights, and calls for Parliament to be fully involved through co decision.