

Brussels, 02/03/2011

C/2011/1120

*Dear President,*

*The Commission would like to thank the Senate of the Parliament of the Czech Republic for its opinion on the Communication from the Commission to the European Parliament and the Council on the use of security scanners at EU airports {COM(2010)311}.*

*In its Communication the Commission indicated that only an EU approach in the use of this equipment could legally ensure both the highest level of aviation security as well as the best possible protection of fundamental rights and health.*

*However, before proposing any legislation in this sector, which could lead to including security scanners in the list of the eligible screening methods, the Commission indicated that it was necessary to further assess the impact of the use of this technology in terms of detection performance, fundamental rights and health.*

*The Commission is therefore currently working on this impact assessment, the outcome of which is foreseen for early 2011. The Commission is basing its evaluation on the testing by technical experts, the results of airport trials undertaken in different Member States and also on international experience.*

*The Commission pays great attention to the analysis of the potential detrimental impact certain security scanner technology may have on fundamental rights protecting privacy or personal data as recognised under:*

- the Charter of Fundamental Rights of the European Union;*
- the European Convention of Human Rights;*
- the Treaty on the Functioning of the European Union; and*
- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such.*

*As regards health, the Commission is basing its evaluation on EU legislation aiming at protecting personal health from both ionising and non-ionising radiation; in addition, the Commission is drawing conclusions from European and international scientific studies.*

*Milan ŠTĚCH  
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of the Parliament of the Czech Republic  
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PRAGUE 1*

*Finally, the possible impact of overall costs for airports, airlines and passengers will also be taken into account.*

*On the basis of the outcome of this analysis, the Commission may decide to propose legislation. Any such proposal is expected to contain strict conditions for the operation of security scanners at EU airports, will take into account existing requirements and seek facilitation for passengers and consolidation of existing procedures instead of duplication of controls.*

*The Commission hopes that these clarifications address in a satisfactory manner the comments raised by the Senate of the Parliament of the Czech Republic.*

*I am looking forward to continuing our policy dialogue in the future.*

*Yours faithfully,*

*/-/ Maroš Šefčovič*