



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

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Opinion

Title **Impact assessment on the possible use of security scanners at EU airports (draft of 3 December 2010)**

(A) Context

When the possibility of introducing security scanners into the list of eligible screening methods and technologies for screening persons was proposed to the Council and the European Parliament in 2008, the latter asked the Commission to carry out an impact assessment addressing fundamental rights issues, scientific and medical aspects of the possible health impacts of scanner technologies, and the economic and commercial costs and benefits. The Commission agreed to provide such an assessment. In the interim the scanners may be used under trial conditions (no longer than 30 months) or as a more stringent security measure. The present impact assessment accompanies a proposal to amend Commission Regulation (EC) 272/2009 to include security scanners on the list of the eligible screening methods and technologies for passengers, and to establish detection performance requirements and the operational conditions applying when using security scanners for passenger screening.

(B) Overall assessment

The IA report requires further work on several important aspects. Firstly, it should present the key problems in a more comprehensive and balanced manner that better reflects the nature of the initiative – to decide whether security scanners can be added to the list of acceptable security screening methods. Secondly, it should reformulate the objectives in line with the refined problem definition by including objectives on health and fundamental rights and should link the objectives more coherently to the identified options. Thirdly, it should ensure that the assessment and comparison of the options appropriately reflects the available evidence. Finally, it should explain the problems encountered in collecting and analysing quantitative evidence.

Given the nature of these concerns, the IAB requests DG Mobility and Transport to submit a revised version of the IA report on which it will issue a new opinion.

(C) Main recommendations for improvement

(1) Present the problems in a more comprehensive and balanced way and clarify underlying drivers and assumptions. The report should explicitly integrate the

concerns related to fundamental rights and human health that have been raised by the European Parliament and other stakeholders with regard to the use of security scanners into the problem definition. It should better explain the different effectiveness/efficiency aspects of screening methods that are relevant in this context (i.e. in terms of security, operational costs for airports, discomfort for passengers etc) and should clarify the importance of trade-offs between these aspects. It should clarify that the baseline scenario refers to a situation under the current legislative framework which rules out the permanent use of scanners, and should justify why the baseline does not take technological development into account as an exogenous factor.

(2) Include objectives on health and fundamental rights. The report should explicitly include the protection of the health of passengers and staff and securing the respect of fundamental rights among its objectives. The objectives section should emphasise the inherent trade-offs between airport efficiency, security, minimisation of health risks and protection of privacy. The arguments concerning the possibility for opt-out by members of the public should be presented in a more balanced way, especially with regard to the claim that opt-out would entail significant additional costs for airports. The key characteristics of all the proposed options should be presented in tabular form to increase transparency. The sections on problem definition, objectives and policy options should reflect a coherent intervention logic.

(3) Present clearer arguments to support the qualifications used in the comparison of options. The report should provide more quantitative estimates concerning the expected costs and benefits of the most relevant options, even if they can only be indicative and illustrative, or should explain why no such estimates can be given. It should clearly state why a full cost-benefit analysis was not possible. It should improve the overview tables for the comparison of options (on pp. 40-42) by integrating the best possible quantitative estimates or illustrative figures. It should either provide more convincing – preferably quantitative - evidence to support the preference in the report's conclusions for option 5 over option 6, or should state that the evidence is inconclusive to support a preference for either one of these. In this context the report could usefully refer to the practice in other jurisdictions where scanners are in use.

(4) Explain the problems encountered in collecting and analysing quantitative evidence. The report should explain in greater detail why only limited data could be found to support the claims in the report with regard to security levels and operational efficiency. It should also clarify to what extent relevant findings from third countries, which could not be presented in the report for reasons of confidentiality and security, have been decisive for the conclusions. It should also address the overall consequences of these data problems for the robustness of the evidence underlying the analysis and conclusions.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report would benefit from a better integration of the results of stakeholder consultation and information from the technical report (Annex II) into the main text to illustrate the arguments. The pages of the Annexes should be numbered, and better cross-references should be given in the IA report. A table of contents should be provided.

(E) IAB scrutiny process	
Reference number	2011/MOVE/031 (comitology)
External expertise used	No
Date of Board Meeting	12 January 2011