



Brussels,  
D(2011)

11 MARS 2011

## Opinion

**Title**                      **Impact assessment on the possible use of security scanners at EU airports**

**(resubmitted draft of 21 February 2011)**

### **(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**

**While the presentation of the analysis has improved along the lines of the recommendations in the Board's first opinion, some aspects should be further improved. Firstly, the report should substantiate claims about the impact of the opt-out possibilities under options 4 and 6 on security levels. Secondly, it should better explain the problems encountered in collecting and analysing quantitative evidence. Finally, it should provide clear references to stakeholder input received in consultation and to relevant information from the technical study (Annex II) throughout the main text of the report, especially in the problem section and the discussion of the options.**

### **(C) Main recommendations for improvement**

**(1) Provide evidence to support the statement that opt-out possibilities would weaken security.** The report should present more convincing – preferably quantitative – evidence to support the statement that opt-out possibilities under options 4 and 6 would

have a negative impact on security levels in view of the necessity (under all options) to keep alternative screening methods available for medical and other exemptions.

**(2) Better explain the problems encountered in collecting and analysing quantitative evidence.** The report should explain more clearly why only limited data could be found to support the claims in the report with regard to security levels and operational efficiency. It should 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. The report should explain the overall consequences of these data problems for the robustness of the evidence underlying the analysis and conclusions.

**(3) Better integrate the results of stakeholder consultation and information from the technical report.** The report should more clearly present stakeholder views on the different aspects of the problem and on the options throughout the main text, in particular of passengers, crews and security personnel who will experience radiation exposure and/or concerns about privacy. Relevant information from the technical report (Annex II) should also be referred to more explicitly in support of the claims in the report with regard to security levels and operational efficiency.

*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 presentation of the report has improved. The annexes should be included in the table of contents.

#### **(E) IAB scrutiny process**

Reference number	2011/MOVE/031 (comitology)
External expertise used	No
Date of Board Meeting	Written procedure (The IAB issued an opinion on an earlier version of this report on 14 January 2011)