



Home Affairs Committee

News Release

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Attn: News Desks, Political, Home Affairs Correspondents

PUBLICATION OF REPORT

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“E-BORDERS” PROJECT TO DIGITISE IMMIGRATION CONTROL “WILL BE ILLEGAL IN EU” SAYS COMMITTEE

In a report released today, Friday 18 December 2009 the Commons Home Affairs Committee comments on the UK’s ‘e-Borders programme’, the project to gather information electronically on all travellers entering or leaving the UK. The Committee highlights a number of practical difficulties with the programme — despite progress in certain areas — but says the main problem is that the compulsory gathering of such information may be illegal on intra-EU routes under the EU treaty.

An EU Member State cannot impose any requirement other than simple production of a valid identity document on an EU citizen other than in exceptional circumstances. The Committee says UKBA is imposing expensive requirements on the private transport sector for the e-borders programme, in the name of urgent public good, without apparently having ascertained that the programme requirements are lawful. There are also problems with complying with national data protection laws, for example in Germany. The Committee says it has “seen no proof that UKBA’s predecessors held serious talks with the European Commission about this” and UKBA must now urgently seek an authoritative opinion from the European Commission on this issue. It must also make it a priority to discuss all the national-level data protection problems with the relevant bodies. UKBA must report the results of these discussions to the Committee by the end of February at the latest, and in the meantime, any proposals to extend ‘go live’ to further intra-EU routes must be put on hold.

Chairman of the Committee Rt Hon Keith Vaz said:

“The ins and outs of the technical problems are one thing – UKBA has made some progress in some areas, particularly with the airlines after our intervention, but seems to be having greater problems co-ordinating with the way some of the other modes of transport in and out of the UK work.”

“But the major stumbling block, and a very disappointing oversight, is that we are sure that what the programme requires will be illegal under the EU Treaty. The programme is intended to cost the taxpayer £1.2 billion and may be illegal. It is shocking that money has already been spent on a programme which could never be implemented.”

“This programme is supposed to cover tens of millions of passengers intra-EU account for a very significant chunk of travel in and out of the UK. Until this legality is resolved

UKBA must just halt any further work to “go live” on intra-EU routes. We cannot have another massive IT project which flounders or is even abandoned at huge cost to the taxpayer, it is simply unacceptable.”

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Notes to editors:

The Committee membership is as follows:

Rt Hon Keith Vaz (Chairman) (Lab) (<i>Leicester East</i>)	
Tom Brake (Lib Dem) (<i>Carshalton & Wallington</i>)	Margaret Moran (Lab) (<i>Luton South</i>)
Mr James Clappison (Con) (<i>Hertsmere</i>)	Mr Gwyn Prosser (Lab) (<i>Dover</i>)
Mrs Ann Cryer (Lab) (<i>Keighley</i>)	Bob Russell (Lib Dem) (<i>Colchester</i>)
Mr David T. C. Davies (Con) (<i>Monmouth</i>)	Martin Salter (Lab) (<i>Reading West</i>)
Mrs Janet Dean (Lab) (<i>Burton</i>)	Mr Gary Streeter (Con) (<i>South West Devon</i>)
Mr Khalid Mahmood (Lab) (<i>Birmingham Perry Barr</i>)	Mr David Winnick (Lab) (<i>Walsall North</i>)
Patrick Mercer (Con) (<i>Newark</i>)	

FURTHER INFORMATION:

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