

**President.** — I call Mr Normanton.

**Mr Normanton.** — I had not intended to participate in the debate but during the presentation of the report I could not help thinking that the time has long arrived when the world, let alone Europe, should do something about this ridiculous procedure by which the air over Europe is full of alcohol and tobacco transported for the purpose of avoiding customs duties. Duty-free transport of these goods by air is nonsense. Somehow and some time the Commission on behalf of the Community should take the initiative in world circles to bring this costly idiocy to an end.

*(Laughter and applause)*

**President.** — I call Mr Brunner.

**Mr Brunner,** *member of the Commission of the Communities.* — (D) Mr President, for one moment I was afraid we were already having to deal with environmental problems; but this is a matter of air transport, not air pollution.

We shall gladly comply with these requests, Mr President. The rapporteur has presented the complex material we have to deal with in an exemplary manner. I can say on behalf of the Commission that we can certainly agree to the modification relating to tobacco. As we have said, we are trying into this new regulation to treat consignments from third countries in the same way as those from Member States. We have also adopted the same principles: they must be consignments between private individuals and they must have less than a certain value.

I do not wish to detain you any longer. I should just like to say once again that we are very grateful to the committee for its work and can accept the proposed modification.

**President.** — Thank you, Mr Brunner.

I put to the vote the motion for a resolution relating to the directive.

The resolution is adopted.<sup>1</sup>

I put to the vote the motion for a resolution relating to the regulation.

The resolution is adopted.<sup>2</sup>

#### 6. *Protection of the individual's rights with regard to automatic data-processing*

**President.** — The next item on the agenda is the interim report drawn up by Lord Mansfield

on behalf of the Legal Affairs Committee on the protection of the rights of the individual in the face of developing technical progress in the field of automatic data-processing (Doc. 487/74).

I call Lord Mansfield.

**Lord Mansfield,** *rapporteur.* — I would like to begin on a personal note. It is appropriate, and my desire, to thank the President and others who have made it possible for me to present the report at this part-session immediately prior to my resignation from the European Parliament. In the ordinary course of events, this report would have been discussed in a month or so, and it is only due to the kindness of those behind the scenes who have helped me to put the report together, have translated it and put it in a form in which it could be distributed, that it is possible for us to discuss it today.

Those who have read the report will appreciate that this chance to set up a special committee is an exciting opportunity for the European Parliament to broaden its influence and powers. The Commission has, in effect, invited the co-operation of Parliament, as the democratic organ of the Community, to use its expertise and political knowledge to join the Commission in the preparation of a directive which in the end will have basic constitutional importance in that it will seek to establish common Community measures for the protection of the rights of individual citizens in a field which will in future affect each of us to an increasing degree.

Perhaps I can put the matter in a different way when I say that, for the first time, as far as I am aware, Parliament is being asked to prepare a directive, or at least help to draft it, instead of being consulted about a directive which is already in existence in draft form and then asked to approve it. It is right to say that this new procedure is being established in full awareness of the political significance it represents, and this opportunity is a challenge to Parliament which it cannot ignore. A full-hearted response will go far to widen the influence of the Parliament and at the same time to disarm those critics who complain that it is a powerless talking-shop and that little attention is paid to the needs and rights of the individual citizen in the Community.

The protection of the rights of the individual is becoming increasingly urgent and important. In this context, privacy as it affects individuals may be defined as the claim of individuals to determine for themselves when, how and to what extent information about them is conveyed to others.

<sup>1</sup> OJ No C 60 of 13. 3. 1975.

**Lord Mansfield**

The right of privacy so far as it is affected by automatic data processing is being continuously eroded by the advance of techniques unheard of a few years ago. At the same time, urgent measures by the Community and this Parliament are essential if common grounds are to be established before the Member States of the Community enact their own, probably conflicting, national legislation which will require to be harmonized at a later stage.

Perhaps I can define the terms and phrases which are contained in the report. There have been language and translation difficulties, which caused problems in the Legal Affairs Committee. The French word *informatique* does not, I understand, completely reflect the English phrase 'automatic data processing', which is used for any form of processing of information performed by automatic equipment.

Two other terms caused problems in the Legal Affairs Committee. The first was 'data bank'. I should make it clear that we are not really concerned with information stored by banks in the financial sense. A data bank is a comprehensive store or file of information, but it may be information or material which is nothing to do with the world of finance or with any financial institution.

Curiously enough, the second word which is causing difficulty is 'committee'. Following the recommendation of the enlarged Bureau, this motion for a resolution seeks to establish a working party which, under Rule 37 of the Rules of Procedure, is a committee of this Parliament, although of a temporary and special nature. The committee will have the powers defined in the motion for a resolution, it will have the right to hold public meetings under Rule 40, and it will have the right and duty to report directly to Parliament under Rule 42.

Before I conclude, I should like to explain how these matters have progressed and culminated in this motion for a resolution before the House today. I do not need to expound at length on the amazingly quick growth of data processing throughout the world. Nor do I need to spell out in detail the problems which automatic data processing have brought to the individual citizen. There are abuses both in the private and in governmental sectors which make it imperative to regulate the gathering, storage and dissemination of electronically stored information.

However, such regulation and control poses real problems, in that there are many legal and technical questions to be answered. How far may a state or government, in order to conduct its affairs in an orderly manner for the greatest

good of the greatest number, store and release information about its citizens which may reflect badly on them? If a man is slow to pay his debts, how far should that information be circulated to warn other commercial undertakings which he may later ask to give him credit? What are the technical safeguards which operators of data storage banks should employ to ensure that material stored should not fall into the wrong hands? Should there be regulations to inform a citizen about whom material is gathered and stored, so that he is entitled to challenge the accuracy of the information and, moreover, to have it changed when his circumstances alter? There is, therefore, a substantial amount of work to be done.

The committee comes into being by virtue of one paragraph in the Commission's proposal to the Council on Community data processing policy. The proposed directive goes into the whole matter of computers and not so much into the narrower field with which we are concerned today. Paragraph 39 of that document to the Commission wisely pointed out the dangers and went on to say:

'In view of its basic constitutional importance the Commission believes that public hearings on the matter are desirable.'

It was as a result of that paragraph that conversations took place between the Commission and Parliament, and it was decided, again with great wisdom, by the Commission that Parliament, although it does not have the financial resources to do this work on its own, should, as the democratic arm of the Community, set up the whole framework and machinery. There is substantial work to be done. Much expertise exists inside and outside the Community, especially in America. Those who take part in the working party will have to be prepared to spend quite a long time before eventually making their report. I say that in the full knowledge that valuable assistance is likely to be afforded from the professional and commercial interests involved, from experts in the OECD, the Council of Europe, the Commission, and not least from individual Community citizens and institutions.

Therefore, I beg to commend this report in what is, in effect, my swan song in the European Parliament. My only regret is that I personally shall not have an opportunity to participate in Parliament's work in the future.

(Applause)

**President.** — I call Mr Broeks to speak on behalf of the Socialist Group.

**Mr Broeksz.** — (NL) Mr President, we have too often heard this Parliament being stamped as a gathering of technocrats. It is therefore particularly fortunate that we have two items on the agenda today which affect every inhabitant of the Nine Member States directly, the Notenboom report on a matter that concerns or may concern pretty well everyone, and Lord Mansfield's report.

I will begin by congratulating Lord Mansfield on so important a report, which is also his swan song. The Legal Affairs Committee regrets the fact that he is leaving us, since he has done so much important work in our Parliament.

I cannot say that this report, which is in itself so important, came about in our committee without difficulty. There were various reasons for this. Everyone agrees with the principle involved. Everywhere there is concern to a greater or lesser extent about what is happening to our personal freedom and privacy due to the existence of these data banks, which are sprouting up all over the place in the nine Member States, some of which do not have any clear legislation in this respect. In others relevant legislation exists or is being prepared. It is, however, extremely important for such legislation to be enacted in the whole of the Community.

Why did we discuss this report at some length? Not because it proposes the setting up of a committee. The enlarged Bureau had already requested this. The report is in fact rather distinctive in two ways. Firstly, we have here the first example—I agree with Lord Mansfield on this—of cooperation between the Commission and Parliament in the drafting of a directive. We find it particularly pleasant that this time we can have our voice heard before the directive comes into being rather than after the event.

Secondly, it is not exactly clear what the intention of Rule 37 is. Rule 37 of our Rules of Procedure of course gives us the right to set up standing or temporary, general or special committees, whose powers are determined by Parliament. It is less clear, however, whether this committee of nine members, when it is set up, must also have a chairman and one, two or three vice-chairmen. I assume that in this case one vice-chairman will be enough, but the Bureau has not yet decided this. Nor is it immediately clear what will happen with the report drawn up by this committee. I assume that reports are generally submitted to Parliament. Will that also be the case here, or is the proposed committee more or less regarded as a sub-committee of the Legal Affairs Committee, and will the report therefore be referred back to the Legal Affairs Committee?

Mr President, I am not saying that I want the report to be referred back to the Legal Affairs Committee; I want to point out that this is a problem that should be looked into once again by the enlarged Bureau and on which a decision will have to be taken in due course. For us the main thing is that the proposed committee be set up. This idea has the heartfelt support of my group; it also underlines the objective set out in Lord Mansfield's report. We will take part in this work with great interest and already know that it is important for the people of all nine Member States.

I am not only grateful that Lord Mansfield has been given the opportunity to present his report at so early a date; we also consider it important for it to be adopted by Parliament as quickly as possible. As soon as it is adopted, the special committee can get to work and have its report ready all the sooner. In many quarters there is considerable concern about this matter, and many realize the importance of protecting privacy. The sooner this report appears, therefore, the better. Perhaps we have now gained two months. If that is so, I am particularly glad. (Applause)

**President.** — I call Mr Brunner

**Mr Brunner**, member of the Commission of the European Communities. — It is fitting that, after a Conservative and Socialist, a Liberal should take part in the debate, although from a slightly different angle. I will try to do this in English. I hope I will not provide unwittingly the only good reason Britain might have to move out of the Community: namely, the slow erosion of the English language through its use by foreigners.

The Commission thanks Lord Mansfield for his report. It represents a very important step and touches upon a major problem.

As our Community grows, we develop new common areas, we have new directives, and we affect the rights of the individual in Europe. At the same time, it is necessary that we establish a degree of protection of these individual rights, that we develop a system such as has been developed in Europe for protection in recent centuries and that we manage to enlarge the areas of rights of citizens all over Europe. This is a question of transferring the idea of division of powers to a wider common area in the course of the process towards European unity. Here both the Commission and Parliament have a responsibility.

It is very important that the average citizen in Europe should have the feeling that we are

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keeping these areas in mind, we are doing something about the question and in due course his rights will be adequately protected not only by the national states but also in the Community.

This is only a beginning. It is especially important that we act in good time when dealing with data. We are at a point where entire data systems can be transferred from one country to another. We are at a point where the civil liberties of citizens in this regard can be threatened by the handling and mishandling of these systems.

We should work hard because time is pressing. We should try as quickly as possible to come to an understanding also about the way in which to set up the necessary mechanisms to proceed with our work.

The opinions of both Lord Mansfield and Mr Broeks are very fitting in this connection. The Commission welcomes this move of Parliament. *(Applause)*

**President.** — Thank you, Mr Brunner.

I put the motion for a resolution to the vote.

The resolution is adopted.<sup>1</sup>

7. *Directive on certain dangerous substances and preparations*

**President.** — The next item on the agenda is a debate on the report drawn up by Mr Walkhoff on behalf of the Committee on Public Health and the Environment on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States restricting the marketing and use of certain dangerous substances and preparations (Doc. 394/74).

I call Mr Walkhoff, who has asked to present his report.

**Mr Walkhoff, rapporteur.** — *(D)* Mr President, ladies and gentlemen, the Commission's proposal for a directive restricting the marketing and use of certain dangerous substances and preparations was discussed a length in the Committee on Public Health and the Environment. The outcome of our discussion is presented in my report. The Commission's proposal had become necessary, because the earlier directive on the classification, packaging and labelling of dangerous substances had proved inadequate to

protect human health and the environment or to ensure the free movement of goods.

Even the proposal we are considering is only a beginning, because the annex to the directive which is supposed to list the substances concerned actually names only one, PCBs. The Commission justifies this by saying that most of the substances in respect of which restrictions are probably necessary cannot be included in the annex as yet because there is not enough scientific data available.

In its motion for a resolution the Committee on Public Health and the Environment therefore requests the Commission to examine as soon as possible other dangerous substances and preparations and, where appropriate, to include them in the annex to the directive.

On the positive side, the motion for a resolution stresses that the Commission has drawn up this proposed directive with a view to total harmonization, which is very important from the point of view of public health and environmental protection. I wish to point out, however—and the committee has referred to this in the motion for a resolution—that there is a loophole in the Commission's draft which makes it possible to get round the regulations. This is because there is no rule that products intended for export to third countries must be specially labelled. It is essential to make it impossible to evade the directive by manufacturing and storing products not really intended for third countries.

After the discussion in committee the Commission's representative finally agreed to our request, which will make for more effective control and is therefore important for the application of the directive.

On behalf of the Committee on Public Health and the Environment I should like to thank the Commission for its agreement and ask it to confirm it once again today in the House.

I shall, if I may, confine myself to these main points. I thank the Commission for submitting the proposal for a directive in good time. This directive is one more important fragment in our overall design for the protection of the consumer, public health and the environment. Honourable Members, I ask you to approve the motion for a resolution tabled by the Committee on Public Health and the Environment.

*(Applause)*

**President.** — I call Mrs Fenner.

**Mrs Fenner.** — I wish to add my support for this measure and also to seek one point of clarification.

<sup>1</sup> OJ No C 60 of 13. 3. 1975.