

AMENDMENT 51

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

Report**A6-0365/2005****Alexander Nuno Alvaro**

Data retention

Proposal for a directive (COM(2005)0438 – C6-0293/2005 – 2005/0182(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 51
RECITAL 7

(7) The Conclusions of the Justice and Home Affairs Council of 20 September 2001 call for ensuring that law enforcement authorities are able to investigate criminal acts which involve the use of electronic communications and to take legal measures against perpetrators of these crimes, while striking a balance between the protection of personal data and the needs of law enforcement authorities to gain access to data for criminal investigation purposes.

deleted

Or. en

AMENDMENT 52

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

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Text proposed by the Commission

Amendment by Parliament

Amendment 52
RECITAL 9 a (new)

(9a) Under Article 8 of the European Convention of Human Rights, everyone has the right to respect for his private life and his correspondence. Interference by a public authority with the exercise of that right may only be made in accordance with the law and if it is necessary in a democratic society, inter alia, in the interests of national security, public safety, for the prevention of disorder or crime, or for the protection of the rights and freedoms of others. Because retention of data has proven to be such a necessary and effective investigative tool for law enforcement in investigations in several Member States and in particular into serious cases such as organized crime and terrorism, it is therefore necessary to ensure availability of retained data to law enforcement for a certain period of time under the conditions provided for in the present Directive. The adoption of an instrument on data retention is therefore a necessary measure in accordance with the requirements of Article 8 of the European Convention of Human Rights.

Or. en

AMENDMENT 53

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

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Text proposed by the Commission

Amendment by Parliament

Amendment 53
RECITAL 10

(10) The declaration adopted by the *special informal* Council of 13 July 2005 reinforces the need to adopt measures related to the retention of electronic communications traffic data as soon as possible.

(10) The declaration adopted by the Council *on* 13 July 2005 reinforces the need to adopt *common* measures related to the retention of electronic communications traffic data as soon as possible.

Or. en

AMENDMENT 54

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

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Proposal for a directive (COM(2005)0438 – C6-0293/2005 – 2005/0182(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 54
RECITAL 11

(11) Given the importance of traffic data for the ***prevention***, investigation, detection, and prosecution of ***serious*** criminal offences, ***such as terrorism and organised crime***, as demonstrated by research and the practical experience of several Member States, there is a need to ensure that data which are processed by electronic communication providers when offering public electronic communication services or public communication networks are retained for a certain period of time.

(11) Given the importance of traffic data for the investigation, detection, and prosecution of criminal offences, as demonstrated by research and the practical experience of several Member States, there is a need to ensure ***at a European level*** that data which are processed by electronic communication providers when offering public electronic communication services or public communication networks are retained for a certain period of time ***under the conditions provided for in the present Directive***.

Or. en

AMENDMENT 55

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

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Proposal for a directive (COM(2005)0438 – C6-0293/2005 – 2005/0182(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 55
RECITAL 12

(12) The categories of information to be retained reflect an appropriate balance between the benefits for the prevention, investigation, detection, and prosecution of the serious offences involved and the level of invasion of privacy they will cause; the applicable retention period of one year, respectively six months where data relate to electronic communications taking place using solely the Internet Protocol, also strikes a reasonable balance between all the interests involved.

deleted

Or. en

AMENDMENT 56

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

Report

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Proposal for a directive (COM(2005)0438 – C6-0293/2005 – 2005/0182(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 56
RECITAL 12 a (new)

(12a) Article 15(1) of Directive 2002/58/EC would continue to apply in relation to data, including data related to unsuccessful call attempts, which are not specifically required to be retained under the present Directive and therefore fall outside the scope of this Directive, and for retention for purposes, including judicial purposes, other than that covered by this Directive.

Or. en

AMENDMENT 57

by Martine Roure and Wolfgang Kreissl-Dörfler, on behalf of the PSE Group, Ewa Klamt and Herbert Reul, on behalf of the PPE-DE Group

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Proposal for a directive (COM(2005)0438 – C6-0293/2005 – 2005/0182(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 57
RECITAL 13

(13) Given the fact that retention of data generates significant additional costs for electronic communications providers, whilst the benefits in terms of public security impact on society in general, it is appropriate to foresee that Member States reimburse demonstrated additional costs incurred in order to comply with the obligations imposed on them as a consequence of this Directive.

(13) This Directive relates only to data generated or processed as a consequence of a communication or a communication service and does not relate to data that is the content of the information communicated. Retention of data should be done in a way avoiding data to be retained more than once. Generating or processing data, when supplying the communications services concerned (Article 3), refers to data which is accessible. In particular when retaining data related to Internet e-mail and Internet Telephony, the scope may be limited to the providers' own services or the network providers'.

Or. en