

AMENDMENT 71

by Martine Roure and Wolfgang Kreissl-Dörfler on behalf of the PSE Group and
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 71

ARTICLE 2, PARAGRAPH 2, POINT (B B) (new)

*(bb) "User ID" means an unique identifier
allocated to a person as they subscribe or
register to an Internet Access Service or
Internet Communication Service;*

Or. en

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Text proposed by the Commission

Amendment by Parliament

Amendment 72

ARTICLE 2, PARAGRAPH 2, POINT (B C) (new)

*(bc) "Cell ID" means the identity of the cell
from which a mobile telephony call
originated or in which it terminated;*

Or. en

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Text proposed by the Commission

Amendment by Parliament

Amendment 73

ARTICLE 2, PARAGRAPH 2, POINT (B D) (new)

(bd) "unsuccessful call attempt" means a communication where a telephone call has been successfully connected but is unanswered or there has been a network management intervention;

Or. en

AMENDMENT 74

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Text proposed by the Commission

Amendment by Parliament

Amendment 74

ARTICLE 3, PARAGRAPH 1

1. By way of derogation to Articles 5, 6 and 9 of Directive 2002/58/EC, Member States shall adopt measures to ensure that data *which are* generated or processed by providers of publicly available electronic communications services or of a public communications network within their jurisdiction in the process of supplying communication services are retained in accordance with the provisions of this Directive.

1. By way of derogation to Articles 5, 6 and 9 of Directive 2002/58/EC, Member States shall adopt measures to ensure that *the data specified in Article 4, to the extent it is* generated or processed by providers of publicly available electronic communications services or of a public communications network within their jurisdiction in the process of supplying *the* communication services *concerned*, are retained in accordance with the provisions of this Directive.

Or. en

AMENDMENT 75

by Martine Roure and Wolfgang Kreissl-Dörfler on behalf of the PSE Group and
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Text proposed by the Commission

Amendment by Parliament

Amendment 75

ARTICLE 3, PARAGRAPH 2

2. Member States shall adopt measures to ensure that data retained in accordance with this Directive are only provided to the competent national authorities, in specific cases and in accordance with national legislation, for the purpose of the prevention, investigation, detection and prosecution of serious criminal offences, such as terrorism and organised crime.

2. This shall include the retention of data specified in Article 4 in relation to unsuccessful call attempts where that data is generated or processed and stored (as regards telephony data) or logged (as regards Internet data) by providers of publicly available electronic communications services or of a public communications network within their jurisdiction in the process of supplying the communication services concerned. This Directive shall not require the retention of data in relation to unconnected calls.

Or. en

AMENDMENT 76

by Martine Roure and Wolfgang Kreissl-Dörfler on behalf of the PSE Group and
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Text proposed by the Commission

Amendment by Parliament

Amendment 76
ARTICLE 3 A (new)

*Article 3a**Access to data*

Member States shall adopt measures to ensure that data retained in accordance with this Directive are only provided to the competent national authorities, in specific cases and in accordance with national legislation. The process to be followed and the conditions to be fulfilled in order to get access to retained data in accordance with necessity and proportionality requirements shall be defined by each Member State in national law, subject to relevant provisions of Union law or public international law, in particular the European Convention on Human Rights, as interpreted by the European Court of Human Rights.

Or. en

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by Martine Roure and Wolfgang Kreissl-Dörfler on behalf of the PSE Group and
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Text proposed by the Commission

Amendment by Parliament

Amendment 77

ARTICLE 4, PARAGRAPH 1, POINTS (A) TO (F), AND PARAGRAPH 2

(a) data necessary to trace and identify the
source of a communication;

(a) data necessary to trace and identify the
source of a communication:

***(1) Concerning Fixed Network
Telephony and Mobile Telephony***

(a) The calling telephone number;

***(b) Name and address of the
subscriber or registered user;***

***(2) Concerning Internet Access,
Internet e-mail and Internet telephony:***

(a) The User ID(s) allocated.

***(b) The User ID and telephone
number allocated to any
communication entering the public
telephone network.***

***(c) Name and address of the
subscriber or registered user to
whom an Internet Protocol (IP)
address, User ID or telephone
number was allocated at the time of
the communication.***

(b) data necessary to ***trace and*** identify the
destination of a communication;

(b) data necessary to identify the destination
of a communication:

***(1) Concerning Fixed Network
Telephony and Mobile Telephony:***

(a) The number(s) dialled (the called telephone number or numbers), and in cases involving supplementary services such as call forwarding or call transfer, the number or numbers to which the call is routed.

(b) Name(s) and address(es) of the subscriber(s) or registered user(s).

(2) Concerning Internet e-mail and Internet telephony:

(a) The User ID or telephone number of the intended recipient(s) of an Internet telephony call.

(b) Name(s) and address(es) of the subscriber(s) or registered user(s) and User ID of the intended recipient of the communication.

(c) data necessary to identify the date, time and duration of a communication;

(c) data necessary to identify the date, time and duration of a communication:

(1) Concerning Fixed Network Telephony and Mobile Telephony:

(a) The date and time of the start and end of the communication.

(2) Concerning Internet Access, Internet e-mail and Internet telephony:

(a) The date and time of the log-in and log-off of the Internet Access service based on a certain time zone, together with the IP address, whether dynamic or static, allocated by the Internet Access Service provider to a communication, and the User ID of the subscriber or registered user.

(b) The date and time of the log-in and log-off of the Internet e-mail service or Internet telephony service based on a certain time zone.

(d) data necessary to identify the type of communication;

(d) data necessary to identify the type of communication:

(e) data necessary to identify *the communication device* or what purports to be *the communication device*;

(f) data necessary to identify the location of

(1) Concerning Fixed Network Telephony and Mobile Telephony:

(2) Concerning Internet e-mail and Internet telephony:

(a) The Internet service used.

(e) data necessary to identify *users' communication equipment* or what purports to be *their equipment*:

(1) Concerning Fixed Network Telephony

(a) The calling and called telephone numbers.

(2) Concerning Mobile Telephony

(a) The calling and called telephone numbers.

(b) The International Mobile Subscriber Identity (IMSI) of the calling party.

(c) The International Mobile Equipment Identity (IMEI) of the calling party.

(d) The International Mobile Subscriber Identity (IMSI) of the called party.

(e) The International Mobile Equipment Identity (IMEI) of the called party.

(f) In case of pre-paid anonymous services, the date and time of the initial activation of the service and the location label (Cell ID) from which the activation was made.

(3) Concerning Internet Access, Internet e-mail and Internet telephony:

(a) The calling telephone number for dial-up access;

(b) The digital subscriber line (DSL) or other end point of the originator of the communication.

(f) data necessary to identify the location of

mobile communication equipment.

The types of data to be retained under the abovementioned categories of data are specified in the Annex.

mobile communication equipment:

(1) The location label (Cell ID) at the start of the communication.

(2) Data identifying the geographic location of cells by reference to their location labels (Cell ID) during the period for which communications data is retained.

Or. en

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A6-0365/78

AMENDMENT 78

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Text proposed by the Commission

Amendment by Parliament

Amendment 78

ARTICLE 4, PARAGRAPH 2 A (new)

*2a. No data revealing the content of the
communication can be retained pursuant to
this Directive.*

Or. en

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A6-0365/79

AMENDMENT 79

by Martine Roure and Wolfgang Kreissl-Dörfler on behalf of the PSE Group and
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Text proposed by the Commission

Amendment by Parliament

Amendment 79
ARTICLE 5

Article 5

Revision of the annex

deleted

*The Annex shall be revised on a regular
basis as necessary in accordance with the
procedure referred to in Article 6(2).*

Or. en

AMENDMENT 80

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Text proposed by the Commission

Amendment by Parliament

Amendment 80
ARTICLE 6

*Article 6**Committee**deleted*

1. The Commission shall be assisted by a Committee composed of representatives of the Member States and chaired by the representative of the Commission.

2. Where reference is made to this paragraph, Article 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.

Or. en

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A6-0365/81

AMENDMENT 81

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Text proposed by the Commission

Amendment by Parliament

Amendment 81

ARTICLE 7

Member States shall ensure that the categories of data referred to in Article 4 are retained for *a period of one year* from the date of the communication, *with the exception of data related to electronic communications taking place using wholly or mainly the Internet Protocol. The latter shall be retained for a period of six months.*

Member States shall ensure that the categories of data referred to in Article 4 are retained for *periods of not less than 6 months and for a maximum of two years* from the date of the communication.

Or. en