

5.3.2014

A7-0103/139

Amendment 139

Carl Schlyter

on behalf of the Verts/ALE Group

Report

A7-0103/2014

Andreas Schwab

High common level of network and information security across the Union
COM(2013)0048 – C7-0035/2013 – 2013/0027(COD)

Proposal for a directive

Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

Protection and processing of personal data

- 1. Any processing of personal data in the Member States pursuant to this Directive shall be carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.***
- 2. Any processing of personal data by the Commission and ENISA pursuant to this Regulation shall be carried out in accordance with Regulation (EC) No 45/2001.***
- 3. Any processing of personal data by the European CyberCrime Centre within Europol for the purposes of this Directive shall be carried out pursuant to Decision 2009/371/JHA.***
- 4. The processing of personal data shall be fair and lawful and strictly limited to the minimum data needed for the purposes for which they are processed. They shall be kept in a form which permits the identification of data subjects for no longer than necessary for the purpose for which the personal data are processed.***

5. Incident notifications referred to in Article 14 shall be without prejudice to the provisions and obligations regarding personal data breach notifications set out in Article 4 of Directive 2002/58/EC and in Regulation (EU) No 611/2013.

6. References to Directive 95/46/EC shall be construed as references to the Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), once it enters in force.

Or. en

Justification

This AM (LIBE48) replaces IMCO43 and is an additional subpara (subpara 6) and makes clear that Directive 95/46/EC is currently under revision and will be replaced by the General Data Protection Regulation

5.3.2014

A7-0103/140

Amendment 140

Carl Schlyter

on behalf of the Verts/ALE Group

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High common level of network and information security across the Union
COM(2013)0048 – C7-0035/2013 – 2013/0027(COD)

Proposal for a directive

Article 13

Text proposed by the Commission

Amendment

Without prejudice to the possibility for the cooperation network to have informal international cooperation, the Union may conclude international agreements with third countries or international organisations allowing and organizing their participation in some activities of the cooperation network. Such agreement shall **take into account the need to ensure adequate** protection of the personal data circulating on the cooperation network.

Without prejudice to the possibility for the cooperation network to have informal international cooperation, the Union may conclude international agreements with third countries or international organisations allowing and organizing their participation in some activities of the cooperation network. Such agreement shall **only be concluded if a level of** protection of the personal data circulating on the cooperation network **can be ensured which is adequate and comparable to that of the Union.**

Or. en

Justification

This AM (LIBE 41) replaces IMCO AM94. Data circulated in the cooperation network must be adequately protected, comparable with protection provided by the EU aquis.

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A7-0103/141

Amendment 141

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Andreas Schwab

High common level of network and information security across the Union
COM(2013)0048 – C7-0035/2013 – 2013/0027(COD)

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Commercial software producers shall be held responsible despite non-liability clauses in users' agreements in the event of gross negligence regarding safety and security.

Or. en

Justification

In the license agreement, commercial software producers absolve themselves from all liability that may arise due to a poor security mind-set and inferior programming. To promote the software producers to invest in security measures, a different culture is required. It can only be realised if the software producers are held responsible for major shortcomings in security.

5.3.2014

A7-0103/142

Amendment 142

Carl Schlyter

on behalf of the Verts/ALE Group

Report

A7-0103/2014

Andreas Schwab

High common level of network and information security across the Union
COM(2013)0048 – C7-0035/2013 – 2013/0027(COD)

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. The requirements under paragraphs 1 and 2 apply to all market operators providing services within the European Union.

3. The requirements under paragraphs 1 and 2 apply to all market operators **and software producers** providing services within the European Union.

Or. en

Justification

Retabling of LIBE AM44. Software producers should also be subject to the provisions of this Article (Security requirements and incident notification)