



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2011/0023(COD)

20.4.2015

AMENDMENTS

48 - 329

Draft report
Timothy Kirkhope
(PE549.223v01-00)

on the proposal for a directive of the European Parliament and of the Council
on the use of Passenger Name Record data for the prevention, detection,
investigation and prosecution of terrorist offences and serious crime

Proposal for a directive
(COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))

AM\1058388EN.doc

PE554.742v02-00

EN

United in diversity

EN

Amendment 48
Jan Philipp Albrecht

Draft legislative resolution
Paragraph 1

Proposal for a rejection

1. Adopts its position at first reading hereinafter set out;

1. Rejects the Commission proposal;

Or. en

Justification

The Commission has still not produced evidence for the necessity and proportionality of an EU PNR scheme. The Article 29 Working Party, the European Data Protection Supervisor, the Fundamental Rights Agency are not convinced either and oppose such a measure. See also Recital 4a (new) on the data retention judgement of the CJEU.

Amendment 49
Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft legislative resolution
Paragraph 1

Draft legislative resolution

Amendment

1. Adopts its position at first reading hereinafter set out;

1. Rejects the Commission proposal;

Or. en

Amendment 50
Marine Le Pen, Edouard Ferrand, Gilles Lebreton

Draft legislative resolution
Paragraph 1

Draft legislative resolution

Amendment

1. Adopts its position at first reading,

1. Rejects the proposal for a directive;

taking over the Commission proposal;

Or. fr

Amendment 51

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Michał Boni, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Rachida Dati, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Draft legislative resolution
Citation 5 a (new)

Draft legislative resolution

Amendment

- having regard to the European Parliament resolution of 11 February 2015 on anti-terrorism measures (2015/2530(RSP)),

Or. en

Amendment 52

Marine Le Pen, Edouard Ferrand, Gilles Lebreton

Draft legislative resolution
Paragraph 2

Draft legislative resolution

Amendment

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

2. Favours a targeted and more effective approach, geared to high-risk groups, rather than one based on regarding all passengers as potential terrorists or criminals;

Or. fr

Amendment 53

Marine Le Pen, Edouard Ferrand, Gilles Lebreton

Draft legislative resolution
Paragraph 2 a (new)

Draft legislative resolution

Amendment

2a. Emphasises that the fight against terrorism and organised crime is being hampered by the Schengen Convention, which rules out the performance of checks at internal borders, and by the inadequacy of the checks carried out at external borders;

Or. fr

Amendment 54
Marine Le Pen, Edouard Ferrand, Gilles Lebreton

Draft legislative resolution
Paragraph 2 b (new)

Draft legislative resolution

Amendment

2b. Takes the view that across-the-board gathering of PNR data is not consistent with the principles of data protection and passenger privacy;

Or. fr

Amendment 55
Marine Le Pen, Edouard Ferrand, Gilles Lebreton

Draft legislative resolution
Paragraph 2 c (new)

Draft legislative resolution

Amendment

2c. Is opposed to the transfer of PNR data to third countries, and expresses concern at the use third countries may make of such data;

Amendment 56

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious crime

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
certain types of serious transnational
crime

Or. en

Amendment 57

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious crime

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious *transnational* crime

Or. en

Amendment 58

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck, Filiz Hyusmenova, Gérard Deprez, Petr Ježek

Proposal for a directive
Title 1

Text proposed by the Commission

Proposal for a
**DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious crime

Amendment

Proposal for a
**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious **transnational** crime
*(If adopted, changes apply throughout the
text.)*

Or. en

Justification

Change of the legal instrument from a directive to a regulation.

Amendment 59
Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive
Title 1

Text proposed by the Commission

Proposal for a
**DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious crime

Amendment

Proposal for a
**DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL**
on the use of Passenger Name Record data
for the prevention, detection, investigation
and prosecution of terrorist offences and
serious **transnational** crime

Or. en

Amendment 60
Sophia in 't Veld, Cecilia Wikström

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1)(d) and 87(2)(a) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles **16**, 82(1)(d) and 87(2)(a) thereof,

Or. en

Amendment 61
Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to Articles 7, 8 and 52(1) of the Charter of Fundamental Rights of the European Union,

Or. en

Amendment 62
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The purpose of this Directive is to harmonise the laws of the Member States in order to establish a single legislative framework for the protection and exchange of PNR data between Member State law enforcement authorities.

Amendment 63
Cornelia Ernst

Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

(1) On 6 November 2007 the Commission adopted a proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) data for law enforcement purposes³³. However, upon entry into force of the Treaty of Lisbon on 1 December 2009, the Commission's proposal, which had not been adopted by the Council by that date, became obsolete.

deleted

³³ COM(2007) 654.

Amendment 64
Cornelia Ernst

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) The 'Stockholm Programme - An open and secure Europe serving and protecting the citizens'³⁴ calls on the Commission to present a proposal for the use of PNR data to prevent, detect, investigate and prosecute terrorism and serious crime.

deleted

³⁴ Council document 17024/09, 2.12.2009.

Amendment 65
Hugues Bayet

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Recent events have highlighted the need for a more effective response to the security threats facing the Union. Any additional procedures in this area must of course be consistent with fundamental rights, prove their effectiveness and be proportionate to the objectives to be achieved.

Or. fr

Amendment 66
Hugues Bayet

Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) If the fight against terrorism is to be stepped up, it is essential above all that the most effective possible use should be made of existing tools (e.g. SIS II) in the context of external border checks and exchanges of information between Member States. It is essential, therefore, that the relevant Member State services should make full information available at all times and that Member States' police and intelligence services should work closely together.

Or. fr

Amendment 67
Jan Philipp Albrecht

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Court of Justice of the EU ruled on 8th April 2014 that the mass retention of commercially generated personal data for law enforcement purposes without any specific suspicion or at least indirect link to a threat or risk is in breach of the Charter of Fundamental Rights. Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC was declared invalid by that judgement.^{1 a}

^{1 a} Judgment in Joined Cases C-293/12 and C-594/12, Digital Rights Ireland and Seitlinger and Others, 8 April 2014.

Or. en

Amendment 68
Vicky Maeijer

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The reintroduction of actual border controls at the internal and external borders of the European Union is the only genuinely effective way of combating

terrorism and cross-border crime.

Or. nl

Amendment 69

Cornelia Ernst

Proposal for a directive

Recital 5

Text proposed by the Commission

Amendment

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security. *deleted*

Or. en

Justification

There is no proof for this claim, it should thus be deleted.

Amendment 70

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Recital 5

Text proposed by the Commission

Amendment

(5) PNR data *are necessary* to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

(5) PNR data *can help* to effectively prevent, detect, investigate and prosecute terrorist offences and *certain types of* serious *transnational* crime and thus enhance internal security.

Or. en

Amendment 71

Jan Philipp Albrecht

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data **are necessary to effectively** prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Amendment

(5) PNR data **may be a useful means to** prevent, detect, investigate and prosecute terrorist offences and **certain types of** serious **transnational** crime and thus enhance internal security.

Or. en

Justification

The Commission has so far not produced evidence for the necessity and proportionality of the processing of processing of all PNR data.

Amendment 72
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data **are necessary** to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Amendment

(5) PNR data **may contribute** to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Or. en

Amendment 73
Sylvie Guillaume

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data **are necessary** to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime **and**

Amendment

(5) PNR data **can contribute** to effectively preventing, detecting, investigating and prosecuting terrorist offences and serious

thus enhance internal security.

crime; *they are one of the tools which can be used to* enhance internal security.

Or. fr

Amendment 74
Lorenzo Fontana

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data are *necessary* to *effectively* prevent, detect, investigate and prosecute terrorist offences and serious crime *and thus enhance* internal security.

Amendment

(5) PNR data are *collected in order* to prevent, detect, investigate and prosecute terrorist offences and serious crime, *with the overall aim of enhancing* internal security.

Or. it

Amendment 75
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data *are necessary to* effectively *prevent, detect, investigate* and *prosecute* terrorist offences and serious crime *and thus enhance internal security*.

Amendment

(5) PNR data *can be a useful means of* effectively *preventing, detecting, investigating* and *prosecuting* terrorist offences and serious *transnational* crime.

Or. it

Amendment 76
Ana Gomes

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Amendment

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious ***transnational*** crime and thus enhance internal security.

Or. en

Amendment 77

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

deleted

Or. it

Amendment 78

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals

Amendment

deleted

and unravel criminal networks.

Or. en

Amendment 79

Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, *by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.*

Amendment

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious *transnational* crimes, including acts of terrorism.

Or. en

Amendment 80

Jan Philipp Albrecht

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to *construct* evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data *may* help law enforcement authorities prevent, detect, investigate and prosecute *certain types of* serious *transnational* crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to *find necessary* evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 81
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data help **can help** law enforcement authorities prevent, detect, investigate and prosecute **certain types of** serious **transnational** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 82
Sylvie Guillaume

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data **may** help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. fr

Amendment 83
Ana Gomes

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious ***transnational*** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 84

Brice Hortefeux, Rachida Dati, Nadine Morano

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help ***law enforcement*** authorities prevent, detect, investigate and prosecute serious crimes, ***including*** acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data help ***the*** authorities ***responsible for prevention, detection and law enforcement*** prevent, detect, investigate and prosecute serious crimes ***and*** acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. fr

Amendment 85

Cornelia Ernst

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) ***PNR data enable law enforcement authorities to identify persons who were***

Amendment

(7) In order to ensure that the processing of data of innocent and unsuspected persons

previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

remains as limited as possible, the use of PNR data should be limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. en

Amendment 86 **Sophia in 't Veld**

Proposal for a directive **Recital 7**

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. **By using** PNR data law enforcement authorities **can** address the threat of serious crime and terrorism from a different perspective than through the processing of other categories

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious **transnational** crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. PNR data **may help** law enforcement authorities address the threat of serious **transnational** crime and terrorism from a different perspective than through the

of personal data. *However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.*

processing of other categories of personal data.

Or. en

Amendment 87
Jan Philipp Albrecht

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, *the aspects of the use of PNR data relating to the creation and application of assessment criteria* should be *further* limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Amendment

(7) PNR data *may* enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious *transnational* crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, *processing* of PNR data should be limited to *certain* serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed, *and limited to only such flights where there is a proven high risk of persons likely to be involved in serious*

transnational crime and terrorism being among the passengers, based on a court order.

Or. en

Amendment 88
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. ***By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.***

Amendment

(7) PNR data ***may*** enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in ***certain types of serious transnational*** crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities.

Or. en

Amendment 89
Lorenzo Fontana

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Amendment

(7) PNR data enable law enforcement authorities to identify, *in particular*, persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. it

Amendment 90
Sylvie Guillaume

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be

Amendment

(7) PNR data *may* enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be

involved in such crime and who should therefore be subject to further examination by the competent authorities. **By** using PNR data law enforcement authorities **can** address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

involved in such crime and who should therefore be subject to further examination by the competent authorities. Using PNR data **may help** law enforcement authorities **to** address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. fr

Amendment 91
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. **By using** PNR data **law enforcement authorities can address** the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious **transnational** crime and terrorism, but whom an analysis of the data suggests may **well** be involved in such crime and who should therefore be subject to further examination by the competent authorities. PNR data **could also provide a useful means of addressing** the threat of serious **transnational** crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data

and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. it

Amendment 92

Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive Recital 7

Text proposed by the Commission

(7) PNR data enable **law enforcement authorities** to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime **and terrorism**, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and **terrorism** from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to **serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.**

Amendment

(7) PNR data enable to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in **terrorism and** serious crime, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of **terrorism and** serious crime and from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to **the terrorist and serious crimes concerned.**

Or. en

Amendment 93
Ana Gomes

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious **transnational** crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious **transnational** crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed, **which is as an indispensable condition for the use of such data by law enforcement authorities to be proportional.**

Or. en

Amendment 94
Brice Hortefeux, Rachida Dati, Nadine Morano

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of ***serious crime and terrorism*** from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to ***serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.***

Amendment

(7) PNR data enable law enforcement authorities ***and the authorities responsible for prevention and detection*** to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities ***and the authorities responsible for prevention and detection*** can address the threat of terrorism ***and serious forms of crime*** from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to ***terrorist offences and relevant forms of serious crime.***

Or. fr

Amendment 95
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) The processing of personal data must be proportionate to the specific ***security goal*** pursued by this Directive.

Amendment

(8) The processing of personal data must be ***necessary and*** proportionate to the specific ***aim*** pursued by this Directive.

Or. en

Amendment 96

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) The processing of personal data must be proportionate to the specific *security* goal pursued by this Directive.

Amendment

(8) The processing of personal data must be proportionate **and necessary** to the specific goal pursued by this Directive.

Or. en

Amendment 97

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) The processing of personal data must be proportionate to the specific *security* goal pursued by this Directive.

Amendment

(8) The processing of personal data must be **necessary for, and** proportionate to, the specific goal pursued by this Directive.

Or. en

Amendment 98

Monika Hohlmeier

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Automated processing of PNR data sets is far less intrusive than physical controls at borders or search warrants issued against airlines and non-carrier economic operators; whereas within such a processing, more than 99 % of the data are never actually looked at by human

action and the investigation of serious crime and terror can be conducted whilst ensuring shorter waiting time and more efficient travel movements at airports.

Or. en

Amendment 99
Monika Hohlmeier

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Automated processing of data should be conducted on bulk data against prior determined rules by the competent authority or Europol on specific routes, identifying specific criminality and should not constitute an access on individual data sets; whereas to fulfil the aim of this directive this processing has to be conducted on the entire data set available and whereas only these data sets become visible to humans where the processing generates a match.

Or. en

Amendment 100
Cornelia Ernst

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) The use of PNR data together with Advance Passenger Information data in certain cases has added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

deleted

Amendment 101
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) The use of PNR data together with Advance Passenger Information data in certain cases has added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

deleted

Or. it

Amendment 102
Jan Philipp Albrecht

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) The use of PNR data together with Advance Passenger Information data in certain cases has added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

deleted

Or. en

Justification

The Commission has so far not produced evidence for the necessity and proportionality of the processing of processing of all PNR data.

Amendment 103
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The use of PNR data together with Advance Passenger Information data in certain cases **has** added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

Amendment

(9) The use of PNR data together with Advance Passenger Information data in certain cases **may have** added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

Or. en

Amendment 104
Sophia in 't Veld

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

deleted

Or. en

Amendment 105
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

deleted

Or. en

Amendment 106

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Rachida Dati, Brice Hortefeux, Nadine Morano, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Elissavet Vozemberg, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 10

Text proposed by the Commission

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union, ***intra-EU flights from one Member State to another Member State and domestic flights with a final destination in the same Member State and non-carrier economic operators when involved in booking such flights.***

Or. en

Amendment 107
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious ***transnational*** crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. it

Amendment 108
Ana Gomes, Marju Lauristin, Tanja Fajon

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious ***transnational*** crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union, ***including chartered flights, as well as other commercial operators or non-commercial flight operators, operating private flights, and privately freighted flights.***

Or. en

Amendment 109
Jan Philipp Albrecht

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions **laying down** obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions **harmonising and narrowly limiting** obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 110
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and **certain types of serious transnational** crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 111
Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The purpose of this Directive is to ensure security and protect the life and safety of the public, in full respect of its fundamental freedoms, and to create a legal framework for the protection and exchange of PNR data between Member States and law enforcement authorities in charge of prevention and suppression of terrorism and serious crimes.

Or. en

Amendment 112
Sophia in 't Veld

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

(11) Air carriers, ***travel agents, and other entities that collect PNR data***, already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers, ***travel agents or other entities that collect PNR data***, to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

Or. en

Amendment 113

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Rachida Dati, Nadine Morano, Elissavet Vozemberg, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa

Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

Amendment

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers ***and non-carrier economic operators*** to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers ***and non-carrier economic operators***.

Or. en

Amendment 114

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

Amendment

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers. ***For charter, private and freighted flights, PNR data should also be collected and transferred to the Passenger Information Unit of the relevant Member State.***

Or. en

Amendment 115

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Monika Hohlmeier, Rachida Dati, Brice Hortefeux, Elissavet Vozemberg, Nadine Morano, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Non-carrier economic operators, such as travel agencies and tour operators, sell package tours making use of charter flights for which they collect and process PNR data from their customers, yet without necessarily transferring the data to the airline operating the passenger flight.

Or. en

Amendment 116

Sophia in 't Veld, Gérard Deprez

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Air carriers, travel agents, and other entities that collect PNR data, already collect and process PNR data from their passengers for their own commercial purposes. This Regulation should not impose any obligation on air carriers, travel agents or other entities that collect PNR data, to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

Justification

Connected with the change to a Regulation.

Amendment 117

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should bear the costs of use, retention and exchange of PNR data.

Or. en

Amendment 118

Sophia in 't Veld

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. ***The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The***

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷.

definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

Or. en

Amendment 119

Birgit Sippel, Josef Weidenholzer, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. ***The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.***

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷.

³⁸ OJ L 190, 18.7.2002, p. 1.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

Or. en

Amendment 120

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Rachida Dati, Nadine Morano, Elissavet Vozemberg, Kinga Gál, Barbara Matera, Michal Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences ***should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.***

³⁸ OJ L 190, 18.7.2002, p. 1.

Amendment

(12) The definition of terrorist offences ***applied in this Directive should be the same as in*** Council Framework Decision 2002/475/JHA on combating terrorism ***as amended by*** Council decision 2008/919/JHA. ***The term serious crime applied in this Directive encompasses the crimes listed in Article 2.1.***

³⁸ OJ L 190, 18.7.2002, p. 1.

Amendment 121
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The *definition* of *serous* crime should be ***taken from*** Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. ***However***, Member States ***may*** exclude ***those*** minor offences for which, ***taking into account their respective criminal justice system***, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. ***The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.***

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The ***list of serious transnational crimes included in this Directive*** should be ***drawn up by selected a number of the offences referred to in*** Article 2(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸ ***and the United Nations Convention against Transnational Organized Crime***. Member States ***must*** exclude ***serious offences as defined in Article 2(2) of Council Framework Decision 2002/584/JHA that are not transnational in nature and*** minor offences for which the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

³⁷ OJ L 164, 22.06.02, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

Amendment 122
Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from *Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism*³⁷. *The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States*³⁸. *However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.* The definition of serious *transnational* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA *and the United Nations Convention on Transnational Organised Crime.*

³⁸ OJ L 190, 18.7.2002, p. 1.

Amendment

(12) The definition of terrorist offences should be taken from *the offences defined under national law and should include the travelling for the purpose of perpetrating, planning, preparing, providing or receiving training for terrorism, in accordance with United Nations Security Council resolution 2178 and Additional Protocol on the Council of Europe Convention on the Prevention of Terrorism.* The definition of serious crime *applied in this Directive* should be taken from Article 2 of Council Framework Decision 2002/584/JHA *of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States.*

³⁸ OJ L 190, 18.7.2002, p. 1.

Or. en

Amendment 123
Jan Philipp Albrecht

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The definition of *serious* crime should be *taken from* Article 2 of Council

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The definition of *serious transnational* crime should be *limited to trafficking in*

Framework Decision 2002/584/JHA of 13 June 2002 on the *European Arrest Warrant and the surrender procedure between Member States*³⁷. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. *The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.*

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

³⁸ OJ L 190, 18.7.2002, p. 1.

human beings as defined in Article 2 of Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims^{1 a}, *to illicit trafficking in narcotic drugs as defined in Article 2 of Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking*³⁸, *and to illicit trafficking in weapons, munition and explosives as defined in Article 2b of Council Directive 2008/51/EC of 21 May 2008 on control of the acquisition and possession of weapons*^{1 b}. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

^{1 a} OJ L 101, 15.4.2011, p. 1

³⁸ OJ L 335, 11.11.2004, p. 8

^{1 b} OJ L 179, 8.7.2008, p. 5

Or. en

Amendment 124

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from *Articles 1 to 4 of*

Amendment

(12) The definition of terrorist offences should be taken from *the offences defined*

*Council Framework Decision 2002/475/JHA on combating terrorism*³⁷. The definition of *serous* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

³⁸ OJ L 190, 18.7.2002, p. 1.

under national law and should include the travelling for the purpose of perpetrating, planning, preparing, providing or receiving training for terrorism, in accordance with United Nations Security Council resolution 2178 and Additional Protocol on the Council of Europe Convention on the Prevention of Terrorism.

³⁸ OJ L 190, 18.7.2002, p. 1.

Or. en

Amendment 125
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The definition of *serous* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States³⁸. However, Member States *may* exclude those minor offences for which, taking into account their respective criminal justice system, the

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism³⁷. The definition of *serious transnational* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the *United Nations Convention on Transnational Organised Crime*. However, Member States *should* exclude those minor offences for which, taking into account their respective criminal justice system, the processing of

processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. *The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.*

³⁸ OJ L 190, 18.7.2002, p. 1.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

PNR data pursuant to this directive would not be in line with the principle of proportionality.

³⁸ OJ L 190, 18.7.2002, p. 1.

³⁷ OJ L 164, 22.6.2002, p. 3. Decision as amended by Council Framework Decision 2008/919/JHA of 28 November 2008 (OJ L 330, 9.1.2.2008, p. 21).

Or. en

Amendment 126

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive Recital 13

Text proposed by the Commission

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers.

Amendment

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers *and other commercial operators or non-commercial flight operators.*

Or. en

Amendment 127

Brice Hortefeux, Rachida Dati, Nadine Morano

Proposal for a directive Recital 13

Text proposed by the Commission

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers.

Amendment

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers ***and non-carrier economic operators.***

Or. xm

Amendment 128
Heinz K. Becker

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The Commission should ensure that all institutions and agencies of the Union, for example agencies whose workload in the Member States is increased by the provisions of this directive or by the implementing provisions derived from it receive sufficient additional financial and staff resources.

Or. de

Amendment 129
Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck, Gérard Deprez

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) PNR data should be transferred to a single designated unit (Passenger Information Unit) at EU level, so as to ensure clarity and reduce costs to air carriers.

Justification

Connected with the change to a Regulation.

Amendment 130

Cornelia Ernst

Proposal for a directive**Recital 14***Text proposed by the Commission*

(14) The contents of any lists of **required** PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of **reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as** protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data **should** contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers **representing a threat to internal security**.

Amendment

(14) The contents of any lists of PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial, **social** or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data **may** contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers.

Or. en

Amendment 131

Sylvie Guillaume

Proposal for a directive**Recital 14**

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of PNR data to be obtained by the Passenger Information Unit ***listed in the Annex to this Directive*** should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious transnational crime, thereby improving internal security within the Union as well as protecting the fundamental rights of persons, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. fr

Amendment 132

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, ***thereby improving internal security within the Union*** as well as ***protecting*** the

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious ***transnational*** crime, as well as ***guaranteeing the protection of*** the fundamental rights of

fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial *or* ethnic origin, *political opinions, religious or philosophical* beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details *on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.*

citizens, notably privacy and the protection of personal data. *In particular*, such lists should not contain any personal data, and in particular any data that could reveal racial, ethnic *or social* origin, *genetic features, language, religion or personal* beliefs, *political or any other opinions, membership of a national minority, property, birth, disability, sexual orientation*, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain *only the* details *referred to in this Directive.*

Or. it

Amendment 133
Ana Gomes

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious *transnational* crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat

to internal security.

to internal security.

Or. en

Amendment 134

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Rachida Dati, Nadine Morano, Elissavet Vozemberg, Kinga Gál, Michal Boni, Frank Engel, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The contents of any *lists of* required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such *lists* should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of any required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such *data sets* should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 135

Jan Philipp Albrecht

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be ***drawn up with the objective of reflecting the legitimate requirements of public authorities*** to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of ***citizens***, notably privacy and the protection of personal data. Such ***lists*** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the ***passenger's*** reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of any lists of required PNR data ***as listed in the Annex to this Directive*** to be obtained by the Passenger Information Unit should be ***limited to the minimum amount of data that is strictly necessary and proportionate*** to prevent, detect, investigate and prosecute terrorist offences or serious ***transnational*** crime ***in specific cases***, thereby improving internal security within the Union as well as protecting the fundamental rights of ***persons***, notably privacy and the protection of personal data. Such ***data*** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the ***passenger's*** reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 136
Sophia in 't Veld, Fredrick Federley, Cecilia Wikström

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious ***transnational***

improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal *racial or ethnic* origin, *political opinions*, religious or philosophical *beliefs*, trade union membership *or data concerning* health or sexual *life of the individual concerned*. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data, *by applying high standards in line with the Charter of Fundamental Rights, Convention 108, and the European Convention for Human Rights*. Such lists should not contain any personal data that could reveal *a person's sex, race, ethnic or social* origin, *genetic features, language*, religious or philosophical *belief, political opinion*, trade union membership, *membership of a national minority*, health or sexual *orientation*. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 137

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data *that could reveal racial* or ethnic origin, political opinions, *religious* or philosophical beliefs, trade union

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or *certain types of* serious *transnational* crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any *sensitive* personal data *revealing a person's race* or ethnic origin, political opinions, *religion* or

membership *or* data concerning health or *sexual life of the individual concerned*. The PNR data should contain details on the *passenger's* reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

philosophical beliefs, *sexual orientation or gender identity*, trade union membership *and activities, and the processing of biometric data or of* data concerning health or *sex life*. The PNR data should contain details on the *passenger's* reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 138 **Cornelia Ernst**

Proposal for a directive **Recital 15**

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the 'pull' method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers transfer ('push') the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The 'push' method is considered to offer a *higher* degree of data protection and should be mandatory for all air carriers.

Amendment

(15) There are two possible methods of data transfer currently available: the 'pull' method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers transfer ('push') the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. *Only* the 'push' method is considered to offer a degree of data protection and should be mandatory for all air carriers.

Or. en

Amendment 139

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Rachida Dati, Nadine Morano, Elissavet Vozemberg, Arnaud Danjean, Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril

Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

Amendment

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers ***and non-carrier economic operators*** transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers ***and non-carrier economic operators***.

Or. en

Amendment 140

Jan Philipp Albrecht

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of

Amendment

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of

what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers ***which already collect and process PNR data for commercial purposes and operate international flights to or from the territory of the Member States. Should PNR data be handled by Computerised Reservation Service (CRS) operators, the Code of Conduct for CRS (Regulation (EC) No. 80/2009 of the European Parliament and of the Council) applies.***

Or. en

Amendment 141

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Marju Lauristin, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The Commission supports the International Civil Aviation Organisation (ICAO) guidelines on PNR. These guidelines should thus be the basis for adopting the supported data formats for transfers of PNR data by air carriers to Member States. This justifies that such supported data formats, as well as the relevant protocols applicable to the transfer of data from air carriers should be adopted in accordance with the advisory procedure foreseen in Regulation (EU) No..... of the European Parliament and the Council [.....]

Amendment

(16) The Commission supports the International Civil Aviation Organisation (ICAO) guidelines on PNR. These guidelines should thus be the basis for adopting the supported data formats for transfers of PNR data by air carriers ***and other commercial operators or non-commercial flight operators*** to Member States. This justifies that such supported data formats, as well as the relevant protocols applicable to the transfer of data from air carriers ***and other commercial operators or non-commercial flight operators*** should be adopted in accordance with the advisory procedure foreseen in Regulation (EU) No..... of the European Parliament and the Council [.....]

Or. en

Amendment 142

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Amendment

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data ***and to uphold the fundamental rights of passengers, in particular their right to privacy and to the protection of their personal data when such lists are drawn up.*** Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. it

Amendment 143

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Rachida Dati, Nadine Morano, Elissavet Vozemberg, Arnaud Danjean, Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to

Amendment

(17) The Member States should take all necessary measures to enable air carriers

fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

and non-carrier economic operators to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers *and non-carrier economic operators* failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. en

Amendment 144

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Marju Lauristin, Emilian Pavel, Tanja Fajon

Proposal for a directive Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, *or the temporary suspension or withdrawal of the operating licence.*

Amendment

(17) The Member States should take all necessary measures to enable air carriers *and other commercial operators or non-commercial flight operators* to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers *and other commercial operators or non-commercial flight operators* failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of

transport.

Or. en

Amendment 145

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Amendment

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data ***and the protection of these data.*** Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. en

Amendment 146

Sophia in 't Veld, Gérard Deprez

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Dissuasive, effective and proportionate penalties, including financial ones, should be provided at EU level against those air carriers failing to

meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Regulation, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 147

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious crime.

deleted

Or. it

Amendment 148

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and

serious crime.

certain types of serious *transnational* crime.

Or. en

Amendment 149
Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious crime.

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious *transnational* crime.

Or. en

Amendment 150
Ana Gomes

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious crime.

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious *transnational* crime.

Or. en

Amendment 151
Jan Philipp Albrecht

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Each Member *State* should be responsible for assessing the potential threats related to terrorist offences and serious crime.

Amendment

(18) Each Member *State's courts* should be responsible for assessing the potential threats ***and the necessity and proportionality of processing PNR data*** related to terrorist offences and serious crime.

Or. en

Amendment 152

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or ***seriously*** affects him/her should be taken only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's race or ethnic origin, ***religious*** or ***philosophical belief***, political ***opinion***, trade union membership, health or sexual life.

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's race or ethnic ***or social*** origin, ***genetic features, language, religion or personal belief, political or any other opinions, membership of a national minority, property, birth, disability, sexual orientation***, trade union membership, health or sexual life.

Or. it

Amendment 153

Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken **by reason of a person's race or ethnic** origin, religious or philosophical belief, political opinion, trade union membership, health or sexual **life**.

Amendment

(19) Taking fully into consideration the right to the protection of personal data, **the right to respect for private life** and the right to non-discrimination **in accordance with Articles 8, 7 and 21 of the Charter of Fundamental Rights of the European Union**, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken **on grounds of a person's ethnic or social** origin, **colour, genetic features, language**, religious or philosophical belief, political opinion, trade union membership, **membership of a national minority, property, birth, disability**, health or sexual **orientation**.

Or. en

Amendment 154

Sophia in 't Veld, Fredrick Federley, Cecilia Wikström

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken **by reason of** a person's **race or ethnic origin**, religious or philosophical belief, political opinion, trade union membership, health or sexual **life**.

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken **on grounds of a person's sex, race, ethnic or social origin, genetic features, language**, religious or philosophical belief, political opinion, trade union membership, **membership of a national minority**, health or sexual **orientation, as laid down in**

Article 21 of Charter of Fundamental Rights of the European Union.

Or. en

Amendment 155

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces *an adverse* legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a *person's* race or ethnic origin, *religious* or philosophical *belief, political opinion*, trade union membership, health or *sexual* life.

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces *a* legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a *person's* race or ethnic origin, *political opinions, religion* or philosophical *beliefs, sexual orientation or gender identity*, trade union membership *and activities, and the processing of biometric data or of data concerning* health or *sex* life.

Or. en

Amendment 156

Michal Boni

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, *in accordance to the Charter of Fundamental Rights of the European Union*, no decision that produces an

processing of PNR data. Moreover, no such decision should be taken by reason of a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 157
Cornelia Ernst

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse *legal* effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a person's race, *social* or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 158
Sophia in 't Veld

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) *The result of the processing of PNR*

data should in no circumstances be used by Member States as a ground to circumvent their obligations international under the 1951 Convention relating to the status of refugees and its 1967 Protocol and should not be used to deny asylum seekers to have safe and effective legal avenues to the EU territory to exercise their right to international protection.

Or. en

Amendment 159
Sophia in 't Veld

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should *share with* other Member States *the PNR data that they receive where such transfer* is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime . The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Amendment

(20) Member States should *make the PNR data that they receive available on the basis of a hit/no hit system to PIUs of other Member States. Upon specified requests concerning targeted flights or certain individuals, for a maximum of six months, where this* is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime, *PNR data can be transferred to the PIU of another Member State. The Passenger Information Units shall in any case transmit the result of the processing of PNR data to the PIUs of other Member States without delay.* The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the

Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation *with a high level of protection of personal data in line with the Charter of Fundamental Rights of the European Union, Convention 108 and the European Convention of Human Rights*.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Or. en

Amendment 160

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or *certain types of* serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and

judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Or. en

Amendment 161

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Nadine Morano, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Emil Radev, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Brice Hortefeux, Monica Macovei, Rachida Dati, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo

Proposal for a directive **Recital 20**

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where *such transfer* is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Amendment

(20) Member States should share with other Member States *and Europol* the PNR data that they receive where *this* is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime *or the prevention of immediate and serious threats to public security through*. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Or. en

Justification

PNR data should be exchanged for the prevention of serious threats to public security, e.g. Ebola or other pandemics.

Amendment 162

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation *and should not undermine the protection of privacy and personal data.*

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Amendment 163
Ana Gomes

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime . The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime . The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Amendment 164
Cornelia Ernst

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime . The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious ***transnational*** crime . The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰ . Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Or. en

Amendment 165
Jan Philipp Albrecht

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious ***transnational*** crime.

of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)³⁹ and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union⁴⁰. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

³⁹ OJ L 121, 15.5.2009, p. 37.

⁴⁰ OJ L 386, 29.12.2006, p. 89.

Or. en

Amendment 166 **Sophia in 't Veld**

Proposal for a directive **Recital 20 a (new)**

Text proposed by the Commission

Amendment

(20a) PNR data collection at European level can be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious transnational crime. The provisions of this Regulation should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) ^{1a} and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law

enforcement authorities of the Member States of the European Union ^{1b}. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

^{1a} OJ L 121, 15.5.2009, p. 37.

^{1b} OJ L 386, 29.12.2006, p. 89.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 167 **Jan Philipp Albrecht**

Proposal for a directive **Recital 21**

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious *crime*. ***Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.***

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational crime***.

Or. en

Amendment 168

Sophia in 't Veld, Fredrick Federley, Cecilia Wikström

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. ***Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations.*** In order to avoid disproportionate use, it is necessary that, ***after an initial period***, the data are ***anonymised*** and only accessible under very strict and limited conditions.

Amendment

(21) The period during which PNR data are to be retained should be ***necessary and*** proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. In order to avoid disproportionate use, it is necessary that the data are ***masked-out immediately***, and only accessible under very strict and limited conditions.

Or. en

Amendment 169

Ana Gomes

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised (***masked out***) and only accessible under very strict and limited

conditions, *under judicial control*.

Or. en

Amendment 170

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. ***Because of the nature of the data and their uses***, it is necessary that the PNR data are retained ***for a sufficiently long period for carrying out analysis and*** for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. It is necessary that the PNR data are retained for ***the period strictly necessary for their*** use in investigations ***and are permanently destroyed at the end of the retention period provided for in this Directive***. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

Or. it

Amendment 171

Michal Boni

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is

necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *anonymised* and only accessible under very strict and limited conditions.

necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *masked out* and only accessible under very strict and limited conditions.

Or. en

Amendment 172

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *anonymised and only accessible under very strict and limited conditions*.

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *deleted unless necessary for the investigation and prosecution of specific terrorist offences and serious transnational crime*.

Or. en

Amendment 173

Axel Voss, Monika Hohlmeier, Agustín Díaz de Mera García Consuegra, Esteban González Pons, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Nadine Morano, Rachida Dati, Elissavet Vozemberg, Arnaud Danjean, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Michal Boni, Frank Engel, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo

**Proposal for a directive
Recital 21 a (new)**

Text proposed by the Commission

Amendment

(21a) PNR data should be processed to the greatest extent possible in a masked out way in order to ensure a highest level of data protection by making it impossible for those having access to masked out data to identify a person and to draw conclusions as to what persons are related to that data. Re-identifying masked out data is possible only under conditions ensuring a high level of data protection.

Or. en

Justification

Re-identification of masked out data has to follow strict conditions and may only be done upon an authorisation of a competent authority.

**Amendment 174
Sophia in 't Veld, Filiz Hyusmenova**

**Proposal for a directive
Recital 22 a (new)**

Text proposed by the Commission

Amendment

(22a) PNR data allows for very precise conclusions to be drawn concerning the private lives of the persons whose data has been retained, such as the habits of everyday life, permanent or temporary places of residence, daily or other movements, the activities carried out, the social relationships of those persons and the social environments frequented by them, and whereas the fact that data are retained and subsequently used without the passenger being informed is likely to generate in the minds of the persons concerned the feeling that their private

lives are the subject of constant surveillance.

Or. en

Amendment 175

Sophia in 't Veld, Fredrick Federley, Filiz Hyusmenova

Proposal for a directive

Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) Article 52(1) of the Charter provides that any limitation on the exercise of the rights and freedoms laid down by the Charter must be provided for by law, respect their essence and, subject to the principle of proportionality, limitations may be made to those rights and freedoms only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

Or. en

Amendment 176

Sophia in 't Veld, Fredrick Federley, Cecilia Wikström

Proposal for a directive

Recital 23

Text proposed by the Commission

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework*

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of*

*of police and judicial cooperation in criminal matters*⁴¹ (*'Framework Decision 2008/977/JHA'*).

⁴¹ OJ L 350, 30.12.2008, p. 60.

individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and with the high level of protection offered in the Charter of Fundamental Rights of the European Union, Convention 108, and the European Convention for Human Rights.

⁴¹ OJ L 350, 30.12.2008, p. 60.

Or. en

Amendment 177

Birgit Sippel, Josef Weidenholzer, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters*⁴¹ (*'Framework Decision 2008/977/JHA'*).

⁴¹ OJ L 350, 30.12.2008, p. 60.

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *the European data protection acquis, including the specific data protection requirements set out in this Directive.*

⁴¹ OJ L 350, 30.12.2008, p. 60.

Or. en

Justification

Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters does not offer an adequate level of data protection in the context of the processing of PNR data.

Amendment 178

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁴¹ ('Framework Decision 2008/977/JHA').

⁴¹ OJ L 350, 30.12.2008, p. 60.

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁴¹ ('Framework Decision 2008/977/JHA') **and subsequent amendments thereto.**

⁴¹ OJ L 350, 30.12.2008, p. 60.

Or. it

Amendment 179

Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the

Amendment

deleted

right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA.

Or. en

Justification

Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters does not offer an adequate level of data protection in the context of the processing of PNR data.

Amendment 180
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with *Framework Decision 2008/977/JHA*.

Amendment

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with *the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and with the high level of protection offered in the Charter of Fundamental Rights of the European Union, Convention 108, and the European Convention for Human Rights*.

Or. en

Amendment 181
Cornelia Ernst

Proposal for a directive
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) Taking into consideration the right to the protection of personal data, and the requirement of independent oversight, national data protection authorities should have the same powers as under Framework Decision 2008/977/JHA.

Or. en

Amendment 182
Sylvie Guillaume

Proposal for a directive
Recital 25

Text proposed by the Commission

Amendment

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with ***clear***, accurate information ***in writing*** about the collection of PNR data and their transfer to the Passenger Information Unit.

Or. fr

Amendment 183
Sophia in 't Veld

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

Amendment

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate ***and complete*** information about the collection of PNR data and their transfer to the Passenger Information Unit.

Or. en

Amendment 184

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) ***Taking into account the right of*** passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

Amendment

(25) Passengers ***have an inalienable right*** to be informed of the processing of their personal data, ***and*** Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit ***and about their right to access, correct, erase or block their personal data and to seek legal redress.***

Or. it

Amendment 185

Jan Philipp Albrecht

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member

Amendment

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member

States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit, *as well as their rights as data subjects*.

Or. en

Amendment 186

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

Amendment

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information *that is easily accessible and easy to understand* about the collection of PNR data and their transfer to the Passenger Information Unit.

Or. en

Amendment 187

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with *Framework Decision 2008/977/JHA*. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with *the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention,*

applicable to the personal data transferred to the third country.

investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country, *and subject to the high level of protection offered in the Charter of Fundamental Rights of the European Union, Convention 108, and the European Convention for Human Rights.*

Or. en

Amendment 188

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) Transfers of PNR data *by Member States* to third countries should be permitted only on a case-by-case basis *and in compliance with Framework Decision 2008/977/JHA*. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data to third countries should be permitted only on a case-by-case basis, *on the basis of an international agreement between the Union and the third country*. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country. *If the national supervisory authority finds the transfer to a third country in breach of any of the principles referred to in this Directive, the national supervisory authority should have the right to suspend the data flow to that third country.*

Or. en

Justification

Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters does not offer an adequate level of data protection in the context of the transfer of PNR data to third countries.

Amendment 189

Michal Boni

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country, ***as well as the principle of necessity and proportionality of such a transfer.***

Or. en

Amendment 190

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis, and ***only in full compliance with the provisions laid down by Member States pursuant to***

personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country, ***in particular the right to access, correct, erase or block their personal data and to seek legal redress.***

Or. it

Amendment 191
Jan Philipp Albrecht

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA, ***and only on the basis of an international agreement between the Union and that third country.*** To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Or. en

Amendment 192
Cornelia Ernst

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis ***and in compliance with Framework Decision 2008/977/JHA***. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Or. en

Amendment 193
Sophia in 't Veld

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) The national supervisory authority that ***has been*** established in implementation of ***Framework Decision 2008/977/JHA*** should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Amendment

(27) The national supervisory authority that ***will be*** established in implementation of ***the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data***, should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Or. en

Amendment 194
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) The national supervisory authority that has been established in implementation of Framework Decision 2008/977/JHA should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Amendment

(Does not affect English version.)

Or. it

Amendment 195
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) The national supervisory authority ***that has been established in implementation of Framework Decision 2008/977/JHA*** should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Amendment

(27) The national supervisory authority should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Or. en

Amendment 196
Sophia in 't Veld

Proposal for a directive
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The European Data Protection Supervisor, and the national supervisory authority that will be established in implementation of the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Regulation.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 197
Sylvie Guillaume

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis.

deleted

The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. fr

Amendment 198
Cornelia Ernst

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Amendment 199
Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for

deleted

purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. en

Amendment 200
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Justification

Connected with the change to a Regulation.

Amendment 201

Birgit Sippel, Tanja Fajon, Josef Weidenholzer, Marju Lauristin, Emilian Pavel

Proposal for a directive

Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Justification

PNR data may not be processed for purposes outside the purpose limitation.

Amendment 202

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to

(28) Member States should not be able to use PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. it

Amendment 203

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Michał Boni, Artis Pabriks, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Frank Engel, Teresa Jiménez-Becerril Barrio, Nuno Melo

Proposal for a directive Recital 28

Text proposed by the Commission

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. *The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.*

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis.

Or. en

Amendment 204

Jan Philipp Albrecht

Proposal for a directive Recital 28

Text proposed by the Commission

(28) This Directive **does not affect** the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, **provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.**

Amendment

(28) This Directive **rules out** the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions.

Or. en

Amendment 205

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Recital 28 a (new)

Text proposed by the Commission

Amendment 206

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data,

Amendment

(28a) PNR data may not be processed for purposes outside the purpose limitation.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data,

Or. en

including PNR, air carriers *are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to* effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

including PNR, air carriers *should follow a single model for the collection of PNR data to be transmitted to the Passenger Information Unit, so as not to run the risk of compromising* effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Or. it

Amendment 207

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers *and non-carrier economic operators* are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Or. en

Amendment 208

Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious ***transnational*** crime.

Or. en

Amendment 209

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers ***and other commercial operators or non-commercial flight operators*** are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this

differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Or. en

Amendment 210
Sophia in 't Veld

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 211
Sophia in 't Veld

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with *the Framework Decision 2008/977/JHA*. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the *Framework Decision 2008/977/JHA*.

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with *the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data*. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the *Data Protection Directive (xx/xx/20xx)*.

Or. en

Amendment 212
Cornelia Ernst

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy **and** the right to non-discrimination

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy, the right to non-discrimination as

as protected by Articles 8, 7 **and 21** of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the Framework Decision 2008/977/JHA. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

well as the rights to legal remedy and due process, as protected by Articles 8, 7, **21, 47 and 48** of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the Framework Decision 2008/977/JHA. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Or. en

Amendment 213

Birgit Sippel, Marju Lauristin, Josef Weidenholzer, Emilian Pavel, Tanja Fajon

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles **and its provisions are in line with the Framework Decision 2008/977/JHA**. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Or. en

Amendment 214
Sophia in 't Veld

Proposal for a directive
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The processing of personal data by the authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Regulation should be subject to a standard of protection of personal data under their national law which complies with the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 215
Sophia in 't Veld

Proposal for a directive
Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) Regulation of the European Parliament and of the Council of xxx/xxxx/20xx 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) applies to the processing of personal data by the Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

Or. en

Amendment 216
Sophia in 't Veld

Proposal for a directive
Recital 31 c (new)

Text proposed by the Commission

Amendment

(31c) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and in particular Articles 21 and 22 thereof concerning confidentiality and security of processing, applies to the processing of personal data by Union institutions, bodies, offices and agencies carried out in application of this Regulation. However, certain points should be clarified in respect of the responsibility for the processing of data and of the supervision of data protection, bearing in mind that data protection is a key factor in the successful operation of the EU PNR system and that data security, high technical quality and lawfulness of consultations are essential to ensure the smooth and proper

Justification

Connected with the change to a Regulation.

Amendment 217

Jan Philipp Albrecht

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be ***anonymised after a very short period***, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of ***specific*** PNR data for period of time not exceeding **30 days**, after which the data must be deleted, the data must be ***masked out immediately***, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment 218

Sophia in 't Veld, Fredrick Federley, Nathalie Griesbeck

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be **anonymised after a very short period**, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **30 days**, after which the data must be deleted, the data must be **masked-out immediately**, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 219
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be **anonymised** after a very short period, the collection and use of sensitive data is

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **1 year**, after which the data must be deleted, the data must be **masked out** after a very short period, the collection and use of sensitive data is prohibited. In

prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 220

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that **an** independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **2 years**, after which the data must be **permanently** deleted, the data must be anonymised after a very short period, the collection and use of sensitive data **and any form of direct or indirect discrimination on the basis of the data collected are** prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that **the** independent national supervisory authority **provided for in Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data** is responsible for advising and monitoring how PNR data are processed **and is obliged to report to the**

precisely informed about the collection of PNR data and their rights.

competent authorities any infringements of the procedures for transferring and processing such data. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. it

Amendment 221
Cornelia Ernst

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 2 years, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment 222

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Nadine Morano, Rachida Dati, Elissavet Vozemberg, Arnaud Danjean, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Artis Pabriks, Monica Macovei, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive**Recital 32***Text proposed by the Commission*

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be ***anonymised after a very short period***, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, ***Member States are required to ensure*** that an independent national supervisory authority *is* responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 7 years, after which the data must be ***permanently*** deleted, the data must be ***masked out after 6 months***, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, ***it must be ensured*** that an independent national supervisory authority ***and in particular its Data Protection Officer are*** responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment 223

Ana Gomes, Emilian Pavel

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised (***masked out***) after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 224
Sophia in 't Veld

Proposal for a directive
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) In particular, the scope of the Regulation is as limited as possible, it allows retention of PNR data for period of time not exceeding 30 days, after which the data must be deleted, the data must be masked-out immediately, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level

of data protection, the European Data Protection Supervisor is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. The Commission must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 225 **Cornelia Ernst**

Proposal for a directive **Recital 33**

Text proposed by the Commission

(33) [In accordance with Article 3 of the Protocol (No 21) on the position of United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to participate in the adoption and application of this Directive] ***OR [Without prejudice to Article 4 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States will not participate in the adoption of this***

Amendment

(33) [In accordance with Article 3 of the Protocol (No 21) on the position of United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to participate in the adoption and application of this Directive]

Directive and will not be bound by or be subject to its application].

Or. en

Amendment 226

Cecilia Wikström, Sophia in 't Veld
on behalf of the ALDE Group

Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) The result of the processing of PNR data should in no circumstances be used by Member States as a ground to circumvent their international obligations under the 1951 Convention relating to the status of refugees and its 1967 Protocol and should not be used to deny asylum seekers to have safe and effective legal avenues to the EU territory to exercise their right to international protection;

Or. en

Amendment 227

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Brice Hortefeux, Nadine Morano, Rachida Dati, Elissavet Vozemberg, Arnaud Danjean, Heinz K. Becker, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michał Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Directive provides for the transfer by air carriers of Passenger Name Record data *of passengers of international flights*

1. This Directive provides for the transfer by air carriers of Passenger Name Record data *relating to passenger flights between*

to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

EU Member States and third countries, for intra-EU flights and domestic flights, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Or. en

Amendment 228
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the *processing* of that data, *including its collection, use and retention by the Member States and its exchange between them*.

Amendment

1. This Directive provides *conditions* for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the *use, retention and exchange* of that data *by Member States*.

Or. en

Amendment 229
Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of *international* flights *to and from the Member States*, as well as the *processing* of that data, *including its collection, use and retention by the Member States and its exchange between*

Amendment

1. This Directive provides *conditions* for the transfer by air carriers of Passenger Name Record data of passengers of flights *between the Union and third countries*, as well as the *use, retention and exchange* of that data *by Member States*.

them.

Or. en

Amendment 230

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights *to and from the Member States*, as well as the *processing* of that data, *including its collection, use and retention* by the Member States *and its exchange between them.*

Amendment

1. This Directive provides *conditions* for the transfer by air carriers of Passenger Name Record data of passengers of *pre-selected* international flights *between Member States and third countries*, as well as the *use, retention and exchange* of that data by the Member States.

Or. en

Amendment 231

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall also apply to non-carrier economic operators that gather or store PNR data on passenger flights planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member States with a final destination in a third country, to intra-EU-flights and to

domestic flights;

Or. en

Amendment 232
Sophia in 't Veld, Gérard Deprez

Proposal for a directive
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the European Union, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 233
Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Jörg Leichtfried, Péter Niedermüller, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall not apply to flights within the territory of the Union or the means of transport other than airplanes.

Or. en

Amendment 234

Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Péter Niedermüller, Tanja Fajon, Emilian Pavel

Proposal for a directive

Article 1 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The PNR data that is collected pursuant to this Directive may not be used for border control purposes.

Or. en

Amendment 235

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the ***following*** purposes:

2. The PNR data collected in accordance with this Directive may be processed only for the purposes ***of*** prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime ***in accordance with*** Article 4(2).

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

deleted

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Or. it

Amendment 236
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for the following purposes:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the following purposes ***of the prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime.***

deleted

deleted

Or. en

Amendment 237
Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for the ***following purposes:***

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection,

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the ***purpose of prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4 (2).***

deleted

deleted

investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Or. en

Amendment 238
Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the *following* purposes:

2. The PNR data collected in accordance with this Directive *on international flights* may be processed only for the *prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes according to Article 4(2). The PNR data shall not be used for other* purposes.

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

deleted

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Or. en

Amendment 239

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Rachida Dati, Nadine Morano, Kinga Gál, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for the *following purposes*:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the *purposes of prevention, detection, investigation and prosecution of terrorist offences, and serious crime according to Article 4 (2) or the prevention of immediate and serious threats to public security.*

deleted

deleted

Or. en

Amendment 240

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for the *following purposes*:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the *prevention, detection, investigation and prosecution of terrorist offences and certain types of serious transnational crime as defined in point (i) of Article 2 and according to Article 4(2).*

deleted

deleted

according to Article 4(2)(a) and (d).

Or. en

Amendment 241

Ana Gomes, Marju Lauristin

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for *the following purposes*:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for *the prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).*

deleted

deleted

Or. en

Amendment 242

Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Hugues Bayet, Tanja Fajon

Proposal for a directive

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. *The* PNR data collected in accordance with this Directive may be processed only for the *following purposes*:

Amendment

2. *The* PNR data collected in accordance with this Directive may be processed only for the *prevention, detection, investigation and prosecution of terrorist offences and certain types of serious transnational*

crime as defined in point (i) of Article 2 and according to Article 4(2).

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

deleted

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Or. en

Amendment 243

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The PNR data collected in accordance with this Directive may be processed only for the *following purposes*:

2. The PNR data collected in accordance with this Directive may be processed only for the *prevention, detection, investigation and prosecution of terrorist offences and certain types of serious transnational crime as defined in point (i) of Article 2 and according to Article 4(2).*

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

deleted

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Or. en

Amendment 244

Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The PNR data collected in accordance with this Regulation on international flights may be processed only for the prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes according to Article 4(2). The PNR data shall not be used for other purposes.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 245
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. PNR data collected in accordance with this Directive may not be processed for minor offences which are punishable by a custodial sentence or a detention order for a maximum period of less than three years under the national law of a Member State.

Or. en

Amendment 246
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. PNR data collected in accordance with this Directive may not be processed for minor offences which are punishable by a custodial sentence or a detention order for a maximum period of less than three years under the national law of a Member State.

Or. en

Amendment 247

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Directive shall not apply to flights within the Union or to means of transport other than airplanes.

Or. en

Amendment 248

Sylvie Guillaume

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) ‘air carrier’ means an air transport undertaking with a valid operating licence or equivalent permitting it to carry out carriage by air of passengers;

a) ‘air carrier ***or non-carrier economic operator***’ means an air transport undertaking with a valid operating licence or equivalent permitting it to carry out carriage by air of passengers;

Or. fr

Justification

Cette modification s'applique à l'ensemble du texte législatif à l'examen ; son adoption impose des adaptations techniques dans tout le texte. La mention "tout autre opérateur économique à titre commercial" vise à inclure les dossiers de réservation détenus par certains acteurs économiques tels que les voyagistes ou les tours opérateurs, intervenant dans les processus des vols de type Charter, et qui ne sont pas toujours communiqués aux transporteurs. Cette situation est de nature à constituer une faille importante dans le périmètre de la directive et une inégalité de traitement dans les traitements entre les compagnies aériennes traditionnelles et les Charters.

Amendment 249

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive

Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 'other commercial operator' means an undertaking, company or tour operator that may operate charter flights or book a number of seats on an airplane;

Or. en

Amendment 250

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Marju Lauristin, Emilian Pavel, Tanja Fajon

Proposal for a directive

Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) 'other non-commercial flight operator' means a private undertaking that may operate private planes or privately freighted flights;

Or. en

Amendment 251

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'international flight' means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including *in both cases any transfer or* transit flights;

Amendment

(b) 'international flight' means any scheduled or non-scheduled flight by an air carrier *or other commercial operator or a non-commercial flight operator* planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including *chartered flights, private planes, privately freighted flights, as well as* transit flights;

Or. en

Amendment 252

Sophia in 't Veld

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 'international flight' means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of the European Union originating in a third country or to depart from the territory of the European Union with a final destination in a third country, including in both cases any transfer or transit flights;

Or. en

Justification

Connected with the change to a Regulation.

Amendment 253

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Heinz K. Becker, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michał Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 'intra-EU flight' means any scheduled or non-scheduled flight by an air carrier originating in a Member State with a final destination in another Member State, including any transfer of transit flights;

Or. en

Amendment 254

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michał Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) 'domestic flight' means any scheduled or non-scheduled flight by an air carrier originating in a Member State with a final destination in the same Member State;

Amendment 255
Sophia in 't Veld

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) 'Passenger Name Record' or 'PNR data' means a record of each passenger's travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Amendment

(c) 'Passenger Name Record' or 'PNR data' means a record of each passenger's travel requirements ***collected and retained electronically by air carriers, travel agents, and other entities processing PNR data in the context of conducting their business activities*** which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Amendment 256
Emil Radev

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) 'Passenger Name Record' or 'PNR data' means a record of each ***passenger's*** travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any

Amendment

(c) Passenger Name Record' or 'PNR data' means a record of each ***passenger's*** travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any

person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities; ***PNR data consists of the data fields listed in the Annex and does not contain sensitive data revealing the race, colour, ethnic origin, genetic features, language, religion or belief, political or any other opinion, membership in national minority, property, disability or sexual orientation of the passenger.***

Or. en

Justification

PNR data should not include sensitive data that is beyond the purposes of the Directive and that may reveal too much personal information that may be the basis for unjustified discrimination.

Amendment 257

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Heinz K. Becker, Tomáš Zdechovský, Barbara Matera, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Amendment

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements ***captured and retained electronically by the air carrier or the non-carrier economic operators in its normal course of business*** which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is

contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities. ***Passenger data includes data created by air carriers or non-carrier economic operators for each journey booked by or on behalf of any passenger and contained in carriers' reservation systems, DCS, or equivalent systems providing similar functionality. PNR data consists of the data fields set out in the Annex;***

Or. en

Amendment 258

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Emilian Pavel, Tanja Fajon

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) 'Passenger Name Record' or 'PNR data' means a record of each passenger's travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Amendment

(c) 'Passenger Name Record' or 'PNR data' means a record of each passenger's travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers ***and other commercial operators or non-commercial flight operators*** for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Or. en

Amendment 259

Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Amendment

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities. ***PNR data consists of the information listed in the Annex;***

Or. it

Amendment 260

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozenberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘reservation systems’ means the air *carrier’s* internal inventory system, in which PNR data are collected for the handling of reservations;

Amendment

(e) ‘reservation systems’ means the air *carrier’s or the non-carrier economic operator’s* internal inventory system, in which PNR data are collected for the handling of reservations;

Or. en

Amendment 261

Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘reservation systems’ means the *air carrier’s internal* inventory system, in which PNR data are collected for the handling of reservations;

Amendment

(e) ‘reservation systems’ means *any* inventory system *used by the air carrier* in which PNR data are collected for the handling of reservations;

Or. it

Amendment 262

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Non-carrier economic operator means an economic operator, such as travel agencies and tour operators, that provides travel-related services, including the bookings of flights for which they collect and process PNR data of passengers;

Or. en

Amendment 263
Emil Radev

Proposal for a directive
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) 'push method' means the method whereby air carriers transfer the required PNR data into the database of the **authority requesting them**;

Amendment

(f) 'push method' means the method whereby air carriers **automatically** transfer the required PNR data into the database of the **Passenger Information Unit**;

Or. en

Justification

In the original text it is unclear whether the data is sent by the air carriers only by request or automatically. Thus, for reasons of clarity, it is important to specify that data is transferred automatically (i.e. air carriers do not need to receive a prior request for the data).

Amendment 264

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Arnaud Danjean, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) 'push method' means the method whereby air carriers transfer **the required** PNR data into the database of the authority requesting them;

Amendment

(f) 'push method' means the method whereby air carriers **and non-carrier economic operator** transfer **their existing** PNR data **listed in the Annex to this Directive** into the database of the authority requesting them;

Or. en

Amendment 265

Sylvie Guillaume

Proposal for a directive

Article 2 – paragraph 1 – point f

Text proposed by the Commission

f) 'push method' means the method whereby air carriers transfer the required PNR data into the database of the authority requesting them;

Amendment

f) 'push method' means the method whereby air carriers transfer their collected PNR data ***listed in the Annex to this Directive*** into the database of the authority requesting them;

Or. fr

Amendment 266

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) 'push method' means the method whereby air carriers transfer the ***required*** PNR data ***into the database of the authority requesting them;***

Amendment

(f) 'push method' means the method whereby air carriers transfer the PNR data ***to the Passenger Information Unit;***

Or. it

Amendment 267

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) 'anonymising data' means making PNR data that could allow the passenger's identity to be traced unavailable to the user, without erasing them.

Or. it

Amendment 268

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Kinga Gál, Barbara Matera, Michal Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘terrorist offences’ means the offences under national law referred to in Articles 1 to 4 of Council Framework Decision 2002/475/JHA;

Amendment

(g) ‘terrorist offences’ means the offences under national law referred to in Articles 1 to 4 of Council Framework Decision 2002/475/JHA *on combating terrorism as amended by Council decision 2008/919/JHA.*

Or. en

Amendment 269

Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Marju Lauristin

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘terrorist offences’ means the offences under national law *referred to in Articles 1 to 4 of Council Framework Decision 2002/475/JHA;*

Amendment

(g) ‘terrorist offences’ means the offences *defined* under national law, *including the act of travelling for the purpose of perpetrating, planning, preparing, providing or receiving training for terrorism, in accordance with United Nations Security Council resolution 2178 (2014) and Additional Protocol on the Council of Europe Convention on the Prevention of Terrorism;*

Or. en

Amendment 270
Cornelia Ernst

Proposal for a directive
Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Amendment 271
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Amendment 272
Ana Gomes

Proposal for a directive
Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality; *deleted*

Amendment 273
Jan Philipp Albrecht

Proposal for a directive
Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal *deleted*

justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

Or. en

Amendment 274

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Amendment 275

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Tanja Fajon, Emilian Pavel

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) 'serious crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years

deleted

under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

Or. en

Justification

PNR data should only be processed only for the prevention, detection, investigation, and prosecution of terrorist offences and certain types of serious transnational crimes as spelled out in this directive.

Amendment 276

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if : However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

deleted

Or. it

Amendment 277

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García

Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Heinz K. Becker, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michal Boni, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Monica Macovei, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) 'serious crime' means the offences ***under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they*** are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, ***however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;***

Amendment

(h) 'serious crime' means the offences ***that*** are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, ***such as:***

- ***participation in a criminal organisation,***
- ***trafficking in human beings, facilitation of unauthorised entry and residence, illicit trade in human organs and tissue,***
- ***sexual exploitation of children and child pornography, rape, female genital mutilation***
- ***illicit trafficking in narcotic drugs and psychotropic substances***
- ***illicit trafficking in weapons, munitions and explosives,***
- ***serious fraud, fraud against the financial interests of the EU, laundering of the proceeds of crime, money laundering and counterfeiting currency,***
- ***murder, grievous bodily injured, kidnapping, illegal restraint and hostage-taking, armed robbery,***
- ***serious computer-related crime and cybercrime,***

- *environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,*
- *forgery of administrative documents and trafficking therein, illicit trafficking in cultural goods, including antiques and works of art, counterfeiting and piracy of products,*
- *unlawful seizure of aircraft/ships,*
- *espionage and treason,*
- *illicit trade and trafficking in nuclear or radioactive materials and their precursor and in this regard non-proliferation related crimes*
- *crimes within the jurisdiction of the International Criminal Court.*

Or. en

Amendment 278
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 2 – paragraph 1 – point h – point i (new)

Text proposed by the Commission

Amendment

i) 'sensitive data' means personal data revealing a person's sex, race, colour, ethnic or social origin, genetic features, language, religious or philosophical belief, political opinion, trade union membership of a national minority, health or sexual orientation, as laid down in Article 21 of the Charter of Fundamental Rights of the European Union, as well as other data defined as sensitive by domestic law.

Or. en

Amendment 279

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) 'Depersonalising through the masking out of data' means rendering certain elements of such data invisible to a user at the user interface without deleting these data elements.

Or. en

Amendment 280

Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

Proposal for a directive

Article 2 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) 'serious transnational crime' means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

deleted

(i) They are committed in more than one state;

(ii) They are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state;

(iii) They are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state; or

(iv) They are committed in one state but have substantial effects in another state.

Amendment 281

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozenberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Kinga Gál, Barbara Matera, Mariya Gabriel, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

deleted

(i) They are committed in more than one state;

(ii) They are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state;

(iii) They are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state; or

(iv) They are committed in one state but have substantial effects in another state.

Amendment 282

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in **Article 2(2) of Council Framework Decision 2002/584/JHA** if they are punishable by a custodial sentence or a detention order for a maximum period of at least **three** years under the national law of a Member State, and if :

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in **Annex II** if they are punishable by a custodial sentence or a detention order for a maximum period of at least **four** years under the national law of a Member State, and if :

Or. en

Amendment 283
Ana Gomes

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA **if** they are ***punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :***

Amendment

(i) ‘serious transnational crime’ means the ***following*** offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA, ***provided that*** they are ***committed in more than one state, or that they are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state, or that they are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state, or they are committed in one state but have substantial effects in another state:***

- ***participation in a criminal organization,***
- ***terrorism,***
- ***trafficking in human beings,***
- ***trafficking in human organs and tissue,***

- *trafficking in drugs,*
- *trafficking in weapons, munitions and explosives,*
- *trafficking in nuclear and radioactive materials,*
- *kidnapping, hostage-taking*
- *laundering of the proceeds of crime,*
- *corruption,*
- *computer-related crime,*
- *crimes within the jurisdiction of the International Criminal Court*

Member States may exclude those offences which, under their national legal order, are punishable by a custodial sentence or a detention order for a maximum period inferior to three years.

Or. en

Amendment 284
Marju Lauristin

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA *if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :*

Amendment

(i) ‘serious transnational crime’ means the ***following*** offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA, ***provided that*** they are ***committed in more than one state, or that they are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state, or that they are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state, or they are committed in one state but have substantial effects in another state:***

- *participation in a criminal organization,*
- *trafficking in human beings,*
- *sexual exploitation of children and child pornography,*
- *trafficking in drugs,*
- *trafficking in weapons, munitions and explosives,*
- *illicit trade in human organs and tissue*
- *cyber /computer related crimes*
- *crimes within the jurisdiction of the International Criminal Court*

Member States may exclude those offences, which, under their national legal order, are punishable by a custodial sentence or a detention order for a maximum period inferior to three years

Or. en

Amendment 285
Jan Philipp Albrecht

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) 'serious transnational crime' means the offences under national law *referred to* in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

Amendment

(i) 'serious transnational crime' means the *following* offences under national law: *trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, illicit trafficking in narcotic drugs as defined in Article 2 of Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, and illicit trafficking in weapons, munition and explosives as*

defined in Article 2b of Council Directive 2008/51/EC of 21 May 2008 on control of the acquisition and possession of weapons, if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if

Or. en

Amendment 286

Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Sylvia-Yvonne Kaufmann, Péter Niedermüller, Miriam Dalli, Tanja Fajon

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law *referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :*

Amendment

(i) ‘serious transnational crime’ means the *following* offences under national law: *trafficking in human beings, sexual exploitation of children, illicit trafficking in narcotic drugs, illicit trafficking in weapons and illicit trafficking in munition and explosives* if :

Or. en

Amendment 287

Emilian Pavel

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law *referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a*

Amendment

(i) ‘serious transnational crime’ means the offences under national law: *trafficking in human beings, sexual exploitation of children, illicit trafficking in narcotic drugs, illicit trafficking in weapons,*

detention order for a maximum period of at least three years under the national law of a Member State, and if :

cybercrime and other computer related crime, illicit trafficking in munition and explosives if:

Or. en

Amendment 288

Sophia in 't Veld, Gérard Deprez, Nathalie Griesbeck, Filiz Hysmenova, Louis Michel, Cecilia Wikström, Petr Ježek

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law *referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years* under the national law of a Member State, and if :

Amendment

(i) ‘serious transnational crime’ means the *following* offences under national law:

- *participation in a criminal organisation,*
- *terrorism,*
- *trafficking in human beings,*
- *sexual exploitation of children and child pornography,*
- *illicit trafficking in narcotic drugs and psychotropic substances,*
- *illicit trafficking in weapons, munitions and explosives,*
- *corruption,*
- *fraud and tax evasion,*
- *laundering of the proceeds of crime,*
- *counterfeiting currency, including of the euro,*
- *computer-related crime,*
- *environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and*

varieties,

- *murder, grievous bodily injury,*
- *illicit trade in human organs and tissue,*
- *rape*
- *kidnapping, illegal restraint and hostage-taking,*
- *child abduction and child abduction by parents,*
- *organised or armed robbery,*
- *illicit trafficking in cultural goods, including antiques and works of art,*
- *illicit trafficking of mineral ore,*
- *forgery of means of payment,*
- *illicit trafficking in hormonal substances and other growth promoters,*
- *illicit trafficking in nuclear or radioactive materials,*
- *crimes within the jurisdiction of the International Criminal Court,*

if they are punishable under the national law of *the* Member State *with a custodial sentence or a detention order for a maximum period of at least three years,* and if;

Or. en

Amendment 289
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a

Amendment

(i) ‘serious transnational crime’ means the ***following*** offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA: ***trafficking in human beings, illicit***

detention order for a maximum period of at least three years under the national law of a Member State, and if :

trafficking in narcotic drugs and illicit trafficking in weapons, munition and explosives, if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

Or. en

Amendment 290

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

Amendment

(i) ‘serious transnational crime’ means the ***following*** offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA:

- ***participation in a criminal organisation,***
- ***terrorism,***
- ***trafficking in human beings,***
- ***sexual exploitation of children and child pornography,***
- ***illicit trafficking in narcotic drugs and psychotropic substances,***
- ***illicit trafficking in arms, ammunition and explosives,***
- ***laundering of the proceeds of crime,***
- ***environmental crime, including illicit trafficking in protected animal species and in protected plant species and varieties,***
- ***murder, grievous bodily injury,***

- *illicit trade in human organs and tissue,*
- *kidnapping, illegal restraint and hostage-taking,*
- *forgery of means of payment,*
- *illicit trafficking in nuclear or radioactive materials,*
- *crimes within the jurisdiction of the International Criminal Court;*
- *unlawful seizure of aircraft/ships,*
- *sabotage,*

if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

Or. it

Amendment 291
Ana Gomes

Proposal for a directive
Article 2 – paragraph 1 – point i – point i

Text proposed by the Commission

Amendment

(i) They are committed in more than one state;

deleted

Or. en

Amendment 292
Ana Gomes

Proposal for a directive
Article 2 – paragraph 1 – point i – point ii

Text proposed by the Commission

Amendment

(ii) They are committed in one state but a substantial part of their preparation,

deleted

planning, direction or control takes place in another state;

Or. en

Amendment 293

Ana Gomes

Proposal for a directive

Article 2 – paragraph 1 – point i – point iii

Text proposed by the Commission

Amendment

(iii) They are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state; or

deleted

Or. en

Amendment 294

Ana Gomes

Proposal for a directive

Article 2 – paragraph 1 – point i – point iv

Text proposed by the Commission

Amendment

(iv) They are committed in one state but have substantial effects in another state.

deleted

Or. en

Amendment 295

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 2 – paragraph 1 – point i – point iv

Text proposed by the Commission

Amendment

(iv) They are committed in one state but

(iv) They are committed in one state but

have substantial effects in another state.

have substantial effects in another state;

Or. en

Amendment 296

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Heinz K. Becker, Barbara Matera, Michal Boni, Frank Engel, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) Masked out means rendering certain data elements of PNR data indecipherable to a user, without deleting them (e.g. by the means of applying a cryptographic state-of-the-art function to the elements of clear text data making a passenger identifiable); elements that are rendered indecipherable must comprise all elements making a passenger identifiable. Identical clear text data may result in identical masked out data in order to make it possible to match data without identifying the persons who are subject to that data.

Or. en

Amendment 297

Sophia in 't Veld, Filiz Hyusmenova, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Petr Ježek

Proposal for a directive

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The list of serious transnational crime offences of Article 2(1) sub i shall be

reviewed and adjusted accordingly as part of the overall review of this Directive.

Or. en

Amendment 298
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious ***transnational*** crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members ***shall be persons of proven integrity and competence*** and may be seconded from competent public authorities. ***An independent data protection officer shall be appointed from among the staff of the Passenger Information Unit and given responsibility for overseeing the work of the unit and in particular for checking that transfers of data to the competent authorities are performed in full compliance with the limits laid down in this Directive and in Framework Decision 2008/977/JHA and for reporting any infringements to the national supervisory authority.***

Or. it

Amendment 299
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. ***The Passenger Information Unit is also responsible for the exchange of PNR data or the result of the processing thereof with Passenger information Units of other Member States in accordance with Article 7, and for the transfer of PNR data or the results of the processing thereof to Europol in accordance with Article 7a.*** Its staff members may be seconded from competent public authorities.

Or. en

Amendment 300
Ana Gomes

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious ***transnational*** crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers ***and other commercial operators or non-***

transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

commercial flight operators, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 301
Emil Radev

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit'. ***The PIU shall be the sole responsible authority*** for collecting PNR data from the air carriers, storing them, analysing them, and transmitting the result of the analysis to the competent authorities referred to in Article 5. ***PIUs shall be also responsible for the exchange of PNR data or the results of the processing thereof between Member States and to Europol in accordance with Article 7.*** Its staff members may be seconded from competent public authorities.

Or. en

Justification

For reasons of data protection and security, it is important to specify that the national PIU is the sole responsible authority for collecting, storing, analysing PNR data and transmitting the results of the analysis to the competent authorities referred to in Article 5 and to Europol; in other words, no other authority shall have the same functions. It is important also to clarify

all the functions of the PIU in one article, incl. the function of exchanging PNR data.

Amendment 302
Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up *or designate* an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime *or a branch of such an authority* to act as its ‘Passenger Information Unit’ responsible for *collecting* PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime to act as its ‘Passenger Information Unit’ responsible for *receiving* PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 303

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Barbara Matera, Mariya Gabriel, Frank Engel, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime *and the prevention of immediate and serious threats to public*

Information Unit' responsible for collecting PNR data from the air carriers, storing them, *analysing* them and transmitting the result of the *analysis* to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

security or a branch of such an authority to act as its Passenger Information Unit responsible for collecting PNR data from the air carriers *and non-carrier economic operators*, storing them, *processing* them and transmitting the *PNR data or the* result of the *processing thereof* to the competent authorities referred to in Article 5. *The Passenger Information Unit is also responsible for the exchange of PNR data or the result of the processing thereof with Passenger Information Unit of other Member States in accordance with Article 7. Its staff members may be seconded from competent public authorities. It shall be provided with adequate resources in order to fulfil its tasks.*

Or. en

Amendment 304
Jan Philipp Albrecht

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for *conducting risk assessments in accordance with Article 4 as well as* collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 305

Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious **transnational** crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 306

Birgit Sippel, Juan Fernando López Aguilar, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon, Emilian Pavel

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and **certain types of serious transnational** crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for **conducting risk assessments in accordance with Article 4 as well as** collecting PNR data from the air carriers, storing them, analysing them and

5. Its staff members may be seconded from competent public authorities.

transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 307

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All members of the Passengers Information Unit who have access to PNR data shall receive dedicated training on processing this data in compliance with fundamental rights and data protection principles.

Or. en

Amendment 308

Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The anonymised PNR data transferred by air carriers pursuant to Article 6(1a), shall be received by the Passenger Information Units, in accordance with Article 9.

Or. en

Amendment 309

Birgit Sippel, Anna Hedh, Josef Weidenholzer, Marju Lauristin, Péter Niedermüller,

Hugues Bayet, Ana Gomes, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Passenger Information Unit is responsible for the exchange of PNR data or the results of the processing of such data with the Passenger Information Units of other Member States in accordance with Article 7, as well as inserting the alerts to the Schengen Information System in accordance with Article 7(1).

Or. en

Amendment 310
Emilian Pavel, Ana Gomes

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Passenger Information Unit must implement appropriate technical and organizational measures to protect personal data against unauthorized disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

Or. en

Amendment 311
Sophia in 't Veld, Gérard Deprez, Filiz Hyusmenova, Nathalie Griesbeck, Cecilia Wikström, Louis Michel, Petr Ježek

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall set up a 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from Member States' competent public authorities.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 312
Sylvie Guillaume

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Given the sensitive nature of the processing to be carried out by the Passenger Information Units, each Member State shall ensure that they have the resources required, including a sufficient number of competent staff, to perform their tasks in accordance with this Directive. All the staff of Passenger Information Units who have access to PNR data shall receive specific training in how to process such data in accordance with fundamental rights and data protection principles.

Or. fr

Amendment 313
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The activities provided for in Article 4(2)(c) may be carried out only by specifically designated personnel.

Or. en

Amendment 314
Sophia in 't Veld, Gérard Deprez

Proposal for a directive
Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The database collecting PNR data from the air carriers should be hosted by the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 315
Birgit Sippel, Caterina Chinnici, Anna Hedh, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. All members of the Passenger Information Unit who have access to PNR data shall have had received specifically tailored training on processing of PNR data in full compliance with data protection principles and fundamental rights.

Or. en

Amendment 316
Sophia in 't Veld, Gérard Deprez

Proposal for a directive
Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The passenger information unit shall appoint a data protection and privacy officer, seconded by a deputy officer, responsible for the monitoring of the processing of PNR data and the implementation of the related safeguards. The data protection and privacy officer shall in particular review on a regular basis the automated processing rules requested by Competent Authorities and formulate recommendations to ensure their compliance with the provisions and safeguards laid down in this Regulation.

Or. en

Amendment 317
Birgit Sippel, Anna Hedh, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The activities specified for in Article 9a(new)(4) shall only be carried out by specifically designated personnel of the Passenger Information Unit.

Or. en

Amendment 318
Sophia in 't Veld

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Two or more Member States may establish or designate a single authority to serve as their Passenger Information Unit. Such Passenger Information Unit shall be established in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

deleted

Or. en

Justification

Deletion only when Regulation option with a centralised system is adopted.

Amendment 319
Heinz K. Becker

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. Two or more Member States may establish *or designate* a single *authority* to serve as their Passenger Information Unit. Such Passenger Information Unit shall be established in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

Amendment

2. Two or more Member States may establish a single *body or designate a body, for example at Europol*, to serve as their Passenger Information Unit. The Passenger Information Unit shall be established in one of the participating Member States *or at the headquarters of the higher-level body, such as Europol, for instance*, and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

Or. de

Amendment 320
Sophia in 't Veld

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Each Member State shall notify the Commission thereof within one month of the establishment of the Passenger Information Unit and may at any time update its declaration. The Commission shall publish this information, including any updates, in the Official Journal of the European Union.

Amendment

deleted

Or. en

Justification

Deletion only when Regulation option with a centralised system is adopted.

Amendment 321
Emilian Pavel, Ana Gomes

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The Passenger Information Unit must notify the National Supervisory Authority referred to in Article 12 before carrying out any wholly or partly processing operation.

Or. en

Amendment 322
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Passenger Information Units shall each appoint a Data Protection Officer for monitoring the processing of PNR data and the implementation of safeguards.

Or. en

Amendment 323
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall ensure that dissuasive, effective and proportionate penalties, including criminal sanctions, are provided for against persons working

in Passenger Information Units in the case of misuse or abuse of PNR data or other infringements of the national provisions adopted pursuant to this Directive.

Or. en

Amendment 324

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Jeroen Lenaers, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Heinz K. Becker, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michal Boni, Emil Radev, Frank Engel, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Each Passenger Information Unit shall appoint an independent Data Protection Officer, who ensures the internal supervision of the Passenger Information Unit's activities and will totally oversee the transfer of PNR data to other competent authorities, to other Member States and Europol. The Data Protection Officer shall report wrong conduct of the data protection requirements set out in this directive

Or. en

Amendment 325

Sylvie Guillaume

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure, in

accordance with their national law, that deterrent, effective and proportionate penalties are imposed on members of the staff of Passenger Information Units who breach the provisions of this Directive.

Or. fr

Amendment 326

Gérard Deprez, Louis Michel, Marielle de Sarnez, Sophia in 't Veld, Frédérique Ries, Charles Goerens

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Once the one-stop shop provided for in Article 7 of this Directive is operational, those Member States which so wish may decide that the PNR data which air carriers must forward to their Passenger Information Units should be forwarded directly to the one-stop shop, which shall collate and keep the data in accordance with the conditions laid down in this Directive. Analysis of these data and the forwarding of the results to the competent authorities as referred to in Article 5 shall remain the responsibility of the Passenger Information Unit of the Member State concerned.

Or. fr

Amendment 327

Sylvie Guillaume

Proposal for a directive

Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

Article 3a

***Data Protection Officer in the Passenger
Information Unit***

1. Member States shall stipulate that the head of the public authority which is responsible for the Passenger Information Unit shall appoint a Data Protection Officer in the unit. He/she shall be selected on the basis of his/her personal and professional qualities, in particular his/her detailed familiarity with data protection issues.

2. The Data Protection Officer shall be responsible for the in-house supervision of the processing of personal data by the Passenger Information Unit. In particular, the Data Protection Officer shall carry out spot checks on data processing in the Passenger Information Unit with a view to guaranteeing compliance with the relevant rules and procedures, including data protection safeguards.

3. Member States shall stipulate that the Data Protection Officer is properly consulted in good time on all matters relating to the protection of personal data in the Passenger Information Unit.

4. Member States shall ensure that the Data Protection Officer has the resources he/she needs to carry out his/her duties effectively and independently.

5. The Data Protection Officer shall serve as a contact person in respect of all matters relating to PNR data processing for passengers whose data is being processed.

Or. fr

**Amendment 328
Kashetu Kyenge, Miltiadis Kyrkos**

**Proposal for a directive
Article 3 a (new)**

Article 3a

***Data Protection Officer within the
Passenger information Unit***

- 1. Member States shall provide that the head of the public authority responsible for the functioning of the Passenger Information Unit appoints a Data Protection Officer within the Passenger information Unit. He/she shall be selected on the basis of his/her personal and professional qualities and, in particular, the expert knowledge of data protection.***
- 2. The Data Protection Officer shall be responsible of the internal supervision of the processing of personal data by Passenger Information Unit. In particular, the Data Protection Officer shall conduct random sampling of data processing within the Passenger Information Unit.***
- 3. Member States shall provide that the Data Protection Officer is properly and in a timely manner involved in all issues which relate to the protection of personal data within the Passenger Information Unit.***
- 4. Member States shall ensure that the Data Protection Officer is provided with the means to perform his/her duties and tasks effectively and independently, and does not receive any instructions as regards the exercise of its functions.***
- 5. He/she shall act as a point of contact for the passengers whose data has been processed on all issues related to the processing activities.***

Or. en

Amendment 329

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Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Data Protection Officer

- 1. Member States shall provide that the head of the public authority responsible for monitoring the application of the provisions adopted pursuant to this Directive and for contributing to their consistent application throughout the Union, appoints a Data Protection Officer within the Passenger Information Unit.*
- 2. Member States shall provide that the data protection officer shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and ability to fulfil the tasks referred to in this Directive.*
- 3. Member States shall provide that the Data Protection Officer shall be responsible:*
 - (a) to raise awareness, to inform and advise the members of the Passenger Information Unit of their obligations in accordance with the data protection provisions adopted pursuant to this Directive, in particular with regard to technical and organisational measures and procedures;*
 - (b) to monitor the implementation and application of the policies in relation to the protection of personal data, including the assignment of responsibilities, the training of staff involved in the processing operations and the related audits;*

(c) to monitor the implementation and application of the data protection provisions adopted pursuant to this Directive, in particular as to the requirements related to data protection by design, data protection by default and data security and to the information of data subjects and their requests in exercising their rights under the provisions adopted pursuant to this Directive;

(d) to ensure compliance with the data protection provisions adopted pursuant to this Directive, in particular, through conducting random sampling of data processing operations;

(e) to ensure that the documentation referred to in Articles 11f (new) and 11g (new) is maintained;

(f) to monitor the documentation, notification and communication of personal data breaches pursuant to Articles 11l (new) and 11m (new);

(g) to monitor the response to requests from the supervisory authority, and to cooperate with the supervisory authority at the latter's request or on his/her own initiative, especially on matters relating to data transfers to other Member States or to third countries;

(h) to act as the contact point for the supervisory authority on issues related to the processing of PNR data and to consult with the supervisory authority, if appropriate, on his/her own initiative.

4. Member States shall provide that the data protection officer is properly and in a timely manner involved in all issues which relate to the protection of personal data within the Passenger Information Unit.

5. Member States shall ensure that the data protection officer is provided with the means to perform his/her duties and tasks referred to in this Article effectively and

independently, and does not receive any instructions as regards to the exercise of the function.

6. Member States shall provide that any other professional duties of the data protection officer are compatible with that person's tasks and duties as data protection officer and do not result in a conflict of interests.

7. Member States shall provide the data subject with the right to contact the data protection officer, as a single point of contact, on all issues related to the processing of his or her PNR data.

8. Member States shall provide that the name and contact details of the data protection officer are communicated to the supervisory authority and to the public.

Or. en