



2016/0171(COD)

10.3.2017

AMENDMENTS

23 - 86

Draft report
Izaskun Bilbao Barandica
(PE597.720v01-00)

Registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States

Proposal for a directive
(COM(2016)0370 – C8-0209/2016 – 2016/0171(COD))

Amendment 23
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The collection, transmission and sharing of ship-related data has been enabled, simplified and harmonised by the National Single Window referred to in Directive 2010/65/EU of the European Parliament and of the Council¹⁷ and SafeSeaNet referred to in Directive 2002/59/EC of the European Parliament and of the Council¹⁸. The information on the persons on board required by Directive 98/41/EC should therefore be recorded in the National Single Window that in the event of an emergency or accident allows the data to be readily available to the competent authority.

¹⁷ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

¹⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Amendment

(4) The collection, transmission and sharing of ship-related data has been enabled, simplified and harmonised by the National Single Window referred to in Directive 2010/65/EU of the European Parliament and of the Council¹⁷ and SafeSeaNet referred to in Directive 2002/59/EC of the European Parliament and of the Council¹⁸. The information on the persons on board required by Directive 98/41/EC should therefore be recorded in the National Single Window that in the event of an emergency or accident allows the data to be readily available to the competent authority. ***A communication system shall be set up for this purpose between the national interfaces and the competent authorities with precise time frames and slots for transmission of data.***

¹⁷ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

¹⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Or. it

Amendment 24
Keith Taylor

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The collection, transmission and sharing of ship-related data has been enabled, simplified and harmonised by the National Single Window referred to in Directive 2010/65/EU of the European Parliament and of the Council¹⁷ and SafeSeaNet referred to in Directive 2002/59/EC of the European Parliament and of the Council¹⁸. The information on the persons on board required by Directive 98/41/EC should therefore be recorded in the National Single Window that in the event of an emergency or accident allows the data to be readily available to the competent authority.

¹⁷ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

¹⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Amendment

(4) The collection, transmission and sharing of ship-related data has been enabled, simplified and harmonised by the National Single Window referred to in Directive 2010/65/EU of the European Parliament and of the Council¹⁷ and SafeSeaNet referred to in Directive 2002/59/EC of the European Parliament and of the Council¹⁸. The information on the persons on board required by Directive 98/41/EC should therefore be recorded in the National Single Window that in the event of an emergency or accident allows the data to be readily available to the competent authority. ***This data should only be used for the purpose of passengers safety and handled in accordance with the EU legislation on data protection and privacy.***

¹⁷ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

¹⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Or. en

Amendment 25

Miltiadis Kyrkos, Elissavet Vozemberg-Vrionidi

**Proposal for a directive
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(5 a) Member States should be allowed to maintain existing possibilities to lower the 20 mile threshold for recording and reporting the list of persons on board. This could include voyages where passenger ships carrying a high number of passengers make successive calls between ports at a distance of less than 20 miles during the course of a single longer voyage. In such cases, Member States should be allowed to lower the 20 mile threshold so as to make it possible to record the information required by this Directive for passengers on board having embarked in the first or intermediate ports.

Or. en

Amendment 26

István Ujhelyi, Lucy Anderson, Nicola Caputo, Isabella De Monte

**Proposal for a directive
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(5 a) Progress made in developing single windows at state level must be seen as a basis for moving towards a European single window in the future.

Or. en

Justification

The national/port single windows are not fully developed yet and it might take years before they do so. Thus, although they might constitute a good basis for moving forward, they are far from being 'ideal' as the Rapporteur proposes.

Amendment 27
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) To reduce the anxiety of relatives in case of an accident and unnecessary delays in the consular assistance and other services, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Amendment

(6) To reduce the anxiety of relatives in case of an accident and unnecessary delays in the consular assistance and other services, **and to facilitate identification procedures**, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Or. it

Amendment 28
Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) To **reduce the anxiety of relatives** in case of an accident and unnecessary delays in the consular assistance and other services, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Amendment

(6) To **provide relatives with timely and reliable information in the** case of an accident and **to reduce** unnecessary delays in the consular assistance and other services, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Justification

AM number 1 of the LIBE Opinion adopted pursuant 53(4)

Amendment 29

Merja Kyllönen

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the **30** minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum and used in exceptional cases only.

Amendment

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the **10** minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum and used in exceptional cases only.

Amendment 30

Marie-Christine Arnautu

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the 30 minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum and used in exceptional cases only.

Amendment

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the 30 minutes delay currently provided for by Directive 98/41/EC should be **reduced to 15 minutes and** considered as a maximum and used in exceptional cases only.

Amendment 31

István Ujhelyi, Lucy Anderson, Nicola Caputo, Isabella De Monte

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, **the 30** minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum and used in exceptional cases only.

Amendment

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, **on the board of the ship, the 20** minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum and used in exceptional cases only.

Or. en

Justification

There will not be long delay if the data is collected on the board of the ship, at the same time when the passengers step on the board

Amendment 32

Cláudia Monteiro de Aguiar

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the 30 minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum **and used in exceptional cases only**.

Amendment

(7) Taking into account the availability of electronic means of data recording and the fact that personal data should in any event be collected before the ship's departure, the 30 minutes delay currently provided for by Directive 98/41/EC should be considered as a maximum.

Or. pt

Justification

A 30-minute maximum delay should be set to take account of the size of vessels such as cruise ships, which may need more time to send the information.

Amendment 33

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Once the registration procedures have been completed, passengers should always be supplied with information on safety measures on the vessels and action to be taken in the event of an emergency.

Or. it

Amendment 34

Elissavet Vozemberg-Vrionidi, Elissavet Vozemberg-Vrionidi

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) This Directive should not apply to pleasure yachts or pleasure craft. In particular, this Directive should not apply to pleasure yachts or pleasure craft when they are bareboat chartered and not subsequently engaged in trade for the purposes of carrying passengers.

Or. en

Amendment 35

Marie-Christine Arnautu

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Member States should **remain** responsible for ensuring compliance with the data registration requirements under Directive 98/41/EC, namely as regards the accuracy and timely registration of the data. In this regard, verification should be carried out similarly to random checks currently provided for company registration systems.

Amendment

(9) Member States should **continue to be** responsible for ensuring compliance with the data registration requirements under Directive 98/41/EC, namely as regards the accuracy and timely registration of the data. In this regard, verification should be carried out similarly to random checks currently provided for company registration systems.

Or. fr

Amendment 36

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) ***In as much as measures*** entail the processing of personal data, ***those shall be carried out in accordance with Union law on the protection*** of personal data²⁰. In particular, personal data collected for the purposes of Directive 98/41/EC should not be processed and used for any other purpose and should not be retained longer than necessary for the purposes of Directive 98/41/EC as specified therein.

Amendment

(10) ***The measures provided for in Directive 98/41/EC and Directive 2010/65/EC*** entail the processing of personal data. ***This processing is governed by Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council^{20a}, and Regulation (EC) No 45/2001 of the European Parliament and of the Council^{20b}, which applies to the processing*** of personal data ***recorded in the Single Window and SafeSeaNet***. In particular, personal data collected for the purposes of Directive 98/41/EC ***to facilitate search and rescue operations and the efficient handling of the aftermath of an accident*** should not be ***further*** processed and used for any other purpose and should not be retained longer than necessary for the ***specific*** purposes of

Directive 98/41/EC as specified therein.
Personal data should therefore be immediately destroyed after the ship's voyage has been safely completed or when an investigation or judicial proceedings in the aftermath of an accident or emergency have been concluded.

²⁰ ***In particular*** Regulation (EU) No XXX/2016 of XXX (number and date to be added after formal adoption) of the European Parliament and of the Council on the protection of ***individuals*** with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (***reference to OJ to be added after formal adoption***) and 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 (OJ L 8, 12.1.2001, p. 1).

^{20a} ***Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***

^{20b} ***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 (OJ L 8, 12.1.2001, p. 1).***

Or. en

Justification

AM number 2 of the LIBE Opinion adopted pursuant 53(4)

Amendment 37

Cláudia Monteiro de Aguiar

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) *In as much as measures* entail the processing of personal data, *those shall be carried out in accordance with Union law on the protection* of personal data²⁰. In particular, personal data collected for the purposes of Directive 98/41/EC should not be processed and used for any other purpose and should not be retained longer than necessary for the purposes of Directive 98/41/EC as specified therein.

Amendment

(10) *The measures provided for in Directive 98/41/EC and Directive 2010/65/EC* entail the processing of personal data. *This processing is governed by Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council, and Regulation (EC) No 45/2001 of the European Parliament and of the Council, which applies to the processing of personal data recorded in the Single Window and SafeSeaNet.* In particular, personal data collected for the purposes of Directive 98/41/EC *to facilitate search and rescue operations and the efficient handling of the aftermath of an accident* should not be *further* processed and used for any other purpose and should not be retained longer than necessary for the *specific* purposes of Directive 98/41/EC as specified therein. *Personal data should therefore be immediately destroyed after the ship's voyage has been safely completed or when an investigation or judicial proceedings in the aftermath of an accident or emergency have been concluded.*

²⁰ *In particular Regulation (EU) No XXX/2016 of XXX (number and date to be added after formal adoption) of the European Parliament and of the Council on the protection of individuals with*

regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (reference to OJ to be added after formal adoption) and 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 (OJ L 8, 12.1.2001, p. 1).

Or. en

Justification

It is more accurate with EU legislation to use "immediately" instead of " automatically" to ensure legal certainty. The destruction in itself can be manual or automatic but the date should be destroyed immediately.

Amendment 38
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In as much as measures entail the processing of personal data, those shall be carried out in accordance with Union law on the protection of personal data²⁰. In particular, personal data collected for the purposes of Directive 98/41/EC should not be processed and used for any other purpose **and** should not be retained longer than necessary for the purposes of Directive 98/41/EC as specified therein.

²⁰ In particular Regulation (EU) No XXX/2016 of XXX (number and date to be added after formal adoption) of the European Parliament and of the Council on

Amendment

(10) In as much as measures entail the processing of personal data, those shall be carried out in accordance with Union law on the protection of personal data²⁰. In particular, personal data collected for the purposes of Directive 98/41/EC should not be processed and used for any other purpose, should not be retained longer than necessary for the purposes of Directive 98/41/EC as specified therein, **and should subsequently be destroyed.**

²⁰ In particular Regulation (EU) No XXX/2016 of XXX (number and date to be added after formal adoption) of the European Parliament and of the Council on

the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (reference to OJ to be added after formal adoption) and 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 (OJ L 8, 12.1.2001, p. 1).

the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (reference to OJ to be added after formal adoption) and 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 (OJ L 8, 12.1.2001, p. 1).

Or. it

Amendment 39
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) *In view of the principle of proportionality and given that it is in the passenger's best interest to provide genuine information the current means of personal data collection on a basis of self-declaration of passengers is sufficient for the purposes of Directive 98/41/EC. At the same time, electronic means of data registration and verification should ensure that unique information is registered for every person on board.*

Amendment

(11) *For the purposes of Directive 98/41/EC passengers' personal data shall be collected by authorised on-board personnel with the requisite training. The electronic means of data registration and verification should ensure that unique information is registered for every person on board.*

Or. it

Justification

It is only right and proper that on security grounds, and following the terrorist attacks, passengers' personal data shall be collected by authorised on-board personnel trained to so do.

Amendment 40
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) To increase transparency and to facilitate the notification by Member States of exemptions and requests for derogation, a database should be established and maintained for this purpose by the Commission. It should include the notified measures in their draft and adopted form.

Amendment

(12) To increase transparency and to facilitate the notification by Member States of exemptions and requests for derogation, a database should be established and maintained for this purpose by the Commission. It should include the notified measures in their draft and adopted form.
The databank should be made publicly available by ensuring access through an Internet site.

Or. it

Amendment 41
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point a
Directive 98/41/EC
Article 2 – indent 2

Text proposed by the Commission

– ‘passenger ship’ shall mean a ship or a high-speed craft which carries more than 12 passengers,;

Amendment

– ‘passenger ship’ shall mean a ***sea-going*** ship or a ***sea-going*** high-speed craft which carries more than 12 passengers,;

Or. en

Amendment 42
Kosma Zlotowski, Kosma Zlotowski

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Directive 98/41/EC
Article 2 – indent 9

Text proposed by the Commission

Amendment

(c) *the ninth indent is replaced by the following:*

deleted

‘– ‘protected sea area’ shall mean a sea area in which ships of Class D may operate, listed pursuant to Article 4(2) of Directive 2009/45/EC;’

Or. en

Amendment 43

Izaskun Bilbao Barandica

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 98/41/EC

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

Before the passenger ship departs the number of persons on board shall be communicated to the master of the passenger ship and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU of the European Parliament and of the Council* or made available to the designated authority by means of Automatic Identification System.

Before the passenger ship departs the number of persons on board shall be communicated to the master of the passenger ship and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU of the European Parliament and of the Council or *otherwise* made available to the designated authority by means of *the* Automatic Identification System.

Until [insert date two years after the entry into force of this Amending Directive], if the journey is 20 miles or less, the number of persons on board may, by way of derogation from the first subparagraph, be made available to the designated authority by means of another electronic system provided that that system is approved by the Member State and was already in place before [insert date of entry into force of this Amending Directive].

Justification

It must be made clear who exactly has to submit data via the single window or via the AIS. The new option of a Member State approved electronic system (already in place) has been included for operators of short routes that cannot use either of the other two options as doing so would cause organisational problems for them, particularly with regard to the safety and rescue of persons. This amendment intends to clarify the initial idea of the draft report amendment 10.

Amendment 44**Kosma Złotowski, Tomasz Piotr Poręba****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5

*Text proposed by the Commission**Amendment*- their *year* of birth,- their *date* of birth,*Justification*

Year of birth is not a sufficient data to properly identify people on a large passenger ship. Additionally, the exact date of birth is important from a medical point of view in case of small children. Moreover, it is advisable to standardize this data with the data that is already provided in other forms (In the FAL forms it is asked to provide the exact date of birth).

Amendment 45**Rosa D'Amato, Daniela Aiuto****Proposal for a directive****Article 1 – paragraph 1 – point 4**

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5

*Text proposed by the Commission**Amendment*- their *year* of birth,- their *date* of birth,

Amendment 46

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5

Text proposed by the Commission

Amendment

- *their year* of birth,

- *date* of birth,

Or. en

Justification

AM number 3 of the LIBE Opinion adopted pursuant 53(4)

Amendment 47

Miltiadis Kyrkos

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5

Text proposed by the Commission

Amendment

- *their year* of birth,

- *date* of birth,

Or. en

Amendment 48

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5a (new)

Text proposed by the Commission

Amendment

- *the 'habitual place of residence',*

Or. en

Justification

AM number 4 of the LIBE Opinion adopted pursuant 53(4)

Amendment 49

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5a (new)

Text proposed by the Commission

Amendment

1a. - a contact number in case of an emergency, when the passenger so requests;

Or. it

Amendment 50

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's *departure but in no case later than thirty minutes after its* departure.

2. That information shall *always* be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure.

Amendment 51
Marie-Christine Arnautu

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 98/41/EC
Article 5 – paragraph 2

Text proposed by the Commission

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **thirty** minutes after **its departure**.

Amendment

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **15** minutes after **it has cast off**.

Or. fr

Justification

The time-limit for the transmission of passenger data should be as short as possible and start when a specific operation is carried out, leaving no room for interpretation.

Amendment 52
Merja Kyllönen

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 98/41/EC
Article 5 – paragraph 2

Text proposed by the Commission

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **thirty** minutes after its departure.

Amendment

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **10** minutes after its departure.

Or. en

Amendment 53

Isabella De Monte, Lucy Anderson, Nicola Caputo, Isabella De Monte

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 2

Text proposed by the Commission

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **thirty** minutes after its departure.

Amendment

2. That information shall be collected before departure and recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU upon the passenger ship's departure but in no case later than **twenty** minutes after its departure.

Or. en

Amendment 54

Tomasz Piotr Poręba, Tomasz Piotr Poręba

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 3

Text proposed by the Commission

3. ***Personal data collected for the purposes of this Directive should not be processed and used for any other purpose.;***

deleted

Amendment

Or. en

Justification

Matters dealing with access to personal data and their storage are regulated by the art. 10 of the Directive and the general provisions on the protection of personal data. Furthermore, such a provision is contrary to the intention of the applicant to provide information, which is referred to in Directive 2010/65/EU.

Amendment 55
Keith Taylor

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 98/41/EC
Article 5 – paragraph 3

Text proposed by the Commission

3. Personal data collected for the purposes of this Directive *should* not be processed and used for any other purpose.;

Amendment

3. Personal data collected for the purposes of this Directive *shall* not be processed and used for any other purpose *than passengers safety and handled in accordance with the EU legislation on data protection and privacy*;

Or. en

Amendment 56
Cláudia Monteiro de Aguiar

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 98/41/EC
Article 5 – paragraph 3

Text proposed by the Commission

3. Personal data collected for the purposes of this Directive should not be processed and used for any other purpose.;

Amendment

3. Personal data collected for the purposes of this Directive should not be processed and used for any other purpose *and must be immediately destroyed*;

Or. en

Justification

It is more accurate with EU legislation to use "immediately" instead of "automatically" to ensure legal certainty. The destruction in itself can be manual or automatic but the date should be destroyed immediately.

Amendment 57
Claude Moraes
on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Personal data collected for the purposes of this Directive **should** not be processed and used for any other purpose.;

3. Personal data collected for the purposes of this Directive **shall** not be processed and used for any other purpose.

Or. en

Justification

AM number 5 of the LIBE Opinion adopted pursuant 53(4)

Amendment 58

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 98/41/EC

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall ensure that, at the time when the information is collected pursuant to this Article, every person on board a passenger ship is provided, by the company assuming responsibility for operating that passenger ship, and in a concise, transparent, intelligible and easily accessible form, using clear and plain language, with the information set out in Regulation (EU) 2016/679.

Or. en

Justification

AM number 6 of the LIBE Opinion adopted pursuant 53(4)

Amendment 59
Izaskun Bilbao Barandica

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 98/41/EC
Article 8 paragraph 1

Text proposed by the Commission

Each company assuming responsibility for operating a passenger ship shall, where required under Articles 4 and 5 of this Directive, appoint a passenger registrar responsible for recording *the* information *referred to in those provisions in the single window established pursuant to Article 5 of Directive 2010/65/EU or making it available by means of Automatic Identification System.*

Amendment

Each company assuming responsibility for operating a passenger ship shall, where required *to record information* under Articles 4 and 5 of this Directive, appoint a passenger registrar responsible for recording *that* information *in accordance with those Articles.*

Or. en

Justification

It must be made clear who exactly has to submit data via the single window or via the AIS. The new option of a Member State approved electronic system (already in place) has been included for operators of short routes that cannot use either of the other two options as doing so would cause organisational problems for them, particularly with regard to the safety and rescue of persons. This amendment intends to clarify the initial idea of the draft report amendment 15

Amendment 60
Rosa D'Amato, Daniela Aiuto

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 98/41/EC
Article 8 – paragraph 1

Text proposed by the Commission

Each company assuming responsibility for operating a passenger ship shall, where required under Articles 4 and 5 of this

Amendment

Each company assuming responsibility for operating a passenger ship shall, where required under Articles 4 and 5 of this

Directive, appoint a passenger registrar responsible for recording the information referred to in those provisions in the single window established pursuant to Article 5 of Directive 2010/65/EU or making it available by means of Automatic Identification System.

Directive, appoint a passenger registrar responsible for recording the information referred to in those provisions in the single window established pursuant to Article 5 of Directive 2010/65/EU or making it available by means of Automatic Identification System. ***The passenger registrar shall receive proper training in the recording, internal communication and loading of said data on digital interfaces.***

Or. it

Amendment 61

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 2

Text proposed by the Commission

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other reporting obligations, once the information is no longer needed for this purpose, it shall be destroyed.

Amendment

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other ***specific*** reporting obligations ***under Union or national law, including for statistical purposes***, once the information is no longer needed for this purpose, it shall be ***immediately*** destroyed.

Or. en

Justification

AM number 7 of the LIBE Opinion adopted pursuant 53(4). The wording added in the proposal “without prejudice to other reporting obligations” does not provide legal certainty as it does not precise what other reporting obligations are, under which legal basis, for what

purposess. Suggestion of modification made by the EDPS in his opinion to ensure legal certainty.

Amendment 62

Cláudia Monteiro de Aguiar

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 2

Text proposed by the Commission

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other reporting obligations, once the information is no longer needed for this purpose, it shall be destroyed.

Amendment

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other *specific* reporting obligations ***under Union or national law, including for statistical purposes***, once the information is no longer needed for this purpose, it shall be ***immediately*** destroyed.

Or. en

Justification

It is more accurate with EU legislation to use "immediately" instead of "automatically" to ensure legal certainty. The destruction in itself can be manual or automatic but the date should be destroyed immediately.

Amendment 63

Gabriele Preuß

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 2

Text proposed by the Commission

Personal data collected in accordance with

Amendment

Personal data collected in accordance with

Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. ***Without prejudice to other reporting obligations, once the information*** is no longer needed for this purpose, it shall be destroyed.

Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. ***As soon as it*** is no longer needed for this purpose, it shall be destroyed.

Or. de

Amendment 64

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 2

Text proposed by the Commission

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other ***reporting*** obligations, once the information is no longer needed for this purpose, it shall be destroyed.

Amendment

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other obligations, once the information is no longer needed for this purpose, it shall be destroyed.

Or. en

Amendment 65

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 3

Text proposed by the Commission

Each company shall ensure that information concerning passengers who have declared a need for special care or assistance in emergency situations is properly recorded and communicated to the master before the passenger ship departs.;

Amendment

Each company shall ensure that information concerning passengers who have declared a need for special care or assistance in emergency situations is properly recorded and communicated to the master before the passenger ship departs.
Sufficient time shall be allowed between this information being recorded and the ship's departure in order to ensure such passengers receive maximum care and assistance, as such requests might entail a higher than usual level of care and assistance.;

Or. it

Amendment 66
Gabriele Preuß

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 98/41/EC
Article 8 – paragraph 3

Text proposed by the Commission

Each company shall ensure that information concerning passengers who have declared a need for special care or assistance in emergency situations is properly recorded and communicated to the master before the passenger ship departs.;

Amendment

Each company shall ensure that information concerning passengers who have declared a need for special care or assistance in emergency situations is properly recorded and communicated to the master before the passenger ship departs.;

Each company shall ensure that the data collected is adequately protected against access by unauthorised third parties.

Or. de

Amendment 67
Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 98/41/EC

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Taking into account the state of the art and the cost of implementation, each company shall implement appropriate technical and organisational measures to protect personal data processed pursuant to Article 5 against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure of, or access to personal data stored, transmitted or otherwise processed.

Or. en

Justification

AM number 8 of the LIBE Opinion adopted pursuant 53(4). Data security is an essential element of Union law on data protection. The COM proposal recognises it by acknowledging that it does not include any guarantee regarding the accessibility of personal data. The proposed wording is taken from current Directive 95/46/EC and its replacement act, Regulation 2016/679. Article 11 of Directive 98/41, replaced here by a new Article 11, contained this obligation, which is deleted in the proposal. It should be reintroduced.

Amendment 68

Cláudia Monteiro de Aguiar

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – indent 1 a (new)

Directive 98/41/EC

Article 9 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

- Member States from whose ports ships depart may exempt passenger ships operating, exclusively in protected sea areas, regular services of less than one hour between port calls from the obligation laid down in Article 4(2).

Justification

This derogation should be maintained in order to ensure that the revision of the directive does not lead to unnecessary burdens for operators running regular services of less than one hour in protected sea areas, as laid down in Directive 98/41/EC.

Amendment 69
Henna Virkkunen

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – indent 1 a (new)

Directive 98/41/EC

Article 9 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

- *Where a passenger ship departs from a port of a Member State, that Member State may exempt it from the obligation to report the number of persons on board in the single window established pursuant to Article 5 of Directive 2010/65/EU, provided that that passenger ship is operating, exclusively in protected sea areas, regular services of less than one hour between port calls.*

Or. en

Amendment 70
Merja Kyllönen

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – indent 1 a (new)

Directive 98/41/EC

Article 9 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

- *Where a passenger ship departs from a port of a Member State, that Member State may exempt it from the obligation to report the number of persons*

on board in the single window established pursuant to Article 5 of Directive 2010/65/EU, provided that that passenger ship is operating, exclusively in protected sea areas, regular services of less than one hour between port calls.

Or. en

Amendment 71

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a – indent 2

Directive 98/41/EC

Article 9 – paragraph 2 – point (c)

Text proposed by the Commission

(c) A Member State may exempt passenger ships sailing, exclusively in ***protected sea areas***, in which the proximity of search and rescue facilities is ensured, between two ports or from and to the same port without intermediate calls from the obligations laid down in Article 5.;

Amendment

(c) A Member State may exempt passenger ships sailing, exclusively in ***sea area of Class D as defined in Directive 2009/45/EC of 6 May 2009 on safety rules and standards for passenger ships***, in which the proximity of search and rescue facilities is ensured, between two ports or from and to the same port without intermediate calls from the obligations laid down in Article 5.;

Or. en

Amendment 72

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point b

Directive 98/41/EC

Article 9 – paragraph 3 – point b

Text proposed by the Commission

(b) if within ***six*** months of such notification the Commission considers that

Amendment

(b) if within ***three*** months of such notification the Commission considers that

that decision is not justified or could have adverse effects on competition, it may, by means of an implementing act, require the Member State to amend or withdraw its decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).;

that decision is not justified or could have adverse effects on competition, it may, by means of an implementing act, require the Member State to amend or withdraw its decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).;

Or. it

Amendment 73
Gabriele Preuß

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 98/41/EC
Article 10 – subparagraph 2

Text proposed by the Commission

Each Member State shall designate the authority that will have access to the information required under this Directive. Member States shall ensure that in the event of an emergency or in the aftermath of an accident, such designated authority has immediate access to the information required under this Directive.

Amendment

Each Member State shall designate the authority that will have access to the information required under this Directive. Member States shall ensure that in the event of an emergency or in the aftermath of an accident, such designated authority has immediate access to the information required under this Directive. ***They shall also ensure that the data is protected against access by unauthorised authorities and third parties.***

Or. de

Amendment 74
Gabriele Preuß

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 98/41/EC
Article 10 – subparagraph 2

Text proposed by the Commission

Each Member State shall designate *the* authority that will have access to the information required under this Directive. Member States shall ensure that in the event of an emergency or in the aftermath of an accident, such designated authority has immediate access to the information required under this Directive.

Amendment

Each Member State shall designate *an* authority that will have access to the information required under this Directive. Member States shall ensure that in the event of an emergency or in the aftermath of an accident, such designated authority has immediate access to the information required under this Directive.

Or. de

Amendment 75
Miltiadis Kyrkos

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 98/41/EC
Article 10 – subparagraph 3 – point a

Text proposed by the Commission

(a) until *the moment the ship's voyage in question has been safely completed*; or

Amendment

(a) until *48 hours after the safe arrival of the ship to its destination*; or

Or. en

Amendment 76
Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 98/41/EC
Article 10 – subparagraph 4

Text proposed by the Commission

Without prejudice to other reporting obligations, once the information is no longer needed for *these purposes*, it shall be destroyed.;

Amendment

Without prejudice to other *specific* reporting obligations *under Union or national law, including for statistical purposes*, once the information is no longer needed for *that purpose*, it shall be

immediately destroyed.

Or. en

Justification

AM number 9 of the LIBE Opinion adopted pursuant 53(4). Alignment with AM 3 to ensure legal consistency.

Amendment 77

Cláudia Monteiro de Aguiar

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 98/41/EC

Article 10 – subparagraph 4

Text proposed by the Commission

Without prejudice to other reporting obligations, once the information is no longer needed for *these purposes*, it shall be destroyed.;

Amendment

Without prejudice to other *specific* reporting obligations *under Union or national law, including for statistical purposes*, once the information is no longer needed for *that purpose*, it shall be *immediately* destroyed.

Or. en

Justification

It is more accurate with EU legislation to use "immediately" instead of " automatically" to ensure legal certainty. The destruction in itself can be manual or automatic but the date should be destroyed immediately.

Amendment 78

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 98/41/EC

Article 11 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Directive

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Amendment

1. For the purposes of this Directive

34/38

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the required data shall be collected and recorded in such a way that no undue delay is caused for passengers embarking and/or disembarking the vessel.

the required data shall be collected and recorded *using digital instruments* in such a way that no undue delay is caused for passengers embarking and/or disembarking the vessel.

Or. it

Amendment 79

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 98/41/EC

Article 11 a (new)

Text proposed by the Commission

Amendment

**(9 a) the following Article is inserted:
"Article 11a**

1. The processing of personal data pursuant to this Directive shall be carried out in accordance with Regulation (EU) 2016/679.

2. The processing of personal data by Union institutions and bodies pursuant to this Directive, such as in the Single Window and the SafeSeaNet, shall be carried out in accordance with Regulation (EC) No 45/2001.

Or. en

Justification

AM number 10 of the LIBE Opinion adopted pursuant 53(4). Legal consistency with Directive 2010/65 which also contains a similar provision. It would also go together with Recital 10. In fact the Single Window and the SafeSeaNet are managed by the European Maritime Agency.

Amendment 80

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 98/41/EC

Article 12 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 9 and 12 shall be conferred on the Commission for *an indeterminate* period of *time* from [the date of entry into force].

Amendment

2. The power to adopt delegated acts referred to in Articles 9 and 12 shall be conferred on the Commission for *a* period of *seven years* from [the date of entry into force].

Or. it

Amendment 81

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 98/41/EC

Article 14 a – paragraph 1

Text proposed by the Commission

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*seven* years after the date referred to in the second subparagraph of Article 3(1)].

Amendment

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*three* years after the date referred to in the second subparagraph of Article 3(1)].

Or. en

Justification

AM number 11 of the LIBE Opinion adopted pursuant 53(4)

Amendment 82

Rosa D'Amato, Daniela Aiuto

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 98/41/EC

Article 14 – paragraph 1

Text proposed by the Commission

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*seven* years after the date referred to in the second subparagraph of Article 3(1)].

Amendment

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*five* years after the date referred to in the second subparagraph of Article 3(1)].”.

Or. it

Amendment 83

Cláudia Monteiro de Aguiar

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by [*12* months after the entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by [*24* months after the entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. pt

Justification

24 months will give the Member States time to implement the directive correctly.

Amendment 84

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by

Amendment

Member States shall adopt and publish, by

[12 months after the entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

[24 months after the entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 85
Cláudia Monteiro de Aguiar

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall apply those provisions from [12 months after the entry into force].

Amendment

They shall apply those provisions from [24 months after the entry into force].

Or. pt

Justification

24 months will give the Member States time to implement the directive correctly.

Amendment 86
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall apply those provisions from [12 months after the entry into force].

Amendment

They shall apply those provisions from [24 months after the entry into force].

Or. en