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Committee on Civil Liberties, Justice and Home Affairs

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PE 372.148v01-00

AMENDMENTS 10-14

Draft report

(PE 365.023v02-00)

Carlos Coelho

Proposal for a regulation of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates

Proposal for a regulation (COM(2005)0237 - C6-0175/2005 - 2005/0104(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment by Edith Mastenbroek

Amendment 10

Recital 7

(7) Government or non-government services clearly identified for this purpose and responsible in the Member States for issuing registration certificates for vehicles should have access to data included in the SIS II concerning motor vehicles with a cylinder capacity exceeding 50cc, trailers and caravans with an unladen weight exceeding 750 kg and vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated in order to enable them to check whether the vehicles presented to them for registration have been stolen misappropriated or lost.

(7) Government or non-government services clearly identified for this purpose and responsible in the Member States for issuing registration certificates for vehicles should have *indirect* access to data included in the SIS II concerning motor vehicles with a cylinder capacity exceeding 50cc, trailers and caravans with an unladen weight exceeding 750 kg and vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated in order to enable them to check whether the vehicles presented to them for registration have been stolen misappropriated or lost.

Or. en

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Amendment by Edith Mastenbroek

Amendment 11

Recital 8

(8) To that end it is necessary to grant those services access to that data, and to allow them to use the data for the administrative purposes of properly issuing vehicle registration certificates.

(8) To that end it is necessary to grant those services *indirect* access to that data, ***through the intermediary of an authority granted access in accordance with Decision 2006/XX/JHA that is responsible for ensuring compliance with the security and confidentiality rules of the Member States, as referred to in Article 10 of that Decision,*** and to allow them to use the data for administrative purposes of properly issuing vehicle registration certificates.

Or. en

Amendment by Edith Mastenbroek

Amendment 12

Recital 9

(9) To the extent that services in the Member States responsible for issuing registration certificates for vehicles are non-government bodies, such access should be granted indirectly, that is to say through the intermediary of an authority granted access in accordance with Decision 2006/XX/JHA, responsible for ensuring compliance with the security and confidentiality rules of the Member States.

deleted

Or. en

Amendment by Edith Mastenbroek

Amendment 13

Recital 12

(12) Since the objective of the action to be taken, namely to grant access to the SIS II

(12) Since the objective of the action to be taken, namely to grant *indirect* access to the

for services in the Member States responsible for issuing registration certificates, in order to facilitate their tasks under Directive 1999/37/EC, cannot be sufficiently achieved by the Member States and can therefore, by reason of the very nature of the SIS as a joint information system, only be achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.

SIS II for services in the Member States responsible for issuing registration certificates, in order to facilitate their tasks under Directive 1999/37/EC, cannot be sufficiently achieved by the Member States and can therefore, by reason of the very nature of the SIS as a joint information system, only be achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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

Amendment by Edith Mastenbroek

Amendment 14

Article 1, paragraphs 1 to 3

1. Notwithstanding Articles 35, 37 and 40 (1) of Decision 2006/XX/JHA, the services in the Member States responsible for issuing registration certificates for vehicles as referred to in Directive 1999/37/EC, shall have access to the data entered into the SIS II in accordance with Article 35 (a) (b) and (f) of that Decision for the sole purpose of checking whether vehicles presented to them for registration have been stolen, misappropriated or lost.

Subject to paragraph 2, the national law of each Member State shall govern access to that data by those services in that Member State.

2. Services referred to in paragraph 1 that are government services shall have the right to access directly the data entered in the SIS II.

1. Notwithstanding Articles 35, 37 and 40 (1) of Decision 2006/XX/JHA, the services in the Member States responsible for issuing registration certificates for vehicles as referred to in Directive 1999/37/EC, shall have *indirect* access to the data entered into the SIS II in accordance with Article 35 (a) (b) and (f) of that Decision for the sole purpose of checking whether vehicles presented to them for registration have been stolen, misappropriated or lost.

Subject to paragraph 2, the national law of each Member State shall govern access to that data by those services in that Member State.

2. Services referred to in paragraph 1 that are government *or non-government* services shall have *indirect* access to data entered in the SIS II only through the intermediary of an authority referred to in Article 37 of that Decision. That authority shall have the right to access the data directly and to pass it on to the service. The Member State concerned

shall ensure that the service and its employees are required to respect any limitations on the permissible use of data conveyed to them by the public authority

3. Services referred to in paragraph 1 that are non-government services shall have access to data entered in the SIS II only through the intermediary of an authority referred to in Article 37 of that Decision. That authority shall have the right to access the data directly and to pass it on to the service. The Member State concerned shall ensure that the service and its employees are required to respect any limitations on the permissible use of data conveyed to them by the public authority.

Or. en