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Committee on Transport and Tourism

2011/0023(COD)

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AMENDMENTS 19 - 219

Draft opinion
Eva Lichtenberger
(PE467.175v01-00)

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))

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United in diversity

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Amendment 19

Axel Voss

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Council Directive 2004/82/EC of 29 April 2004 on the obligation of air carriers to communicate passenger data regulates the transfer of advance passenger information by air carriers to the competent national authorities for the purpose of improving border controls and combating *irregular* immigration.

Amendment

(4) Council Directive 2004/82/EC of 29 April 2004 on the obligation of air carriers to communicate passenger data regulates the transfer of advance passenger information by air carriers to the competent national authorities for the purpose of improving border controls and combating *illegal* immigration.

Or. de

Amendment 20

Olle Schmidt

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 effectively prevent, detect, investigate and prosecute terrorist offences and *certain* serious crime *types of transnational nature* and thus enhance internal security.

Or. en

Justification

"Serious transnational crime", especially trafficking in human beings, illicit drugs trafficking and illicit arms trafficking, are also relevant and serious crime types, the prevention of which may be helped by the use of PNR data. By narrowing the scope of the Directive by deleting "serious crime", the use of PNR data is focused on the cross-border offences where this data is most relevant and effective.

Amendment 21
Olle Schmidt

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 **can** 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 **find necessary** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 22
Philip Bradbourn

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

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in **the most** 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 **the most** 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

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.

criteria should be further limited to **the most** 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 23 **Olle Schmidt**

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) In order to ensure that the processing of data of innocent 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 limited to ***certain types of particularly*** serious crimes that are transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. en

Justification

The second part of this paragraph provides in itself the argument not to include "serious

crime" under the Directive and is therefore essential to keep.

Amendment 24
Rolandas Paksas

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. ***PNR data should not be used to investigate other crimes.*** 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 25
Olle Schmidt

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. ***Where data is not routinely captured by air carriers, they shall not be required to develop processes to capture such data.***

Or. en

Justification

To reduce as far possible any additional and unnecessary burden on air carriers, which in turn would translate into costs for passengers/consumers.

Amendment 26
Luis de Grandes Pascual

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. ***When carriers do not store PNR data electronically in the normal course of business, they should not be obliged to introduce any processes to collect such data.***

Justification

This amendment emphasises the principle that air carriers will not be collecting any more data than they already collect for their own commercial purposes.

Amendment 27
Petra Kammerevert

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Member States shall bear the costs of collecting, processing and forwarding PNR data.

Or. de

Amendment 28
Ismail Ertug

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Member States shall bear the costs of collecting, processing and forwarding PNR data.

Or. de

Amendment 29
Dominique Riquet

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. 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. 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 terrorism. 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. However, Member States **must** 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.

Or. fr

Amendment 30
Olle Schmidt

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 . 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 . However, Member States may exclude those *minor***

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism . 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***. Member States may exclude those offences for which, taking into account

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.*

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

Amendment 31
Petra Kammerevert

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 *by air carriers* to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to *Member States*.

Or. de

Amendment 32
Ismail Ertug

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 *by air carriers* to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to *Member States*.

Or. de

Amendment 33

Christine De Veyrac, Dominique Vlasto, Michel Dantin

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 to be obtained by the Passenger Information Unit ***must correspond to the passenger data which the airlines have already compiled and processed for commercial purposes and*** 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.

Or. fr

Justification

Air carriers will not be required to collect any data other than that which they already collect for commercial purposes.

Amendment 34

Olle Schmidt

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 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 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 **may** enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 35
Luis de Grandes Pascual

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 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.

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.

Or. en

Justification

The word 'required' in the English version could be confusing, since air carriers collect PNR data from among the data collected in the normal course of their business. They should not be forced to obtain or retain any additional passenger data, nor should any obligation be placed on passengers to provide any more data than air carriers would normally request in the normal course of their business.

Amendment 36

Axel Voss

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

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 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.

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 37

Axel Voss

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 required 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 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** 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. de

Amendment 38

Dominique Vlasto, Christine De Veyrac, Michel Dantin

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. The ‘push’ method **offers** a higher degree of data protection and should be mandatory, **two years after the entry into force of this Directive**, 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 of the European Union.**

Or. fr

Justification

The reference to the directive’s scope (Article 1) and transposition deadline (Article 15) is intended to clarify the obligations imposed on air carriers.

Amendment 39

Dominique Riquet

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. The ‘push’ method is considered to offer a higher degree of data protection and should be **regarded as preferable**.

Or. fr

Justification

A mandatory requirement seems excessive, since it would impose on air carriers a new responsibility to transfer data which they would have no power to challenge.

Amendment 40

Luis de Grandes Pascual

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

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 PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered

is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

to offer a higher degree of data protection and should be mandatory for all air carriers. ***Air carriers that do not have the technology necessary to apply the ‘push’ method must ensure that they are able to do so by the end of the transposition period for this Directive.***

Or. es

Justification

The word ‘required’ has been deleted for the same reason as it was in Amendment 35. This makes it clear that air carriers must be given sufficient time – in this case two years – once the directive has entered into force, to make sure they have the equipment needed to implement the ‘push’ method.

Amendment 41 Dominique Riquet

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. 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 temporary suspension of the operating licence.

Or. fr

Justification

The temporary suspension of the operating licence should be a sufficient deterrent.

Amendment 42

Luis de Grandes Pascual

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.

Or. es

Justification

It may sometimes be the case that the responsibility does not lie with the air carriers, but with the third countries that do not provide the PNR data that they have. Penalties ought to be dissuasive, effective and proportionate, as the first part of the recital stipulates. The second part of the recital might be deemed to be disproportionate or to contradict the first part, which covers all types of penalties.

Amendment 43

Rolandas Paksas

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 crime. ***Taking account of the real threat posed by crime, as well as of passenger flows and networks, Member States should be permitted to gather PNR data not only for flights to or from countries outside the EU but also for flights within the EU. If, in some Member States, PNR data are gathered only for flights to or from countries outside the EU, this will not really produce the desired result, because of the sparseness and episodic nature of the PNR data stored, the desired result being a thorough analysis of passenger flows in relation to risk factors.***

Or. It

Amendment 44
Olle Schmidt

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) and Council Framework Decision 2006/960/JHA of 18 September

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 ***as defined in this Directive***. 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

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.

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.

Or. en

Amendment 45
Olle Schmidt

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 **masked out** and only accessible under **extremely** strict and limited conditions **in accordance with Article 9(2)**.

Or. en

Amendment 46
Axel Voss

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 **depersonalised** and only accessible under very strict and limited conditions.

Or. de

Amendment 47
Jörg Leichtfried

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Member States should ensure that the costs arising from measures taken to use PNR data are not passed on to passengers.

Or. de

Amendment 48
Petra Kammerevert

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the

deleted

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.

Or. de

Amendment 49
Ismail Ertug

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. de

Amendment 50
Silvia-Adriana Țicău

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

deleted

Or. ro

Amendment 51
Dominique Riquet

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, 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. fr

Amendment 52
Silvia-Adriana Țicău

Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) The analysis of PNR data should serve exclusively for the prevention and detection of terrorist offences, the conduct of investigations and the resultant legal proceedings. The definition of terrorist offences should be more specific and should be limited to the cases referred to in Article 1 of Framework Decision 2002/475/JHA.

Or. ro

Amendment 53
Silvia-Adriana Țicău

Proposal for a directive
Recital 28 b (new)

Text proposed by the Commission

Amendment

(28 b) The transmission of PNR data should be limited to cases where it is indispensable for the prevention and detection of specific terrorist offences, the conduct of investigations and the resultant legal proceedings, and, where third countries are involved, only if equivalent data protection guarantees are in place;

Or. ro

Amendment 54
Philip Bradbourn

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 after **90 days**, 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 55
Petra Kammerevert

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 **three months**, 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.

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. de

Amendment 56
Olle Schmidt

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 5 years, after which the data must be deleted, the data must after a very short period **be masked out and made inaccessible except for a very limited and restricted number of authorised personnel as referred to in Article 9(2)**, 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

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

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 57

Ismail Ertug

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 **three months**, 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.

Or. de

Amendment 58

Silvia-Adriana Țicău

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 for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States **and between 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.

Or. ro

Amendment 59
Philip Bradbourn

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 60
Olle Schmidt

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

Text proposed by the Commission

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

Amendment

(a) The prevention, detection, investigation and prosecution of terrorist offences and **certain types of serious transnational crime as defined in Article 2(i) and**

according to Article 4(2)

Or. en

Amendment 61
Olle Schmidt

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

Text proposed by the Commission

Amendment

(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

Justification

Covered under amended Article 1.2(a)

Amendment 62
Philip Bradbourn

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 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 63
Petra Kammerevert

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

Text proposed by the Commission

Amendment

2a. This Directive does not apply to flights within Europe or to means of transport other than airplanes.

Or. de

Amendment 64
Ismail Ertug

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

Text proposed by the Commission

Amendment

2a. This Directive does not apply to flights within Europe or to means of transport other than airplanes.

Or. de

Amendment 65
Hubert Pirker

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’ means an air transport undertaking with a valid operating licence or equivalent **for take-off or landing in the European Union** permitting it to carry out carriage by air of passengers;

Or. de

Amendment 66

Dominique Vlasto, Christine De Veyrac, Michel Dantin

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 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 any transit flights;

Or. fr

Justification

Since the directive applies solely to international flights (Article 1), transfer flights, which currently account for a sizeable proportion of intra-Community flights, should be excluded from its scope.

Amendment 67

Olle Schmidt

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 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;

Or. en

Justification

Including transit and transfer flights means adding EU internal flights under the scope of the Directive.

Amendment 68 **Dominique Riquet**

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 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;

Or. fr

Justification

1) S'agissant des vols de transfert: étant donné que les transmissions PNR concernent la totalité des vols et non les passagers, les demandes visant à inclure les vols de transfert équivalent à demander des transmissions PNR pour pratiquement tous les vols intra communautaires. 2) S'agissant des vols de transit: les données PNR sont envoyées aux autorités des aéroports d'où les passagers débarquent de vols, (et non les autorités des aéroports de transit, où par définition, les passagers "n'atterrissent" pas dans les contrôles de l'immigration). L'itinéraire d'un passager ne correspondra pas toujours au point de transit, ainsi cette clause ne permet pas de satisfaire le système des conditions de demande.

Amendment 69 **Nathalie Griesbeck**

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

Amendment

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***;

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;

Or. fr

Amendment 70
Luis de Grandes Pascual

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 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 any transit flights;

Or. es

Justification

Including transfer flights would broaden the scope of the directive, since transfer flights are mostly intra-European.

Amendment 71
Olle Schmidt

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

Amendment

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements, ***captured and***

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;

electronically retained by the air carriers in their 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;

Or. en

Justification

To avoid adding costly burdens on air carriers, which in turn would translate into costs for passengers/consumers.

Amendment 72

Luis de Grandes Pascual

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 is collected and stored electronically by air carriers for their own commercial purposes, and*** 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;

Or. es

Amendment 73
Silvia-Adriana Țicău

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 in the normal way***, 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;

Or. ro

Amendment 74
Dominique Vlasto, Christine De Veyrac, Michel Dantin

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 into the database of the authority requesting them;

Or. fr

Justification

Screening or processing PNR in connection with the prevention, detection and investigation of terrorist offences and of other serious criminal offences is the responsibility of the passenger information units, not the airlines. To avoid confusion, therefore, the word ‘required’ should be deleted.

Amendment 75
Olle Schmidt

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 into the database of the authority requesting them;

Or. en

Amendment 76
Luis de Grandes Pascual

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 into the database of the authority requesting them;

Or. es

Amendment 77
Axel Voss

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 **listed in the Annex to this Directive** into the database of the authority requesting them;

Amendment 78
Gesine Meissner

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 required PNR data into the database of the authority requesting them ***and collect and process the data as part of their regular business procedures;***

Amendment 79
Dominique Vlasto, Christine De Veyrac, Michel Dantin

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

Text proposed by the Commission

Amendment

(f a) ‘pull method’ means the method whereby the requesting authority accesses the database of the airline’s reservation system directly and extracts passengers’ data from it;

Justification

The ‘pull’ system should be defined, since the Commission proposal refers to it more than once.

Amendment 80
Dominique Riquet

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

Text proposed by the Commission

Amendment

(f a) ‘pull method’ means the method whereby the authority requesting the information has access to the air carriers’ reservation systems, or an equivalent system, to extract the information required from the database.

Or. fr

Justification

This definition should be inserted to take account of carriers which do not have the resources to introduce immediately the necessary arrangements for the ‘push’ method.

Amendment 81
Luis de Grandes Pascual

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

Text proposed by the Commission

Amendment

(fa) ‘pull method’ means the method whereby the competent authorities of the Member State requiring the data can access the air carrier’s reservation system and extract a copy of the PNR data;

Or. es

Justification

It may be necessary to include this definition so that both the existing methods of data transfer are defined in the directive.

Amendment 82
Olle Schmidt

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

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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 83
Philip Bradbourn**

**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;

(h) ‘**most** 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 **will** 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

Amendment 84
Hubert Pirker

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 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, ***although Member States may exclude those offences for which, under their respective criminal law, the processing of PNR data pursuant to this Directive would not be in line with the principle of proportionality,*** and if:

Or. de

Justification

In contrast to (h), (i) does not contain a restriction stating that the processing of PNR data may not breach the principle of proportionality. This restriction has become necessary following a judgment by the German Federal Constitutional Court concerning data retention. This restriction should therefore also apply to 'serious transnational crime'. The concept should be adapted.

Amendment 85
Olle Schmidt

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

Amendment

(i) ‘serious transnational crime’ means offences under national law, ***primarily: trafficking of human beings, illicit trafficking in narcotic drugs and illicit trafficking in weapons, munition and explosives,*** if they are punishable by a

least three years under the national law of a Member State, and if :

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

Justification

Clarifying the objective of the Directive.

Amendment 86
Olle Schmidt

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 87
Silvia-Adriana Țicău

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

Text proposed by the Commission

Amendment

3 a. The storage, treatment and analysis

of PNR data relating to passengers on international flights shall be carried out exclusively within the territory of the EU. The legislation applicable to these procedures shall therefore be the EU legislation on personal data protection;

Or. ro

Amendment 88
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States shall bear the costs of collecting, processing and forwarding PNR data.

Or. de

Amendment 89
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States shall bear the costs of collecting, processing and forwarding PNR data.

Or. de

Amendment 90
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious transnational crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment, the Passenger Information Unit may process PNR data against pre-determined criteria. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

deleted

Or. de

Amendment 91
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious transnational crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment, the Passenger Information Unit may process PNR data against pre-determined criteria. Member States shall ensure that any positive match resulting from such automated processing is individually

deleted

reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. de

Amendment 92
Olle Schmidt

Proposal for a directive
Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

deleted

Or. en

Amendment 93
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) ***carrying out an assessment of the passengers*** prior to their scheduled arrival or departure from the Member State ***in order to identify any persons who may be involved*** in a terrorist offence or serious crime ***and who require further examination by the competent authorities referred to in Article 5***. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Amendment

(b) ***further assessment – which may be carried out*** prior to their scheduled arrival or departure from the Member State ***by the competent authorities referred to in Article 5 – of passengers in respect of whom there are factual grounds for suspicion of involvement*** in a terrorist offence or serious crime. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. de

Amendment 94
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) ***carrying out an assessment of the passengers*** prior to their scheduled arrival or departure from the Member State ***in order to identify any persons who may be involved*** in a terrorist offence or serious crime ***and who require further***

Amendment

(b) ***further assessment – which may be carried out*** prior to their scheduled arrival or departure from the Member State ***by the competent authorities referred to in Article 5 – of passengers in respect of whom there are factual grounds for***

examination by the competent authorities referred to in Article 5. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

suspicion of involvement in a terrorist offence or serious crime. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. de

Amendment 95
Olle Schmidt

Proposal for a directive
Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) responding, on a case-by-case basis, to duly reasoned requests from competent authorities to provide PNR data and process PNR data in specific cases for the purpose of prevention, detection, investigation and prosecution of a terrorist offence or serious crime, and to provide the competent authorities with the results of such processing; and

Amendment

(c) responding, on a case-by-case basis, to duly reasoned requests from competent authorities to provide PNR data and process PNR data in specific cases for the purpose of prevention, detection, investigation and prosecution of a terrorist offence or serious ***transnational*** crime, and to provide the competent authorities with the results of such processing; and

Or. en

Amendment 96
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) analysing PNR data for the purpose of updating or creating new criteria for carrying out assessments in order to identify any persons who may be involved in a terrorist offence or serious transnational crime pursuant to point (a).

deleted

Or. de

Amendment 97
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) analysing PNR data for the purpose of updating or creating new criteria for carrying out assessments in order to identify any persons who may be involved in a terrorist offence or serious transnational crime pursuant to point (a).

deleted

Or. de

Amendment 98
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The processing of PNR data may be authorised only by order of a court of a Member State following application by the Passenger Information Unit. Only in the event of danger in delay ('periculum in

mora’) may the Passenger Information Unit authorise such processing.

Or. de

Amendment 99
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The processing of PNR data may be authorised only by order of a court of a Member State following application by the Passenger Information Unit. Only in the event of danger in delay (‘periculum in mora’) may the Passenger Information Unit authorise such processing.

Or. de

Amendment 100
Petra Kammerevert

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with ***points (a) and*** (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with ***point*** (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

Or. de

Amendment 101
Ismail Ertug

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with *points (a) and (b)* of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

Amendment

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with *point (b)* of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

Or. de

Amendment 102
Olle Schmidt

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. Each Member State shall adopt a list of the competent authorities entitled to request or receive PNR data or the result of the processing of PNR data from the Passenger Information Units in order to examine that information further or take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.

Amendment

1. Each Member State shall adopt a list of the competent authorities entitled to request or receive PNR data or the result of the processing of PNR data from the Passenger Information Units in order to examine that information further or take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious *transnational* crime.

Or. en

Amendment 103
Olle Schmidt

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall consist of authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime.

Amendment

2. Competent authorities shall consist of authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious ***transnational*** crime.

Or. en

Amendment 104
Olle Schmidt

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. The PNR data of passengers and the result of the processing of PNR data received by the Passenger Information Unit may be further processed by the competent authorities of the Member States only for the purpose of preventing, detecting, investigating or prosecuting terrorist offences or serious crime.

Amendment

4. The PNR data of passengers and the result of the processing of PNR data received by the Passenger Information Unit may be further processed by the competent authorities of the Member States only for the purpose of preventing, detecting, investigating or prosecuting terrorist offences or serious ***transnational*** crime.

Or. en

Amendment 105
Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers ***which already collect PNR data from their passengers can*** transfer ('push') the PNR

extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. fr

Justification

It will not be possible to compel carriers which do not have a system of collecting PNR data for commercial purposes to develop such a system for the sole purpose of compiling data for use by passenger information units.

Amendment 106 **Petra Kammerevert**

Proposal for a directive **Article 6 – paragraph 1**

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer (*i.e.* 'push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to

transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. de

Amendment 107
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already ***collected*** by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. ***Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.***

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already ***captured and electronically retained*** by them ***in their normal course of business***, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight.

Or. en

Amendment 108
Dominique Riquet

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer (*push*) the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer (*by either the 'push' or the 'pull' method*) the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. fr

Amendment 109
Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer (*push*) the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are *already* collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of

territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. es

Justification

Following on from the amendment to recital 15, 'push' has been deleted in order to include all existing types of PNR data transfer. 'Already' has been deleted because air carriers ought, if necessary, to be able to transfer any modifications to PNR data that they deem appropriate.

Amendment 110 **Nathalie Griesbeck**

Proposal for a directive **Article 6 – paragraph 1**

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data *exclusively to the*

Information *Units of all the Member States concerned.*

Passenger Information Unit of the Member State of arrival.

Or. fr

Amendment 111
Ismail Ertug

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer (*i.e.* 'push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. de

Amendment 112
Gesine Meissner

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight – ***insofar as such data has already been electronically recorded and stored by the carriers in the course of their ordinary business procedures*** – shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. de

Amendment 113
Philip Bradbourn

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall not require air carriers to collect any PNR data that they do not already collect. Air carriers shall not transfer any PNR data other than that defined in Article 2(c) and specified by the Annex. Air carriers shall take every reasonable precaution to ensure that the data collected from passengers is accurate and correct; where this is found not to be

the case, the air carrier can be held liable.

Or. en

Amendment 114
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 *or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:*

Amendment

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14:

Or. de

Amendment 115
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:

Amendment

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 or, in the event of technical failure *of the air carriers*, by any other appropriate means ensuring an appropriate level of data security:

Or. en

Amendment 116
Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:

(Does not affect English version.)

Or. es

Justification

(Does not affect English version.)

Amendment 117
Ismail Ertug

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 ***or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:***

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14:

Or. de

Amendment 118
Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a directive
Article 6 – paragraph 2 – point a

Text proposed by the Commission

a) 24 to 48 hours before the scheduled time for flight departure;

Amendment

a) **once**, 24 to 48 hours before the scheduled time for flight departure;

Or. fr

Justification

To limit the cost of transferring the data collected, the number of PNR data transfers by airlines should be limited to one before departure and one after the flight has closed.

Amendment 119
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) 24 to 48 hours before the scheduled time for flight departure;

Amendment

(a) **once** 24 to 48 hours before the scheduled time for flight departure;

Or. en

Amendment 120
Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) 24 to 48 hours before the scheduled time for flight departure;

Amendment

(a) **for the first time** 24 to 48 hours before the scheduled time for flight departure;

Or. es

Amendment 121

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

b) immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

Amendment

b) **once**, immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

Or. fr

Justification

To limit the cost of transferring the data collected, the number of PNR data transfers by airlines should be limited to one before departure and one after the flight has closed.

Amendment 122

Olle Schmidt

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

Amendment

(b) **once** immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

Or. en

Amendment 123

Luis de Grandes Pascual

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

(b) **for the second time** immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

Or. es

Justification

Amendments 120 and 123 make it clear that data will be transferred in one go on the basis of the ticket, rather than several times over on a sector-specific basis.

Amendment 124
Petra Kammerevert

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

deleted

Or. de

Amendment 125
Ismail Ertug

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

deleted

Amendment 126
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States **may** permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

Amendment

3. Member States **shall** permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

Or. en

Amendment 127
Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States **may permit** air carriers **to limit** the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

Amendment

3. Member States **shall not prevent** air carriers **from limiting** the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

Or. es

Justification

Air carriers ought to be given the option of updating data that they have previously transferred.

Amendment 128
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

4. On a case-by-case basis, upon request from a Passenger Information Unit in accordance with national law, air carriers shall transfer PNR data where access earlier than that mentioned in point (a) of paragraph 2 is necessary to assist in responding to a specific and actual threat related to terrorist offences or serious crime.

Amendment

4. On a case-by-case basis, upon request from a Passenger Information Unit in accordance with national law, air carriers shall transfer PNR data where access earlier than that mentioned in point (a) of paragraph 2 is necessary to assist in responding to a specific and actual threat related to terrorist offences or serious **transnational** crime.

Or. en

Amendment 129
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article **4(2)(a) and (b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Amendment

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article **4(2)(b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime.

Or. de

Amendment 130
Olle Schmidt

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article 4(2)(a) and (b), the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Amendment

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article 4(2)(a) and (b), the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious **transnational** crime. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Or. en

Amendment 131
Ismail Ertug

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article **4(2)(a) and (b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The Passenger

Amendment

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article **4(2)(b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime.

Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Or. de

Amendment 132
Petra Kammerevert

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(b).

Or. de

Amendment 133
Olle Schmidt

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious **transnational** crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Or. en

Amendment 134

Ismail Ertug

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting

Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) *and* (b).

Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(b).

Or. de

Amendment 135
Olle Schmidt

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

Amendment

3. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious *transnational* crime.

Or. en

Amendment 136
Olle Schmidt

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious crime and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Amendment

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious **transnational** crime and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. en

Amendment 137
Olle Schmidt

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to terrorist offences or serious crime, the Passenger Information Unit of a Member State shall have the right to request the Passenger Information Unit of another Member State to provide it with PNR data of flights landing in or departing from the latter's territory at any time.

Amendment

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to terrorist offences or serious **transnational** crime, the Passenger Information Unit of a Member State shall have the right to request the Passenger Information Unit of another Member State to provide it with PNR data of flights landing in or departing from the latter's territory at any time.

Or. en

Amendment 138
Hubert Pirker

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

6. Exchange of information under this Article may take place using any existing channels for international law enforcement cooperation. The language used for the request and the exchange of information shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

Amendment

6. Exchange of information under this Article may take place using any existing channels for **European and** international law enforcement cooperation, **in particular Europol and national units under Article 8 of Council Decision 2009/371/JHA of 6 April 2009**. The language used for the request and the exchange of information shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

Or. de

Justification

Existing channels should be used for exchanging information. Europol should therefore be explicitly mentioned.

Amendment 139
Petra Kammerevert

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

Amendment

A Member State may transfer PNR data and the results of the processing of PNR data to a third country **only on the basis of an international agreement**, only on a

case-by-case basis and if:

Or. de

Amendment 140
Silvia-Adriana Țicău

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

Amendment

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis ***and subject to the conditions of an international agreement between the EU and that third country***, and if:

Or. ro

Amendment 141
Ismail Ertug

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

Amendment

A Member State may transfer PNR data and the results of the processing of PNR data to a third country ***only on the basis of an international agreement***, only on a case-by-case basis and if:

Or. de

Amendment 142
Nathalie Griesbeck

Proposal for a directive
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

a a) an international agreement is in force between the European Union and the third country;

Or. fr

Amendment 143
Petra Kammerevert

Proposal for a directive
Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the third country ***agrees to transfer*** the data ***to another third country*** only where it is necessary for the purposes of this Directive specified in Article 1(2) ***and only with the express authorisation of the Member State.***

(c) the third country ***guarantees that it will use*** the data only where it is necessary for the purposes of this Directive specified in Article 1(2). ***Transfer by the third country to a third country is not permitted.***

Or. de

Amendment 144
Ismail Ertug

Proposal for a directive
Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the third country ***agrees to transfer*** the data ***to another third country*** only where it is necessary for the purposes of this Directive specified in Article 1(2) ***and only with the express authorisation of the Member State.***

(c) the third country ***guarantees that it will use*** the data only where it is necessary for the purposes of this Directive specified in Article 1(2). ***Transfer by the third country to a third country is not permitted.***

Or. de

Amendment 145
Petra Kammerevert

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **five years**. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **two months**. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. de

Amendment 146
Bogdan Kazimierz Marcinkiewicz

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at

the Passenger Information Unit for a further period of five years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

the Passenger Information Unit for a further period of five years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit **who are specifically authorised and have the appropriate security-related powers** to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. pl

Amendment 147
Silvia-Adriana Țicău

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

(2) Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **five** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria

Amendment

(2) Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **between six months and two** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop

according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. ro

Amendment 148
Ismail Ertug

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **five years**. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **two months**. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. de

Amendment 149
Rolandas Paksas

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **five** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **three** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit **and only to persons duly authorised to this end** for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. It

Amendment 150
Bogdan Kazimierz Marcinkiewicz

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 4 a (new)

Text proposed by the Commission

Amendment

– Any data collected by the carrier in

connection with the flight.

Or. pl

Amendment 151
Hubert Pirker

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the PNR data are deleted upon expiry of the period specified in paragraph 2. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or *prosecutions*, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.

Amendment

3. Member States shall ensure that the PNR data are deleted upon expiry of the period specified in paragraph 2. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or *prosecution actions targeted at a particular person or a particular group of people*, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.

Or. de

Justification

The obligation to delete data after five years should be final. The exception provided here makes sense, but it should be made clear that retaining the data after the five years have elapsed may be permitted only in the case of criminal investigations into a particular person or a particular group of people. 'Specific criminal investigations or prosecutions', which is the wording used in the Commission proposal, could affect any number of people.

Amendment 152
Petra Kammerevert

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

4. The result of matching referred to in Article 4(2)(a) **and** (b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, **it shall, however, be stored so as to avoid future 'false' positive matches for a maximum period of three years unless the underlying data have not yet been deleted in accordance with paragraph 3 at the expiry of the five years, in which case the log shall be kept until the underlying data are deleted.**

Amendment

4. The result of matching referred to in Article 4(2)(b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, **the data shall be deleted from the database at the latest at the end of the three-month retention period.**

Or. de

Amendment 153

Silvia-Adriana Țicău

**Proposal for a directive
Article 9 – paragraph 4**

Text proposed by the Commission

4. The **result** of matching referred to in Article 4(2)(a) and (b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, **it shall, however, be stored so as to avoid future 'false' positive matches for a maximum period of three years unless the underlying data have not yet been deleted in accordance with paragraph 3 at the expiry of the five years, in which case the log shall be kept until the underlying data are deleted.**

Amendment

4. The **results** of matching referred to in Article 4(2)(a) and (b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match, **and at all events for no longer than 15 days.** Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, the underlying data shall be **corrected or shall be deleted from the applicable database.**

Amendment 154
Ismail Ertug

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

4. The result of matching referred to in Article 4(2)(a) and (b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, ***it shall, however, be stored so as to avoid future ‘false’ positive matches for a maximum period of three years unless the underlying data have not yet been deleted in accordance with paragraph 3 at the expiry of the five years, in which case the log shall be kept until the underlying data are deleted.***

Amendment

4. The result of matching referred to in Article 4(2)(b) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, ***the data shall be deleted from the database at the latest at the end of the three-month retention period.***

Or. de

Amendment 155
Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are

Amendment

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are

already collected by the them, or do not do so in the **required** format or otherwise infringe the national provisions adopted pursuant to this Directive.

already collected by the them, or do not do so in the format **prescribed by the ICAO guidelines on PNR** or otherwise infringe the national provisions adopted pursuant to this Directive. **Particular account should be taken, however, of situations in which a third country's competent authorities might refuse to allow air carriers to transfer the PNR data in question.**

Or. fr

Justification

(1) The required format must be the format agreed world-wide and recognised by the ICAO (Doc 9944) and the World Customs Organisation. (2) Air carriers are obliged to comply with third countries' legislation and cannot be held responsible for failure to transmit PNR data if they are not authorised to do so under a third country's legislation.

Amendment 156 **Olle Schmidt**

Proposal for a directive **Article 10 – paragraph 1**

Text proposed by the Commission

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive.

Amendment

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive, **taking into consideration possible circumstances involving restrictions on the air carriers set by the authorities of the third country of departure/arrival.**

Or. en

Amendment 157
Dominique Riquet

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive.

Amendment

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format ***(and in line with the global agreement)*** or otherwise infringe the national provisions adopted pursuant to this Directive. ***The application of such penalties shall take account of situations where third countries' authorities would not allow carriers to transfer PNR data.***

Or. fr

Justification

1) (1) The required format must correspond to the internationally agreed common data format recognised by the ICAO (Doc 9944) and the World Customs Organisation. (2) Air carriers should be able to challenge the imposition of penalties, particularly if they fail to comply with their governments' requirements .

Amendment 158
Bogdan Kazimierz Marcinkiewicz

Proposal for a directive
Article 10

Text proposed by the Commission

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided

Amendment

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided

for against air carriers which, do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive.

for against air carriers *which do* not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive, ***with a repeat penalty being imposed if national provisions are infringed again.***

Or. pl

Amendment 159
Luis de Grandes Pascual

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers *which, do* not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive.

Amendment

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers *which do* not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive. ***No penalties shall be imposed on air carriers when the authorities of a third country do not allow them to transfer PNR data.***

Or. es

Justification

This clarification is necessary because legislation on data transfer differs in third countries.

Amendment 160
Luis de Grandes Pascual

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive

Amendment

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive ***Air carriers that obtain passenger contact details from travel agencies shall not be permitted to use them for commercial purposes.***

Or. es

Amendment 161
Axel Voss

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive

Amendment

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive ***Air carriers which collect contact details for passengers who have booked their flight through a travel agency or other travel intermediary shall be prohibited from using these data for marketing purposes.***

Or. de

Amendment 162

Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Amendment

3. Any processing **by Passenger Information Units** of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Or. fr

Justification

Screening or processing PNR in connection with the prevention, detection and investigation of terrorist offences and of other serious criminal offences is the responsibility of the Passenger Information Units, not the airlines.

Amendment 163

Hubert Pirker

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Amendment

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data **characteristics** revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Or. de

Justification

Only the data characteristic that makes or could make such a classification possible should have to be deleted, not the entire PNR data.

Amendment 164

Luis de Grandes Pascual

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Amendment

3. Any processing of PNR data **by *Passenger Information Units*** revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Or. es

Justification

Air carriers have this information as it is provided to them by the passengers.

Amendment 165

Dominique Vlasto, Christine De Veyrac, Michel Dantin

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. All ***processing*** of PNR data by air carriers, all ***transfers*** of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the

Amendment

4. All ***transfers*** of PNR data by air carriers, all ***processing*** of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent

competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

Or. fr

Justification

Screening or processing PNR in connection with the prevention, detection and investigation of terrorist offences and of other serious criminal offences is the responsibility of the Passenger Information Units, not the airlines.

Amendment 166 **Olle Schmidt**

Proposal for a directive **Article 11 – paragraph 4**

Text proposed by the Commission

4. All processing of PNR data **by air carriers**, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article

Amendment

4. All processing of PNR data, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry

9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

of those five years, in which case the logs shall be kept until the underlying data are deleted.

Or. en

Amendment 167
Luis de Grandes Pascual

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. All processing of PNR data *by air carriers*, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

Amendment

4. All processing of PNR data, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

Or. es

Justification

This paragraph refers to PNR data that have been transferred to Passenger Information Units, not to PNR data held by air carriers.

Amendment 168
Petra Kammerevert

Proposal for a directive
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. A particularly high security standard shall be used for the protection of all data, geared to the latest developments in expert discussions on data protection and constantly updated to include new knowledge and insights. It shall be guaranteed that economic aspects are taken into account as a secondary concern at most when the relevant decisions on the security standards to be applied are taken.

In particular, a state of the art encryption process shall be used which:

- ensures that data-processing systems cannot be used by unauthorised persons;***
- ensures that authorised users of a data-processing system can access no data other than those to which their access right refers, and that personal data cannot be read, copied, changed or removed without authorisation when being processed or used and after retention;***
- ensures that personal data cannot be read, copied, changed or removed without authorisation when being electronically transmitted or during transport or saving to a storage medium, and ensures that it is possible to check and establish to which locations personal data is to be transferred by data transmission facilities.***

The possibility of retrospectively checking and establishing whether and by whom personal data have been entered in data-processing systems, changed or removed shall be guaranteed.

It shall be guaranteed that personal data processed under contract can be processed only in accordance with the contracting entity's instructions.

The protection of personal data against accidental destruction or loss shall be guaranteed.

The possibility of processing data collected for different purposes separately shall be guaranteed.

Or. de

Amendment 169
Ismail Ertug

Proposal for a directive
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. A particularly high security standard shall be used for the protection of all data, geared to the latest developments in expert discussions on data protection and constantly updated to include new knowledge and insights. It shall be guaranteed that economic aspects are taken into account as a secondary concern at most when the relevant decisions on the security standards to be applied are taken.

In particular, a state of the art encryption process shall be used which:

- ensures that data-processing systems cannot be used by unauthorised persons;*
- ensures that authorised users of a data-processing system can access no data other than those to which their access right refers, and that personal data cannot be read, copied, changed or removed without authorisation when being processed or used and after retention;*
- ensures that personal data cannot be read, copied, changed or removed without authorisation when being electronically transmitted or during transport or saving to a storage medium, and ensures that it is*

possible to check and establish to which locations personal data is to be transferred by data transmission facilities.

The possibility of retrospectively checking and establishing whether and by whom personal data have been entered in data-processing systems, changed or removed shall be guaranteed.

It shall be guaranteed that personal data processed under contract can be processed only in accordance with the contracting entity's instructions.

The protection of personal data against accidental destruction or loss shall be guaranteed.

The possibility of processing data collected for different purposes separately shall be guaranteed.

Or. de

Amendment 170

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that *air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers of international flights* at the time of booking a flight and at the time of purchase of a ticket in a clear and precise manner about the provision of PNR data to *the* Passenger Information *Unit*, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, *in particular* the right to complain to a

Amendment

5. Member States shall ensure that, at the time of booking a flight and at the time of purchase of a ticket, *passengers of international flights are informed* in a clear and precise manner about the provision of PNR data to Passenger Information *Units*, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, *such as the right to access, correct, erase and block data and the right to complain to a national data*

national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Or. fr

Justification

(1) Carriers ought to be able to direct passengers towards the Passenger Information Units (PIUs), particularly as regards information about the collection and screening of data and the period for which it is retained. As procedures may vary from one PIU to another, this would prevent carriers from being held responsible for any failure to inform passengers of possible changes to such procedures. (2) The aim is to clarify personal data protection measures.

Amendment 171 **Olle Schmidt**

Proposal for a directive **Article 11 – paragraph 5**

Text proposed by the Commission

5. Member States shall ensure that ***air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers*** of international flights ***at the time of booking a flight and at the time of purchase of a ticket*** in a clear and precise manner about the provision of PNR data to the Passenger Information Unit, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Amendment

5. Member States shall ensure that passengers of international flights ***are informed*** in a clear, ***timely*** and precise manner about the provision of PNR data to the Passenger Information Unit, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious ***transnational*** crime, the possibility of exchanging and sharing such data and their data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Or. en

Amendment 172

Luis de Grandes Pascual

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that ***air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform*** passengers of international flights at the time of booking a flight ***and*** at the time of purchase of a ticket in a clear and precise manner about the provision of PNR data to the Passenger Information Unit, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Amendment

5. Member States shall ensure that passengers of international flights ***are informed*** at the time of booking a flight ***and/or*** at the time of purchase of a ticket in a clear and precise manner about the provision of PNR data to the Passenger Information Unit, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Or. es

Amendment 173

Silvia-Adriana Țicău

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1) are collected. Until two years after the date

Amendment

deleted

referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Or. ro

Amendment 174
Petra Kammerevert

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1) are collected. Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Amendment

Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Or. de

Amendment 175
Olle Schmidt

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1) are collected. Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Amendment

Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1), **for which PNR data exists**, are collected. Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1), **for which PNR data exists**, are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights **for which PNR data exists**, referred to in Article 6(1) are collected.

Or. en

Amendment 176

Ismail Ertug

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1) are collected. Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Amendment

Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Or. de

Amendment 177
Petra Kammerevert

Proposal for a directive
Article 17 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) review the feasibility and necessity of including internal flights in the scope of this Directive, in the light of the experience gained by those Member States that collect PNR data with regard to internal flights. The Commission shall submit a report to the European Parliament and the Council within two years after the date mentioned in Article 15(1); **deleted**

Or. de

Amendment 178
Ismail Ertug

Proposal for a directive
Article 17 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) review the feasibility and necessity of including internal flights in the scope of this Directive, in the light of the experience gained by those Member States that collect PNR data with regard to internal flights. The Commission shall submit a report to the European Parliament and the Council within two years after the date mentioned in Article 15(1); **deleted**

Or. de

Amendment 179
Olle Schmidt

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious crime according to Article 4(2) and the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

Amendment

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious **transnational** crime according to Article 4(2) and the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

Or. en

Amendment 180
Petra Kammerevert

Proposal for a directive
Annex 1 – point 1

Text proposed by the Commission

(1) PNR record locator

Amendment

deleted

Or. de

Amendment 181
Ismail Ertug

Proposal for a directive
Annex 1 – point 1

Text proposed by the Commission

(1) PNR record locator

Amendment

deleted

Or. de

Amendment 182
Petra Kammerevert

Proposal for a directive
Annex 1 – point 2

Text proposed by the Commission

Amendment

(2) Date of reservation/issue of ticket **deleted**

Or. de

Amendment 183
Ismail Ertug

Proposal for a directive
Annex 1 – point 2

Text proposed by the Commission

Amendment

(2) Date of reservation/issue of ticket **deleted**

Or. de

Amendment 184
Petra Kammerevert

Proposal for a directive
Annex 1 – point 3

Text proposed by the Commission

Amendment

(3) Date(s) of intended travel **deleted**

Or. de

Amendment 185
Ismail Ertug

**Proposal for a directive
Annex 1 – point 3**

Text proposed by the Commission

Amendment

(3) Date(s) of intended travel

deleted

Or. de

**Amendment 186
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 4**

Text proposed by the Commission

Amendment

(4) Name(s)

deleted

Or. de

**Amendment 187
Ismail Ertug**

**Proposal for a directive
Annex 1 – point 4**

Text proposed by the Commission

Amendment

(4) Name(s)

deleted

Or. de

**Amendment 188
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 5**

Text proposed by the Commission

Amendment

**(5) Address and contact information
(telephone number, e-mail address)**

deleted

Or. de

**Amendment 189
Ismail Ertug**

**Proposal for a directive
Annex 1 – point 5**

Text proposed by the Commission

Amendment

**(5) Address and contact information
(telephone number, e-mail address)**

deleted

Or. de

**Amendment 190
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 6**

Text proposed by the Commission

Amendment

**(6) All forms of payment information,
including billing address**

deleted

Or. de

**Amendment 191
Ismail Ertug**

**Proposal for a directive
Annex 1 – point 6**

Text proposed by the Commission

Amendment

**(6) All forms of payment information,
including billing address**

deleted

Or. de

**Amendment 192
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 7**

Text proposed by the Commission

Amendment

**(7) Complete travel itinerary for specific
PNR**

deleted

Or. de

**Amendment 193
Ismail Ertug**

**Proposal for a directive
Annex 1 – point 7**

Text proposed by the Commission

Amendment

**(7) Complete travel itinerary for specific
PNR**

deleted

Or. de

**Amendment 194
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 8**

Text proposed by the Commission

Amendment

(8) Frequent flyer information

deleted

Or. de

Amendment 195

Ismail Ertug

Proposal for a directive

Annex 1 – point 8

Text proposed by the Commission

Amendment

(8) Frequent flyer information

deleted

Or. de

Amendment 196

Philip Bradbourn

Proposal for a directive

Annex 1 – point 8

Text proposed by the Commission

Amendment

(8) Frequent *flyer* information

(8) Frequent *destination* information

Or. en

Amendment 197

Petra Kammerevert

Proposal for a directive

Annex 1 – point 9

Text proposed by the Commission

Amendment

(9) Travel agency/travel agent

deleted

Or. de

Amendment 198
Ismail Ertug

Proposal for a directive
Annex 1 – point 9

Text proposed by the Commission

Amendment

(9) Travel agency/travel agent

deleted

Or. de

Amendment 199
Petra Kammerevert

Proposal for a directive
Annex 1 – point 10

Text proposed by the Commission

Amendment

(10) Travel status of passenger, including confirmations, check-in status, no show or go show information

deleted

Or. de

Amendment 200
Ismail Ertug

Proposal for a directive
Annex 1 – point 10

Text proposed by the Commission

Amendment

(10) Travel status of passenger, including confirmations, check-in status, no show or go show information

deleted

Or. de

Amendment 201
Petra Kammerevert

Proposal for a directive
Annex 1 – point 11

Text proposed by the Commission

Amendment

(11) Split/divided PNR information **deleted**

Or. de

Amendment 202
Ismail Ertug

Proposal for a directive
Annex 1 – point 11

Text proposed by the Commission

Amendment

(11) Split/divided PNR information **deleted**

Or. de

Amendment 203
Petra Kammerevert

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

Amendment

(12) General remarks (including all available information on unaccompanied minors under 18 years, such as name and gender of the minor, age, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent) **deleted**

Or. de

Amendment 204
Ismail Ertug

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

Amendment

(12) General remarks (including all available information on unaccompanied minors under 18 years, such as name and gender of the minor, age, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)

deleted

Or. de

Amendment 205
Luis de Grandes Pascual

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

Amendment

(12) General remarks (including all available information on unaccompanied minors under 18 years, such as name and gender of the minor, age, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)

(12) General remarks (including all available information on unaccompanied minors under 18 years)

Or. es

Amendment 206
Petra Kammerevert

**Proposal for a directive
Annex 1 – point 13**

Text proposed by the Commission

Amendment

***(13) Ticketing field information,
including ticket number, date of ticket
issuance and one-way tickets, Automated
Ticket Fare Quote fields***

deleted

Or. de

**Amendment 207
Ismail Ertug**

**Proposal for a directive
Annex 1 – point 13**

Text proposed by the Commission

Amendment

***(13) Ticketing field information,
including ticket number, date of ticket
issuance and one-way tickets, Automated
Ticket Fare Quote fields***

deleted

Or. de

**Amendment 208
Petra Kammerevert**

**Proposal for a directive
Annex 1 – point 14**

Text proposed by the Commission

Amendment

***(14) Seat number and other seat
information***

deleted

Or. de

Amendment 209
Ismail Ertug

Proposal for a directive
Annex 1 – point 14

Text proposed by the Commission

Amendment

**(14) Seat number and other seat
information**

deleted

Or. de

Amendment 210
Petra Kammerevert

Proposal for a directive
Annex 1 – point 15

Text proposed by the Commission

Amendment

(15) Code share information

deleted

Or. de

Amendment 211
Ismail Ertug

Proposal for a directive
Annex 1 – point 15

Text proposed by the Commission

Amendment

(15) Code share information

deleted

Or. de

Amendment 212
Petra Kammerevert

Proposal for a directive
Annex 1 – point 16

Text proposed by the Commission

Amendment

(16) All baggage information

deleted

Or. de

Amendment 213

Ismail Ertug

Proposal for a directive

Annex 1 – point 16

Text proposed by the Commission

Amendment

(16) All baggage information

deleted

Or. de

Amendment 214

Petra Kammerevert

Proposal for a directive

Annex 1 – point 17

Text proposed by the Commission

Amendment

**(17) Number and other names of
travellers on PNR**

deleted

Or. de

Amendment 215

Ismail Ertug

Proposal for a directive

Annex 1 – point 17

Text proposed by the Commission

Amendment

**(17) Number and other names of
travellers on PNR**

deleted

Or. de

Amendment 216
Petra Kammerevert

Proposal for a directive
Annex 1 – point 18

Text proposed by the Commission

(18) *Any Advance* Passenger Information
(API) data collected

Amendment

(18) Passenger Information *in accordance*
with to Article 3 (2) of Directive
2004/82/EC

Or. de

Amendment 217
Ismail Ertug

Proposal for a directive
Annex 1 – point 18

Text proposed by the Commission

(18) *Any Advance* Passenger Information
(API) data collected

Amendment

(18) Passenger Information *in accordance*
with to Article 3 (2) of Directive
2004/82/EC

Or. de

Amendment 218
Petra Kammerevert

Proposal for a directive
Annex 1 – point 19

Text proposed by the Commission

(19) *All historical changes to the PNR*
listed in numbers 1 to 18

Amendment

deleted

Or. de

Amendment 219
Ismail Ertug

Proposal for a directive
Annex 1 – point 19

Text proposed by the Commission

Amendment

*(19) All historical changes to the PNR
listed in numbers 1 to 18*

deleted

Or. de