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Committee on Civil Liberties, Justice and Home Affairs

2011/0023(COD)

20.4.2015

AMENDMENTS 330 - 605

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

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

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

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PE554.743v02-00

EN

United in diversity

EN

Amendment 330
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

-1. The anonymised PNR data transferred by air carriers pursuant to Article 6(1a) shall be collected by the Passenger Information Units for the purpose of conducting risk assessments on particular flights and flight connections as well as 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) of paragraph 3.

Or. en

Amendment 331
Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Péter Niedermüller, Tanja Fajon

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. ***Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.***

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. ***Member States shall adopt the necessary measures to ensure that their Passenger Information Unit may request air carriers in accordance with Article 6 to:***
(a) transfer ('push') all PNR data of all passengers arriving or departing from

that Member state in an anonymised format;

(b) transfer ('push') specific PNR data of an individual linked to a name, contact detail or payment method linked to a specific case of prevention, detection, investigation or prosecution of a terrorist offence or a specific serious transnational crime;

(c) transfer ('push') PNR data of all passengers on specific flights where a risk assessment of the Passenger Information Unit has proven a high concrete risk that persons linked to a specific case of prevention, detection, investigation or prosecution of a terrorist offence or a specific serious transnational crime are travelling on those flights.

Or. en

Amendment 332

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Amendment

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. ***The air carriers shall transfer to the Passenger Information Unit only the PNR data listed in the Annex.*** Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately ***and permanently*** upon receipt.

Or. it

Amendment 333

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

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Amendment

1. The PNR data transferred by the air carriers **and the non-carrier economic operators**, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected **only** by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers **and non-carrier economic operators** include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Amendment 334

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

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member

Amendment

1. The PNR data transferred by the air carriers **and other non-commercial flight operators**, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger

State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Information Unit of the relevant Member State. Should the PNR data transferred by air carriers **and other commercial operators or non-commercial flight operators** include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Amendment 335
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Amendment

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately **and permanently** upon receipt.

Or. en

Amendment 336
Jan Philipp Albrecht

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, **in relation to international flights which land on or**

Amendment

1. The PNR data transferred by the air carriers, pursuant to Article 6(2), shall be collected by the Passenger Information

depart from the territory of each Member State shall be collected by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Amendment 337
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be **collected** by the Passenger Information Unit of the relevant Member State. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Amendment

1. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of each Member State shall be **received** by the Passenger Information Unit of the relevant Member State, **in accordance with Article 9**. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Amendment 338
Kristina Winberg

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. en

Amendment 339
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

1a. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of the European Union shall be collected by the Passenger Information Unit. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 340

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Tanja Fajon

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

Text proposed by the Commission

Amendment

1a. The anonymised PNR data as referred to in paragraph 1(a) transferred by air carriers shall be collected by the Passenger Information Units for the purpose of conducting risk assessments

on particular flights and connecting flights as well as 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 a certain type of serious transnational crime pursuant to point (i) of Article 2.

Or. en

Amendment 341
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

1b. The PNR data transferred by the air carriers, pursuant to Article 6, in relation to international flights which land on or depart from the territory of the European Union shall be collected by the Passenger Information Unit. Should the PNR data transferred by air carriers include data beyond those listed in the Annex, the Passenger Information Unit shall delete such data immediately upon receipt.

Or. en

Amendment 342
Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Péter Niedermüller, Tanja Fajon

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

Text proposed by the Commission

Amendment

1b. A request pursuant to subparagraphs 1 (b) and (c) shall be subject to prior authorisation by a judicial authority and

subject to a quarterly judicial review. The specification referred to in subparagraph 1 (c) may be temporal, geographical or both.

Or. en

Amendment 343
Jan Philipp Albrecht

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. en

Amendment 344

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

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

Text proposed by the Commission

(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;

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 crime and who require further examination by the competent authorities referred to in Article 5 **as well as Europol**. In carrying out such an assessment, the Passenger Information Unit may process PNR data against pre-determined criteria **in accordance with this Directive, and 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. en

Amendment 345

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Sylvia-Yvonne Kaufmann, Kati Piri, Hugues Bayet, Tanja Fajon

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

Text proposed by the Commission

(a) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in

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;

order to identify any persons who may be involved in a terrorist offence or **a certain type of** 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 **in line with the requirement set out in paragraph 3**. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed **and subject to human intervention by a member of the Passenger Information Unit** in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Amendment 346

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

Proposal for a directive

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(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

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, **in accordance with this Directive, and may compare PNR data against relevant databases, international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or**

needs to take action;

objects sought or under alert, including against data stored by Europol, 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. en

Amendment 347

Bendt Bendtsen

Proposal for a directive

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(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;

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 ***in accordance with this Directive, and may compare PNR data against data stored by Europol, against relevant international and national databases or against national mirrors of Union databases, where they are established on the basis of Union law, on persons 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. en

Justification

The terminology used in the proposed article is different from the Europol Council Decision. An explicit reference to data stored by Europol is necessary to allow the comparison of PNR data in this respect.

Amendment 348
Sylvie Guillaume

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

Text proposed by the Commission

(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;

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 ***a member of the Passenger Information Unit*** in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. fr

Amendment 349
Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

(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;

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 criteria *that have been pre-determined and updated by the Commission through delegated acts under Article 290 TFEU*. 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. it

Amendment 350
Kashetu Kyenge, Miltiadis Kyrkos

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

Text proposed by the Commission

(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

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;

against pre-determined criteria. Member States shall ensure that positive **matches** resulting from such automated processing is individually reviewed by **a member of the Passenger Information Unit** in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Amendment 351

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

Proposal for a directive

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(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;

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 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;

Or. en

Amendment 352

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

Proposal for a directive

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(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;

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 ***and may compare that data with all relevant databases, including data kept by Europol, in conformity with EU law.*** 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. fr

Amendment 353
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the European Union 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. Any positive match resulting from such

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

Or. en

Justification

Connected with the change to a Regulation.

Amendment 354

Laura Ferrara, Ignazio Corrao

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

Amendment 355
Cornelia Ernst, Barbara Spinelli

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

Amendment 356
Sylvie Guillaume

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) 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, *for the purpose of the prevention and detection of terrorist offences and serious crimes and the investigation and prosecution thereof*, 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 *databases*. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by *a member of the staff of the Passenger Information Unit* in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. fr

Amendment 357

Kashetu Kyenge, Miltiadis Kyrkos

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

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;

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 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 *databases*. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by *a member of the Passenger Information Unit* in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Amendment 358
Iliana Iotova

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

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,

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;

including against data stored by Europol, 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. en

Amendment 359
Sophia in 't Veld

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) ***contributing to the identification of any person*** prior to their scheduled arrival or departure from the Member State in order to identify any persons ***or find objects sought or under alert concerning serious transnational crime or a terrorist offence*** and who require further examination by the competent authorities referred to in Article 5. In carrying out such ***a check*** the Passenger Information Unit may compare PNR data against ***specifically designed*** databases ***created for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious transnational crime,*** 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. en

Amendment 360
Jan Philipp Albrecht

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 transnational 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; **and**

Or. en

Amendment 361
Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Péter Niedermüller, Tanja Fajon

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) 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 **a type of 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 compare PNR data against relevant national databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union and national rules applicable to such **data bases. In carrying out such an assessment the Passenger Information Unit may compare PNR data against the Schengen Information System and the Visa Information System.** Member States shall ensure that any positive match resulting from such automated processing is individually reviewed **and subject to human intervention by a member of the Passenger Information Unit** in order to verify whether the competent authority referred to in Article 5 needs to take action;
and

Or. en

Amendment 362
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) contributing to the identification of any person prior to their scheduled arrival

or departure from the European Union in order to identify any persons or find objects sought or under alert concerning serious transnational crime or a terrorist offence and who require further examination by the competent authorities referred to in Article 5. In carrying out such a check the Passenger Information Unit may compare PNR data against specifically designed databases created for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious transnational crime, 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. Any positive match resulting from such automated processing shall be individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Justification

Connected with the change to a Regulation.

Amendment 363

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Tanja Fajon

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*

Amendment

(c) responding, on a case-by-case basis, to duly reasoned requests from competent authorities *in accordance with Article 4a*

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

(new) and from Passenger Information Units from other Member States in accordance with Article 7.

Or. en

Amendment 364

Kashetu Kyenge, Miltiadis Kyrkos

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 *in accordance with Article 4a, from Passenger Information Units of the Member States, in accordance with article 7, and from Europol , in accordance with Article 7a;*

Or. en

Amendment 365

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

Proposal for a directive

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) responding, on a case-by-case basis, to duly reasoned requests from competent

Amendment

(c) responding, on a case-by-case basis *based on sufficient evidence*, to duly

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*

reasoned requests from competent authorities *or Europol* 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 *listed in Article 2.1 (i) or the prevention of an immediate and serious threat to public security*, and to provide the competent authorities with the results of such processing

Or. en

Amendment 366
Laura Ferrara, Ignazio Corrao

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 *judicial* 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. it

Amendment 367
Ana Gomes

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

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 crime, and to provide the competent authorities with the results of such processing; 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 368
Sophia in 't Veld

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) **making available, on a hit/ no hit** basis, to **Member State** competent authorities, PNR data and **PNR related information** 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

Justification

Connected with the change to a Regulation.

Amendment 369
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) responding, on a case-by-case basis, to duly reasoned requests from competent

authorities to process PNR data of targeted flights or specific individuals 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 370
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) responding to duly reasoned requests, accompanied with an order from a court or competent judicial body, from competent authorities to process identifiable PNR data of specific individuals, and to retain the data for as long as the investigation lasts, 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 371
Sophia in 't Veld, Filiz Hyusmenova

Proposal for a directive
Article 4 – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(cc) making available, on a hit/ no hit

basis, to competent authorities of all Member States, PNR data and PNR related information 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 372

Laura Ferrara, Ignazio Corrao

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. it

Amendment 373

Jan Philipp Albrecht

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*

Amendment 374

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Tanja Fajon

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*

Amendment 375

Cornelia Ernst, Barbara Spinelli

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*

Amendment 376

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

Proposal for a directive

Article 4 – paragraph 2 – point d

Text proposed by the Commission

(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).

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 crime pursuant to point (a).

Or. en

Amendment 377

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Hugues Bayet, Ana Gomes, Tanja Fajon

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on **a person's** race or ethnic origin, **religious** or philosophical **belief, political opinion**, trade union membership, health or **sexual** life.

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. **These assessment criteria must be targeted, specific, justified, proportionate and fact-based.** Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5 **and regularly reviewed. The regular review shall involve the Data Protection Officer and ensure that the assessment criteria remain targeted, specific, justified, proportionate and fact-based.** The assessment criteria shall in no circumstances be based on **data revealing a person's** race or ethnic origin, **political opinions, religion** or philosophical **beliefs, sexual orientation or gender identity**, trade union membership **and activities, and the processing of biometric data or of data**

concerning, health or sex life. The assessment shall in any case not be based solely on automated processing and allow for human intervention on every criteria.

Or. en

Amendment 378

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by *its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5.* The assessment criteria shall in no circumstances be based on a person's *race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.*

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of common assessment criteria established by *the Commission through delegated acts pursuant to point (a) of paragraph 2.* The assessment criteria shall in no circumstances be based on a person's *racial, ethnic or social origin, genetic features, language, religion or personal beliefs, political or any other opinions, membership of a national minority, assets, birth, disabilities, sexual preferences, trade union membership or data concerning health or sexual life.*

Or. it

Amendment 379

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior

Amendment

3. The assessment of the passengers prior

to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. ***These assessment criteria must be targeted, specific, justified, proportionate and fact-based.*** Member States shall ensure that the assessment criteria are set by the Passenger Information Units ***and be regularly reviewed, with the involvement of the Data Protection Officer and*** in cooperation with the competent authorities referred to in Article 5. ***In particular, this internal review shall ensure that the assessment criteria remain targeted specific, justified, proportionate and fact-based.*** The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 380 **Sylvie Guillaume**

Proposal for a directive **Article 4 – paragraph 3**

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. ***These assessment criteria shall be targeted, specific, justified, proportional and fact-based.*** Member States shall ensure that the assessment criteria are set by the Passenger Information Units, ***and regularly***

circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

re-evaluated with the involvement of the Data Protection Officer, in cooperation with the competent authorities referred to in Article 5. ***This re-evaluation shall ensure that the assessment criteria remain targeted, specific, justified, proportional and fact-based.*** The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. fr

Amendment 381
Cornelia Ernst

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's race, ***social*** or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 382

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

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a *person's race* or ethnic origin, religious or philosophical *belief, political opinion*, trade union membership, health or sexual life.

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a *racial* or ethnic origin, *political opinions*, religious or philosophical *beliefs*, trade union membership, health or sexual life.

Or. en

Amendment 383

Ana Gomes

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member

States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a *person's* race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5, ***and should, to the furthest possible extent, be consistent across the Union.*** The assessment criteria shall in no circumstances be based on a *person's* race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 384 Sophia in 't Veld

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's ***race or ethnic*** origin, religious or philosophical belief, political opinion, trade union membership, health or sexual ***life***.

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's ***sex, race, colour, ethnic or social*** origin, ***genetic features, language***, religious or philosophical belief, political opinion, trade union membership ***of a national minority***, health or sexual ***orientation***.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 385

Jan Philipp Albrecht

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Amendment

3. The assessment of the passengers prior to their scheduled arrival or departure from the Member State referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. Member States shall ensure that the assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life. ***The assessment shall in any case not be based solely on automated processing and allow for human intervention on every criteria.***

Or. en

Amendment 386

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The processing of PNR data shall be conducted by the Passenger Information

Unit only, upon duly motivated requests of Competent Authorities. Such requests shall concern the processing of PNR data of targeted flights or specific individuals. Only where the Passenger Information Unit identifies danger in delay may it start processing the PNR data before receiving the authorisation of the competent court or judicial body.

Or. en

Amendment 387
Jan Philipp Albrecht

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 competent court of a Member State following application by the Passenger Information Unit. Only where the Passenger Information Unit identifies danger in delay ('periculum in mora'), in particular an urgent need to avert serious consequences for the life, liberty of physical integrity of a person, may it authorise such processing itself, subject to a review by a court within 48 hours.

Or. en

Amendment 388
Sophia in 't Veld, Fredrick Federley, Cecilia Wikström, Nathalie Griesbeck

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

Text proposed by the Commission

Amendment

3b. Without prejudice to Article 7(4), the

PNR data shall not be transmitted by the Passenger Information Unit to any other authority in any way or format to allow for assessment of the PNR data outside the Passenger Information Unit. The PNR data cannot be requested by other authorities on the basis of an order of a competent court or judicial body.

Or. en

Justification

PNR data and result data can only be shared, upon request, between the PIUs of Member States (unless imminent threat). In order for the information and intelligence derived from PNR data to be shared among Member States, the PNR data should not be transmitted outside of the PIU-system. Otherwise, Member States will be able to circumvent the obligation to share the derived PNR-information.

**Amendment 389
Sophia in 't Veld**

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

Text proposed by the Commission

Amendment

3c. The assessment of the passengers prior to their scheduled arrival or departure from the European Union referred to in point (a) of paragraph 2 shall be carried out in a non-discriminatory manner on the basis of assessment criteria established by its Passenger Information Unit. The assessment criteria are set by the Passenger Information Units, in cooperation with the competent authorities referred to in Article 5. The assessment criteria shall in no circumstances be based on a person's sex, race, colour, ethnic or social origin, genetic features, language, religious or philosophical belief, political opinion, trade union membership of a national

minority, health or sexual orientation.

Or. en

Amendment 390

Cornelia Ernst

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 (a)* 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. en

Amendment 391

Laura Ferrara, Ignazio Corrao

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 (a)* 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. it

Amendment 392
Ana Gomes

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 (a)** 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. en

Amendment 393
Sophia in 't Veld

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 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.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 394
Jan Philipp Albrecht

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. en

Amendment 395
Kashetu Kyenge, Miltiadis Kyrkos

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

Text proposed by the Commission

Amendment

4a. The Data Protection Officer shall have access to any data transmitted from the Passenger Information Unit to a competent authority pursuant to paragraph 4. If he/she considers that the transmission of any data was not lawful, he/she shall refer the matter to the Supervisory Authority, that shall have the power to order the receiving competent authority to erase that data.

Or. en

Amendment 396
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

4a. The Passenger Information Unit shall transfer 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 Member States. Such transfers shall only be made on a case-by-case basis.

Or. en

Amendment 397

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Ana Gomes, Tanja Fajon

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

Text proposed by the Commission

Amendment

4a. The Data Protection Officer shall have access to all data transmitted to the Passenger Information Unit and from the Passenger Information Unit to a competent authority pursuant to Article 5. If the Data Protection Officer considers that transmission of any data was not lawful, he/she shall refer the matter to the Supervisory Authority, who shall have the power to order the receiving competent authority to erase the data.

Or. en

Amendment 398
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

4a. The storage, processing and analysis of PNR data shall be carried out exclusively within the territory of the Union.

Or. en

Justification

This is in line with the CJEU data retention judgement of 8 April 2014, article 68.

Amendment 399
Sylvie Guillaume

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

Text proposed by the Commission

Amendment

4a. The Data Protection Officer shall have access to all the data provided by the Passenger Information Unit to a competent authority in accordance with paragraph 4. Should that Officer consider it illegitimate to have provided certain information, they shall refer the matter to the national supervisory authority referred to in Article 12, which may require the competent authority to delete the data concerned.

Or. fr

Amendment 400
Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Ana Gomes, Tanja Fajon

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

Text proposed by the Commission

Amendment

4b. The storage, processing and analysis of PNR data shall be carried out exclusively within the territory of the Union. The law applicable to these procedures shall therefore be Union law on personal data protection.

Or. en

Amendment 401

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Ana Gomes, Tanja Fajon

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

Text proposed by the Commission

Amendment

4c. Member States shall bear the costs of use, retention and exchange of PNR data.

Or. en

Amendment 402

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Conditions for access to PNR data by competent authorities

1. The competent authorities referred to in Article 5 may submit, on a case-by-case basis, an electronic and duly reasoned

request to the Passenger Information Unit for the transmission of specific PNR data or the results of the processing of specific PNR data, when this is strictly necessary for the purpose of prevention, detection, investigation or prosecution of a specific terrorist offence or serious transnational crime. The request for such data may be based on any one or a combination of the PNR data elements set out in Annex I. The reasoned request shall set out reasonable grounds to consider that the transmission of PNR data or the substantially contribute to the prevention, detection, investigation or prosecution of the criminal offence in question.

2. Prior to the transmission of PNR data or of the results of the processing of PNR data from the Passenger Information Unit to a competent authority in reply to a request made in accordance with paragraph 1, a court or an independent administrative body shall verify, in a timely manner, whether all the conditions set out in paragraph 1 are fulfilled.

3. In an exceptional case of urgency where there is a need to prevent imminent danger associated with a terrorist offence or serious transnational crime, the Passenger Information Unit may transmit the PNR data or the results of the processing of PNR data immediately upon receipt of a request by a competent authority. In such an exceptional case of urgency, a court or an independent administrative body may only verify ex-post whether all the conditions set out in paragraph 1 are fulfilled, including whether an exceptional case of urgency actually existed. The ex-post verification shall take place without undue delay after the processing of the request.

4. Where an ex-post verification in accordance with paragraph 3 determines that the transfer of PNR data or the results of the processing of PNR data was not justified, all the authorities that have

received such data shall erase the information communicated by the Passenger Information Unit.

5. Paragraphs 1 to 4 shall also apply when a competent authority referred to in Article 5 submits an electronic and duly reasoned request to the Passenger Information Unit of its Member State in order to request the transmission of PNR data or the results of the processing of PNR data from Passenger Information Unit of another Member State in accordance with Article 7, or from a third country in accordance with Article 8.

6. The Data Protection Officer shall be informed each time the Passenger Information Unit transfers PNR data pursuant to this Article. The Data Protection Officer shall inform, on a regular basis, the Supervisory Authority concerning the transmission of data pursuant to this Article.

Or. en

Amendment 403
Jan Philipp Albrecht

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Risk assessment

1. The Passenger Information Units shall conduct risk assessments on particular flights and flight connections in order to justify the collection of PNR data in accordance with Article 9. A decision to categorize flights or flight connections as involving a high concrete risk that persons linked to a specific case of prevention, detection, investigation or

prosecution of terrorist offences or serious transnational crime are travelling on those flights should be based on reliable and up-to-date factual and statistical evidence.

2. While collecting PNR data in accordance with Article 9 the Passenger Information Units shall constantly update the risk assessment and end the collection of PNR data as soon as a high concrete risk that persons linked to a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious transnational crime are travelling on those flights is no longer given.

3. Each risk assessment shall be approved by the competent national supervisory authority prior to any measure based on Article 9.

Or. en

Amendment 404
Cornelia Ernst

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Assessment of the pre-determined criteria used by PIU for preselecting flights

1) The national DPA, in collaboration with the European Board of Data Protection, shall issue binding guidelines to the PIU ensuring that the pre-determined assessment criteria, on which flights are preselected, respect data protection law.

2) The DPA, in collaboration with the EBDP, shall carry out, at least every 6 months, a periodic review of the assessment criteria put in place on the

basis of which preselected flights are targeted, in which it will benchmark the preselection criteria to the stated objectives of this directive and to the principles of data protection.

Or. en

Amendment 405
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Joint Supervisory Body

Member States shall ensure that any processing of PNR data by the Passenger Information Unit will be subject to permanent oversight from a Joint Supervisory Body consisting of representatives of the European Data Protection Supervisor, Eurojust and Europol.

Or. en

Amendment 406
Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Marju Lauristin, Sylvia-Yvonne Kaufmann, Kati Piri, Péter Niedermüller, Tanja Fajon, Emilian Pavel

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Conditions for access to PNR data by competent authorities

1. The competent authorities referred to in

Article 5 may submit, on a case-by-case basis, an electronic and duly reasoned request to the Passenger Information Unit for the transmission of specific PNR data or the results of the processing of specific PNR data, when this is strictly necessary for the purpose of prevention, detection, investigation or prosecution of a specific terrorist offence or a certain type of serious transnational crime. The request for such data may be based on any one or a combination of the PNR data elements set out in the Annex. The reasoned request shall set out reasonable grounds to consider that the transmission of PNR data or the results of the processing of PNR data will substantially contribute to the prevention, detection, investigation or prosecution of the criminal offence in question.

2. Prior to the transmission of PNR data or of the results of the processing of PNR data from the Passenger Information Unit to a competent authority in reply to a request made in accordance with paragraph 1, a court or an independent administrative body shall verify, in a timely manner, whether all the conditions set out in paragraph 1 are fulfilled.

3. In an exceptional case of urgency where there is need to prevent an immediate and serious threat to public security associated with a terrorist offence or a type of serious transnational crime, the Passenger Information Unit may transmit the PNR data or the results of the processing of PNR data immediately upon receipt of a request by a competent authority. In such an exceptional case of urgency, a court or an independent administrative body may only verify ex-post whether all the conditions set out in paragraph 1 are fulfilled, including whether an exceptional case of urgency actually existed. The ex-post verification shall take place without undue delay after the processing of the request.

4. Where an ex-post verification in accordance with paragraph 3 determines that the transfer of PNR data or the results of the processing of PNR data was not justified, all the authorities that have received such data shall erase the information communicated by the Passenger Information System.

5. Paragraphs 1 to 4 shall also apply when a competent authority referred to in Article 5 submits an electronic and duly reasoned request to the Passenger Information Unit of its Member State in order to request the transmission of PNR data or the results of the processing of PNR data from a Passenger Information Unit of another Member State in accordance with Article 7, or from a third country in accordance with Article 8.

6. The decision for transfers pursuant to paragraphs 3 and 5 shall be made by the head of Passenger Information Unit to which the request was made. The Data Protection Officer shall be informed each time a transfer is made pursuant to this Article and he/she shall inform the supervisory authority of such transfers.

Or. en

Amendment 407
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4b

Any processing of PNR data by the Passenger Information Unit will be subject to permanent oversight from a Joint Supervisory Body consisting of representatives of the European Data Protection Supervisor, Eurojust and

Amendment 408
Bendt Bendtsen

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 *specific* purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious *transnational* crime. *Within its mandate, Europol shall be entitled to request and receive PNR data that are necessary in a specific case to prevent, detect, investigate or prosecute terrorist offences and serious transnational crimes.*

Justification

Amendment necessary to clarify that Europol is entitled to receive and request PNR data from Passenger Information Units as a part of their work. The wording is similar to article 18, para. 2 of the PNR-agreement between US and EU.

Amendment 409
Iliana Iotova

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 crime. ***Europol shall be entitled, within its mandate, to request and receive from the Passenger Information Units PNR data or relevant analytical information obtained from PNR data that are necessary in a specific case to prevent, detect, investigate, or prosecute terrorist offences and serious transnational crimes.***

Or. en

Amendment 410
Sophia in 't Veld

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 the result of the processing of PNR data from the Passenger Information Units ***on a case-by-case basis*** in order to take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious ***transnational*** crime.

Or. en

Amendment 411

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

Proposal for a directive Article 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 ***masked out*** 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 ***specific*** purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime ***or the prevention of immediate and serious threats to public security. Europol shall be entitled to request or receive PNR data or the result of the processing of PNR data from the Passenger Information Units of the Member States within the limits of its mandate and when necessary for the performance of its tasks.***

Or. en

Amendment 412

Ana Gomes, Marju Lauristin, Emilian Pavel

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

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 crime.

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. In the framework of this Directive, Europol shall be entitled, within its mandate, to request from the Passenger Information Units PNR data or relevant analytical information obtained from PNR data that may be necessary in a specific and duly justified case to prevent, detect, investigate, or prosecute terrorist offences and certain types of serious transnational*** crime.

Or. en

Amendment 413

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon

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 ***certain types of serious transnational*** crime.

Or. en

Amendment 414

Laura Ferrara, Ignazio Corrao

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. it

Amendment 415
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall adopt a list of the competent authorities entitled to request or receive the result of the processing of PNR data from the Passenger Information Unit on a case-by-case basis in order to take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious transnational crime.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 416
Sophia in 't Veld, Nathalie Griesbeck

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 **be** authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious **transnational** crime.

Or. en

Amendment 417
Laura Ferrara, Ignazio Corrao

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 **judicial** authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious **transnational** crime.

Or. it

Amendment 418
Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean, Heinz K. Becker, Barbara Matera, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Teresa Jiménez-Becerril Barrio, Nuno Melo, Roberta Metsola, József Nagy, Salvatore Domenico Pogliese

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall consist of

Amendment

2. Competent authorities shall consist of

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

authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime *or the prevention of immediate and serious threats to public security.*

Or. en

Amendment 419
Ana Gomes

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 420
Jan Philipp Albrecht

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 421
Marju Lauristin

**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 ***certain types of serious transnational*** crime.

Or. en

**Amendment 422
Cornelia Ernst**

**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 ***public*** authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious ***transnational*** crime.

Or. en

**Amendment 423
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon**

**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 ***certain types of serious transnational*** crime.

Amendment 424
Michal Boni

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Directive at the latest, and may at any time update its **declaration**. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Amendment

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Directive at the latest, and may at any time update its **notification**. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Amendment 425
Marju Lauristin

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Directive at the latest, and may at any time update its declaration. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Amendment

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after **the** entry into force of this Directive at the latest, and may at any time update its declaration **to ensure the list is up-to-date**. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Amendment 426

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

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Directive at the latest, and **may** at any time update its declaration. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Amendment

3. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Directive at the latest, and **shall** at any time update its declaration **to ensure the list is up-to-date**. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Or. en

Amendment 427

Sophia in 't Veld

Proposal for a directive

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Each Member State shall notify the list of its competent authorities to the Commission twelve months after entry into force of this Regulation at the latest, and may at any time update its declaration. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 428
Cornelia Ernst

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 *prevention, detection, investigation and prosecution of* terrorist offences *and certain types of* serious *transnational* crime *as defined in point (i) of Article 2 and according to Article 4(2)*.

Or. en

Amendment 429

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

Proposal for a directive
Article 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 crime *or the prevention of immediate and serious threats to public security*.

Amendment 430
Jan Philipp Albrecht

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 ***prevention, detection, investigation and prosecution of*** terrorist offences ***and certain types of*** serious ***transnational*** crime ***as defined in point (i) of Article 2 and according to Article 4(2).***

Amendment 431
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Ana Gomes, Tanja Fajon

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 ***the specific*** terrorist ***offence or type of*** serious ***transnational*** crime ***for which it was requested.***

Amendment 432
Marju Lauristin

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 ***the specific*** terrorist offences or ***type of*** serious ***transnational*** crime ***for which it was requested***.

Or. en

Amendment 433
Sophia in 't Veld, Nathalie Griesbeck

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 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 434
Kashetu Kyenge, Miltiadis Kyrkos

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 ***the specific*** terrorist offences or serious ***transnational*** crime ***for which it was requested***.

Or. en

Amendment 435
Laura Ferrara, Ignazio Corrao

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. it

Amendment 436
Ana Gomes

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 437

Birgit Sippel, Josef Weidenholzer, Ana Gomes, Tanja Fajon

**Proposal for a directive
Article 5 – paragraph 6**

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces **an adverse** legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of **a person's** race or ethnic origin, religious or philosophical **belief, political opinion**, trade union membership, health or **sexual** life.

Amendment

6. The competent authorities shall not take any decision that produces **a** legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such **decision shall always include human assessment. Such** decisions shall not be taken on the basis of **data revealing a person's** race or ethnic origin, **political opinions**, religious or philosophical **beliefs, sexual orientation or gender identity**, trade union membership **and activities, and the processing of biometric data or of data concerning** health or **sex** life.

Or. en

Amendment 438

Laura Ferrara, Ignazio Corrao

**Proposal for a directive
Article 5 – paragraph 6**

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or **significantly** affects a person only by reason of the automated processing of PNR data. Such decisions **shall not** be taken on the basis of a person's **race or** ethnic origin, **religious** or **philosophical belief**, political **opinion**, trade union membership, health or sexual life.

Amendment

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or affects a person only by reason of the automated processing of PNR data. **Neither shall** such decisions be taken on the basis of a person's **racial, ethnic or social** origin, **genetic features, language, religion or personal beliefs, political or any other opinions, membership of a national minority, assets, birth, disabilities, sexual preferences, trade union membership or data concerning** health or sexual life.

Or. it

Amendment 439

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

Proposal for a directive

Article 5 – paragraph 6

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a **person's race or ethnic** origin, **religious or philosophical** belief, political **opinion, trade union membership, health** or sexual **life**.

Amendment

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a **person's ethnic or social** origin, **colour, genetic features, language, religion or** belief, political **or any other** opinion, **membership of a national minority, property, birth, disability, or sexual orientation**.

Or. en

Amendment 440

Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's **race or ethnic** origin, religious or philosophical belief, political opinion, trade union membership, health or sexual **life**.

Amendment

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's **sex, race, colour, ethnic or social** origin, **genetic features, language**, religious or philosophical belief, political opinion, trade union membership **of a national minority**, health or sexual **orientation**.

Or. en

Amendment 441
Cornelia Ernst

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Amendment

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated processing of PNR data. Such decisions shall not be taken on the basis of a person's race, **social** or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 442

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Arnaud Danjean,

Tomáš Zdechovský, Mariya Gabriel, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

**Proposal for a directive
Article 6 – title**

Text proposed by the Commission

Amendment

Obligations on air carriers

Obligations on air carriers *and non-carrier economic operators*

Or. en

Amendment 443

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

**Proposal for a directive
Article 6 – title**

Text proposed by the Commission

Amendment

Obligations on air carriers

Obligations on air carriers *and other commercial operators and non-commercial flight operators*

Or. en

Amendment 444

Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

-1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') fully anonymised PNR data to the extent that such data are already collected by them in their normal course of business to the Passenger Information Units.

Amendment 445

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Sylvia-Yvonne Kaufmann, Tanja Fajon

Proposal for a directive

Article 6 – paragraph -1

Text proposed by the Commission

Amendment

-1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') anonymised PNR data pursuant to Article 4 (a), to the extent that such data are already collected by them in their normal course of business, to the Passenger Information Unit.

Amendment 446

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

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

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

1. Member States shall adopt the necessary measures to ensure that air carriers ***and non-carrier economic operators*** 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

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.

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 **and the non-carrier economic operator** that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers **and the non-carrier economic operators** shall transfer the PNR data to the Passenger Information Units of all the Member States concerned.

Or. en

Amendment 447
Jan Philipp Albrecht

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 **which already collect PNR data from their passengers** 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 **in their normal course of business** to the database of the national Passenger Information Unit of a Member State **when this is requested in accordance with Article 9**. 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 Passenger Information **Unit of the Member State of**

final arrival.

Or. en

Amendment 448
Cornelia Ernst

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, ***only upon a request by the Passenger Information Unit***, 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 ***in the normal course of their 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. 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. en

Amendment 449
Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar,
Anna Hedh, Tanja Fajon

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 ***and other non-commercial flight operators*** transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, 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. en

Amendment 450
Kristina Winberg

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 ('push') the PNR data as defined in Article 2(c) and specified in the Annex 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

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.

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. en

Amendment 451

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Sylvia-Yvonne Kaufmann, Tanja Fajon

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 specific PNR data as defined in Article 2(c) and **pursuant to Article 4 (b) and (c)**, to the extent that such data are already collected by them **in their normal course of business** to the database of the national Passenger Information Unit of **a** 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. en

Amendment 452
Emil Radev

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 or transfer any PNR data other than those specified in Article 2(c) and the Annex. Air carriers shall not be eligible for the accuracy of the PNR data except when they have been negligent in the collection and treatment of the data.

Or. en

Justification

Considering the need to balance security with data protection, air carriers have to collect only data as described in this directive, and EU MS cannot go beyond the requirements of the directive. At the same time, air carriers cannot be responsible for wrong data, except in the cases when they have been negligent with the process of collecting and treating the data.

Amendment 453
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

1a. The Commission 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 Passenger Information Unit. 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

Justification

Connected with the change to a Regulation.

Amendment 454

Jan Philipp Albrecht

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 the air carriers do not already collect. Air carriers shall not transfer any PNR data other than those defined in Article 2(c) and specified in the Annex. Air carriers shall not be liable for the accuracy and completeness of data provided by passengers, except when they did not take reasonable care to ensure that the data collected from passengers were accurate and correct.

Or. en

Amendment 455

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

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the cases of chartered flights, air carriers shall make sure to transmit all PNR data onto the concerned Passenger

Amendment 456

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

Proposal for a directive

Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In the cases of private planes or privately freighted flights, Member States should adopt the necessary measures to ensure that non-commercial flight operators provide PNR data for all passengers

Amendment 457

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

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 ***and non-carrier economic operator*** 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 458
Jan Philipp Albrecht

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. ***In accordance with paragraph 1 and 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:

Amendment 459
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Tanja Fajon

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 ***Article 13*** or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:

Amendment 460

Emilian Pavel, Ana Gomes

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, ***other commercial operators and non-commercial flight operators*** shall transfer PNR data by electronic means, ***providing sufficient guarantees in respect of the technical and organisational security measures***, 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 other appropriate means ensuring ***the same*** level of data security:

Or. en

Amendment 461

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

Proposal for a directive

Article 6 – paragraph 2 – point a – introductory part

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 462

Jan Philipp Albrecht

Proposal for a directive

Article 6 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 463

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja Fajon

Proposal for a directive

Article 6 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 464

Kinga Gál, Andrea Bocskor

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) immediately after ***takeoff.***

Or. en

Amendment 465

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

Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Nadine Morano, Michal Boni, Frank Engel, Andrea Bocskor, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

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 466

Jan Philipp Albrecht

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 467

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja Fajon

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) immediately after flight closure, that is

Amendment

(b) **once** immediately after flight closure,

once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

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 468
Cornelia Ernst

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 469

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

Proposal for a directive
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 may permit air carriers **and non-carrier economic operators** 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 470
Jan Philipp Albrecht

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 471
Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh, Emilian Pavel, Tanja Fajon

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 may permit air carriers **and other non-commercial flight operators** 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 472
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

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

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.

referred to in point (a) of paragraph 2.

Or. en

Amendment 473
Sylvie Guillaume

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, **genuine and imminent** threat related to terrorist offences or serious crime.

Or. fr

Amendment 474
Laura Ferrara, Ignazio Corrao

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. it

Amendment 475
Sophia in 't Veld

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, **actual and imminent** threat related to terrorist offences or serious **transnational** crime.

Or. en

Amendment 476

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

Proposal for a directive
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 **and non-carrier economic operator** 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.

Or. en

Amendment 477
Jan Philipp Albrecht

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 478
Ana Gomes, Tanja Fajon

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 ***and other non-commercial flight operators*** 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 479

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

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 *a* terrorist *offence or a certain type of* serious *transnational* crime.

Or. en

Amendment 480

Sophia in 't Veld

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Air carriers shall duly inform passengers about the type of personal data being collected, the purposes for the collection of these data and passengers' rights in relation to the right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress, in accordance with Directive 20XX/XX/EU. This information shall be provided to passengers proactively, in an easily understandable format, and prior to its first communication to air carriers.

Or. en

Amendment 481
Sophia in 't Veld

Proposal for a directive
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. On a case-by-case basis, upon request from the Passenger Information Unit 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, actual and imminent threat related to terrorist offences or serious transnational crime.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 482
Sophia in 't Veld

Proposal for a directive
Article 7 – title

Text proposed by the Commission

Amendment

Exchange of information ***between Member States***

Exchange of information

Or. en

Justification

Connected with the change to a Regulation.

Amendment 483
Cornelia Ernst

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), 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 484
Laura Ferrara, Ignazio Corrao

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

Amendment

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article 4(2)(a), 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

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

receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities *in accordance with the provisions of Article 4(2)(a)*.

Or. it

Amendment 485

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

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 *and to Europol where any elements indicate such a* transfer to be *helpful* for the prevention, detection, investigation or prosecution of terrorist offences or serious crime *or the prevention of immediate and serious threats to public security*. The Passenger Information Units of the receiving Member States *may* transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities *through using their Passenger Information Unit and using Europol's existing Secure Information Exchange Network Application (SIENA)*.

Or. en

Amendment 486

Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja Fajon

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 **without delay** 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 **relevant** for the prevention, detection, investigation or prosecution of terrorist offences or **certain types of 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. **Where appropriate, an alert shall be entered in accordance with Article 36 of the Schengen Information System.**

Or. en

Amendment 487

Jan Philipp Albrecht

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

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 **without delay**

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.

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 **relevant** for the prevention, detection, investigation or prosecution of terrorist offences or serious **transnational** crime. **Such transfers shall be strictly limited to the data necessary in a specific case for the prevention, detection, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing.** 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. **Where appropriate, an alert shall be entered in accordance with article 36 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)**^{1 a}.

^{1 a} OJ L 205, 7.8.2007, p. 63

Or. en

Amendment 488

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

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**

Amendment

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with Article 4(2), the result of the processing of PNR data is **proactively, and automatically**, transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States **without delay**.

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.

Or. en

Amendment 489

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the Passenger Information Unit proactively informs the Passenger Information Units of other Member States in case PNR data has been requested in cases of a specific, actual and imminent threat on the basis of Article 7(3), Article 7(4) or Article 7(5).

Or. en

Amendment 490

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Passenger Information Unit shall ensure that, with regard to persons identified in accordance with Article 4(2), the result of the processing of PNR data is transmitted to any Member States' competent authorities where the Passenger Information Unit considers

such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime.

Or. en

Amendment 491

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

**Proposal for a directive
Article 7 – paragraph 2**

Text proposed by the Commission

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).

deleted

Or. en

Justification

Redundant in case of Regulation with centralised system.

Amendment 492

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

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 *and have not yet been masked out* and, if necessary, also the result of *any* processing *thereof, if it has already been prepared pursuant to Article 4(2)(a)*. *The duly reasoned* 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 *or the prevention of immediate and serious threats to public security*. *Passenger Information Units shall provide the requested data as soon as possible.*

Or. en

Amendment 493

Jan Philipp Albrecht

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

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).

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, and, if necessary, also the result of the processing of PNR data. The request for such data *shall be strictly limited to the data necessary in this specific case*. It 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 *and shall be justified in writing*. Passenger Information Units shall provide the requested data as soon as practicable *using the common protocols and supported data formats* 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. en

Amendment 494

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

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*

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if *strictly* 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 set out in the Annex*, as deemed *strictly* necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation 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).

prosecution of *a* terrorist *offence or a certain type of* serious *transnational* crime. Passenger Information Units shall provide the requested data as soon as practicable *using the common protocols and supported data formats* 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 495
Cornelia Ernst

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).

Or. en

Amendment 496
Sylvie Guillaume

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 ***listed in the annex***, 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).

Or. fr

Amendment 497
Laura Ferrara, Ignazio Corrao

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

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request 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),

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)***.

and, if necessary, also the result of the processing of PNR data ***solely and exclusively*** 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) .

Or. it

Amendment 498
Kashetu Kyenge, Miltiadis Kyrkos

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

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if ***strictly*** 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 ***strictly*** 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 ***set out as Annex I***, as deemed ***strictly*** 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

4(2)(a) and (b).

been prepared pursuant to Article 4(2)(a) and (b).

Or. en

Amendment 499

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Passenger Information Unit of a Member State shall have the right to request, on a case-by-case basis if necessary and proportionate, the Passenger Information Unit of any other Member State to provide it with PNR data of targeted flights or specific individuals that are kept in the latter's database in accordance with Article 9(2). Passenger Information Units shall provide the requested data without delay. Where appropriate, an alert shall be entered in accordance with Article 36 of Regulation 1987/2006 on the Schengen Information System.

Or. en

Amendment 500

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

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 ***deleted***

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.

Or. en

Justification

Redundant in the case of a Regulation with a central system.

Amendment 501

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

**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*

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 *have been already masked out.* The Passenger Information Unit *shall only provide the full PNR data where it is reasonably believed that it is necessary for the purpose of Article 4(2)(b) and only when authorised to do so by an authority competent under Article 9(3).*

exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

Or. en

Amendment 502
Jan Philipp Albrecht

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. *Such a request shall be justified in writing.*

Or. en

Amendment 503
Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

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 *strictly* 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 *a* terrorist *offence or a specific* serious *transnational* crime. *Such access to the full PNR data shall be permitted only with the approval of the Head of the Passenger Information Unit the request has been made to.*

Or. en

Amendment 504

Laura Ferrara, Ignazio Corrao

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

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 crime.

Member State in their full form only *where it is necessary in order to prevent a serious, specific and immediate* threat to *public security* or *as part of an* investigation related to terrorist offences or serious *transnational* crime.

Or. it

Amendment 505
Cornelia Ernst

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 506
Kashetu Kyenge, Miltiadis Kyrkos

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 **strictly** 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 **strictly** 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. **Such access to the full PNR data shall be permitted only with the approval of the Head of the requested Passenger Information Unit.**

Or. en

Amendment 507

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Passenger Information Unit may request access to specific identifiable PNR data kept by the Passenger Information Unit of another Member State on the basis of Article 4(2) point cb (new) in their full form without the masking out only in exceptional circumstances in response to a specific, actual and imminent threat related to terrorist offences or serious transnational crime. Such requests shall be logged and shall be subject to ex-post judicial review within

48 hours.

Or. en

Amendment 508
Cornelia Ernst

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

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 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.

deleted

Or. en

Amendment 509
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Only in those cases where it is necessary for the prevention of an

deleted

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.

Or. it

Amendment 510
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

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 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

deleted

State.

Or. en

Amendment 511

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

**Proposal for a directive
Article 7 – paragraph 4**

Text proposed by the Commission

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 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.

deleted

Or. en

Amendment 512

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

**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 *when necessary in cases of emergency and under the conditions laid down in paragraph 2 and 3* 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. *The requests from the competent authorities, a copy of which shall always be sent to the Passenger Information Unit of the requesting Member State, shall be reasoned*. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. en

Amendment 513
Sylvie Guillaume

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

Amendment

4. Only in those cases where it is necessary for the prevention of *a specific, genuine and imminent* 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

authorities shall channel their requests through the Passenger Information Unit of their own Member State.

cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. fr

Amendment 514
Sophia in 't Veld

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 ***a specific, actual and imminent*** 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(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. ***Such requests shall be logged and shall be subject to ex-post judicial review within 48 hours.***

Or. en

Amendment 515
Ana Gomes

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 516
Jan Philipp Albrecht

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

Amendment

4. 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. 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

authorities shall channel their requests through the Passenger Information Unit of their own Member State.

cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. en

Amendment 517

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Only in those cases where it is necessary for the prevention of a specific, actual and imminent threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious transnational crime and shall be reasoned. The Passenger Information Unit shall respond to such requests as a matter of priority. Such requests shall be logged and shall be subject to ex-post judicial review within 48 hours.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 518

Laura Ferrara, Ignazio Corrao

**Proposal for a directive
Article 7 – paragraph 5**

Text proposed by the Commission

Amendment

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. *deleted*

Or. it

**Amendment 519
Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck**

**Proposal for a directive
Article 7 – paragraph 5**

Text proposed by the Commission

Amendment

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. *deleted*

Or. en

Justification

Redundant in case of Regulation with centralised system.

Amendment 520
Jan Philipp Albrecht

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. ***Such requests shall be strictly limited to the data necessary in the specific case for the prevention, detection, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing.***

Or. en

Amendment 521
Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar

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 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. ***This procedure can only cover requests on the PNR data already collected and retained***

by the Passenger Information Unit which is requested to provide with the data, and not on the flux of data, namely the requests on future flights.

Or. en

Amendment 522
Sylvie Guillaume

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, **genuine and imminent** 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.

Or. fr

Amendment 523
Cornelia Ernst

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

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

from the latter's territory at any time.

landing in or departing from the latter's territory at any time.

Or. en

Amendment 524

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

Proposal for a directive Article 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 crime ***or to prevent an immediate and serious threat to public security***, 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 525

Birgit Sippel, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon

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

Amendment

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to ***a*** terrorist ***offence or a specific*** serious ***transnational*** crime,

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.

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, *should this data have been retained.*

Or. en

Amendment 526

Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Exceptionally, where early access is necessary to respond to a specific, actual and imminent 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. Such requests shall be logged and shall be subject to ex-post judicial review within 48 hours.

Or. en

Amendment 527

Sylvie Guillaume

Proposal for a directive

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. Exchange of information under this Article may take place using any existing

6. Exchange of information under this Article may take place using *the Secure*

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.

Information Exchange Network Application provided by Europol. The language used for the request and the exchange of information shall be the one applicable to the **Secure Information Exchange Network provided by Europol.** **When exchanging information in accordance with this Article, Member States shall provide Europol with a copy of the exchange of information, in so far as Europol needs that information in order to fulfil its objectives under Council Decision 2009/371/JHA.** 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. fr

Amendment 528
Kashetu Kyenge, Miltiadis Kyrkos

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 **shall** take place using **the secure information exchange network application provided by Europol**. The language used for the request and the exchange of information shall be the one applicable to the **secure information exchange network provided by Europol**. **When exchanging information under this Article, Member States shall provide a copy of the exchange to Europol in so far as the information is necessary for Europol to fulfil its objectives in accordance with Council Decision 2009/371/JHA.** 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. en

Amendment 529

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

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. The exchange of information under this Article *must* take place using *a secure European system for the exchange of PNR data between Member States and between Member States and Europol. The development and operational management of this system shall be the responsibility of the European agency for the operational management of large-scale IT systems. A one-stop shop shall be created as part of this system to register and transmit the requests for information exchanges. The European Data Protection Supervisor shall be responsible for monitoring the processing of the personal data performed through this European system for the exchange of PNR data.*

Or. fr

Justification

This amendment aims to lend European added value to the mechanism provided for in the Directive. It seeks in particular to ensure that the protocols and procedures for the exchange of PNR data obey common rules so as to ensure they are effective. The remit granted to the

European Data Protection Supervisor is designed to ensure a consistently high level of data protection in all exchanges of information between Passenger Information Units.

Amendment 530
Bendt Bendtsen

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 international law enforcement cooperation, ***including the channels provided by Europol***. 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. en

Justification

Explicit reference should be made to Europol, to ensure that Europol's channels for exchange of PNR information can continue to be used for safe and rapid information exchange through the Secure Information Exchange Network Application (SIENA).

Amendment 531
Iliana Iotova

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

6. Exchange of information under this

Amendment

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.

Article may take place using any existing channels for international law enforcement cooperation, ***especially the channels provided for by Europol***. 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. en

Amendment 532

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

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 international law enforcement cooperation, ***including the secure channels provided for by Europol***. 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. en

Amendment 533

Birgit Sippel, Caterina Chinnici, Josef Weidenholzer, Marju Lauristin, Kati Piri, Tanja Fajon, Emilian Pavel

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 *shall* 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. en

Amendment 534

Jan Philipp Albrecht

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

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 establishing the European Police Office (Europol)*^{1 a}. The language used for the request and the exchange of information shall be the one applicable to

requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

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.

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

Or. en

Amendment 535
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The provisions of Articles 4a and 4(4a) shall be applicable accordingly.

Or. en

Amendment 536
Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Heinz K. Becker, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Mariya Gabriel, Michał Boni, Emil Radev, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Andrea Bocskor, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Passenger Information Units shall establish the possibility for Europol to request access to PNR data.

Amendment 537
Anna Maria Corazza Bildt

Proposal for a directive
Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States shall ensure that their Passenger Information Unit's, in order to fulfil their tasks as laid down in Article 4(2)(c), co-operate in the application of state-of-the-art technologies also through Europol using technologies that shall allow Passenger Information Units and Europol to combine their data with that of other Passenger Information Unit's by ensuring full protection of personal data with the aim of analysing the data pursuant to Article 4(2)(c).

Or. en

Amendment 538
Sophia in 't Veld, Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive
Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. 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.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 539

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

Proposal for a directive

Article 7 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. Member States shall ensure that their Passenger Information Unit's, in order to fulfil their tasks as laid down in Article 4(2)(c), co-operate in the application of state-of-the-art technologies through Europol using technologies that shall allow Passenger and Europol to combine their data with that of other Passenger Information Unit's by ensuring full protection of personal data with the aim of analysing the data pursuant to Article 4(2)(c).

Or. en

Amendment 540

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Conditions for access to PNR data by Europol

1. Europol may submit, on a case-by-case basis, an electronic and duly reasoned request to the Passenger Information Unit of any Member State for the transmission of specific PNR data and the results of the processing of specific PNR data, when this is strictly necessary to support and strengthen action by Member States in preventing detecting or investigating a specific terrorist offence or serious transnational crime referred to Annex II in so far as this offence is covered by Europol's competence pursuant to Council Decision 2009/371/JHA. The reasoned request shall set out reasonable grounds to consider that the transmission of PNR data or the results of the processing of PNR data will substantially contribute to the prevention, detection, investigation or prosecution of the criminal offence in question.

2. Upon receipt of a request by Europol, a court or an independent administrative body of the Member State shall verify, in a timely manner whether all the conditions set out in paragraph 1 are fulfilled, the Passenger Information Unit shall provide the requested data to Europol as soon as practicable.

3. Europol shall inform the Data Protection Officer appointed in accordance with Article 28 of Council Decision 2009/371/JHA of each exchange of information under this Article.

4. Exchange of information under this Article shall take place using the secure information exchange network provided by Europol in accordance with Council Decision 2009/371/JHA. The language used for the request and the exchange of information shall be the one applicable to the secure information exchange network provided by Europol.

Or. en

Amendment 541
Sylvie Guillaume

Proposal for a directive
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

**Conditions applicable to Europol's
accessing of PNR data**

1. Europol may submit, on a case-by-case basis, an electronic and duly reasoned request to the Passenger Information Unit of any Member State for the transmission of specific PNR data and the results of the processing of specific PNR data, when this is strictly necessary to support and strengthen action by Member States in preventing, detecting or investigating a specific terrorist offence or serious crime in so far as this offence is covered by Europol's competence pursuant to Council Decision 2009/371/JHA. The reasoned request shall set out the reasonable grounds for considering that the transmission of PNR data or the results of the processing of PNR data will substantially contribute to the prevention, detection, investigation or prosecution of the offence in question.

2. Upon receipt of a request by Europol, a court or an independent administrative authority of the Member State shall verify, in a timely manner, whether all the conditions set out in paragraph 1 are fulfilled. Where all those conditions have been fulfilled, the Passenger Information Unit shall provide the data requested to Europol as soon as is practicable.

3. Europol shall inform the Data Protection Officer appointed in accordance with Article 28 of Council Decision 2009/371/JHA of each exchange

of information under this Article.

4. Exchange of information under this Article must take place using the Secure Information Exchange Network provided by Europol in accordance with Council Decision 2009/371/JHA. The language used for the request and the exchange of information shall be the one applicable to the Secure Information Exchange Network Application provided by Europol.

Or. fr

Amendment 542
Sophia in 't Veld

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

Or. en

Justification

Any analysis of PNR data will be conducted by PIUs of EU Member States only. Third countries can request the results of such processing.

Amendment 543
Cornelia Ernst

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

Amendment

A Member State may, **on a case-by-case basis**, transfer PNR data and the results of

data to a third country, only *on a case-by-case basis and* if:

the processing of PNR data to a third country, only if:

Or. en

Amendment 544

Laura Ferrara, Ignazio Corrao

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, *after having consulted the national data protection authority*, and if:

Or. it

Amendment 545

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

Proposal for a directive

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 in duly reasoned request based on sufficient evidence* and if:

Or. en

Amendment 546
Jan Philipp Albrecht

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 *on a case-by-case basis*, only on *the basis of an international agreement between the Union and that third country* and if:

Or. en

Amendment 547
Birgit Sippel, Caterina Chinnici, Anna Hedh, Juan Fernando López Aguilar, Josef Weidenholzer, Tanja Fajon, Emilian Pavel

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 *on a case-by-case basis*, only on *the basis of an international agreement between the Union and that third country* and if:

Or. en

Amendment 548
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(-a) the request is done on the basis of an

Agreement with that particular third country on the sharing of the results of the processing of PNR data; or

Or. en

Amendment 549
Cornelia Ernst

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

Text proposed by the Commission

Amendment

(a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled, *deleted*

Or. en

Amendment 550
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled, *deleted*

Or. en

Justification

Regulation with centralised system will only allow for result sharing with third countries on a case-by-case basis and on the grounds of a specific Agreement.

Amendment 551
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

*(a) the conditions laid down in Article 13
of Council Framework Decision
2008/977/JHA are fulfilled,* *deleted*

Or. en

Amendment 552

Birgit Sippel, Caterina Chinnici, Anna Hedh, Juan Fernando López Aguilar, Josef Weidenholzer, Tanja Fajon, Emilian Pavel

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

Text proposed by the Commission

Amendment

*(a) the conditions laid down in Article 13
of Council Framework Decision
2008/977/JHA are fulfilled,* *deleted*

Or. en

Amendment 553

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

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

Text proposed by the Commission

Amendment

*(a) the conditions laid down in Article 13
of Council Framework Decision
2008/977/JHA are fulfilled,* *(a) the transfer is necessary for the
prevention, investigation, detection or
prosecution of criminal offences or the
execution of criminal penalties;*

Or. en

Amendment 554

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

Proposal for a directive

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the *conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled,*

(a) the *transfer is necessary for the prevention, investigation, detection or prosecution of criminal offences, the prevention of immediate and serious threats to public security or the execution of criminal penalties;*

Or. en

Amendment 555

Sylvie Guillaume

Proposal for a directive

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) the conditions *laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled;*

a) the *following* conditions *are met:*

- it is necessary for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

- the receiving authority in the third State or receiving international organisation is responsible for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

- the Member State from which the data were obtained has given its consent to

transfer in compliance with its national law; and

- the third State or international organisation concerned ensures an adequate level of protection for the intended data processing.

Or. fr

Amendment 556

Cornelia Ernst

Proposal for a directive

Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the transfer is based on an international agreement between the European Union and the third country,

Or. en

Amendment 557

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

Proposal for a directive

Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the receiving authority in the third country or receiving international body is responsible for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

Or. en

Amendment 558

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

Consuegra, Jeroen Lenaers, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Elissavet Vozemberg, Nadine Morano, Rachida Dati, Brice Hortefeux, Kinga Gál, Tomáš Zdechovský, Barbara Matera, Artis Pabriks, Frank Engel, Anna Maria Corazza Bildt, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the receiving authority in the third country or receiving international body is responsible for the prevention, investigation, detection or prosecution of criminal offences or the prevention of immediate and serious threats to public security or the execution of criminal penalties;

Or. en

Amendment 559

Sophia in 't Veld

Proposal for a directive

Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the conditions laid down in the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, the Charter of Fundamental Rights of the European Union, Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental

Freedom are fulfilled;

Or. en

Amendment 560
Sylvie Guillaume

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

Text proposed by the Commission

Amendment

aa) transfer without prior consent in accordance with paragraph 1(a) shall be permissible only if transfer of the data is essential for the prevention of an immediate and serious threat to public security of a Member State or a third State or to essential interests of a Member State and the prior consent cannot be obtained in good time. The authority responsible fo giving consent shall be informed without delay.

Or. fr

Amendment 561
Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Anna Hedh

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

Text proposed by the Commission

Amendment

(ab) the Member State from which the data were obtained has given its consent to transfer in compliance with its national law;

Or. en

Amendment 562

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

Proposal for a directive

Article 8 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the Member State from which the data were obtained has given its consent to transfer in compliance with its national law;

Or. en

Amendment 563

Sylvie Guillaume

Proposal for a directive

Article 8 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

ab) the adequacy of the level of protection referred to in paragraph 1 shall be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations. Particular consideration shall be given to the nature of the data, the purpose and duration of the proposed processing operation or operations, the State of origin and the State or international body of final destination of the data, the rules of law, both general and sectoral, in force in the third State or international body in question and the professional rules and security measures which apply.

Or. fr

Amendment 564

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

Proposal for a directive

Article 8 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the third country or international body concerned ensures an adequate level of protection for the intended data processing; and

Or. en

Amendment 565

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

Proposal for a directive

Article 8 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the third country or international body concerned ensures an adequate level of protection for the intended data processing;

Or. en

Amendment 566

Sophia in 't Veld

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and

deleted

Or. en

Justification

Connected with the change to a Regulation.

Amendment 567

Cornelia Ernst

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), **and**

(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2).

Or. en

Amendment 568

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and

(b) the transfer is **strictly** necessary for the purposes of this Directive specified in Article 1(2), and

Or. en

Amendment 569

Birgit Sippel, Caterina Chinnici, Anna Hedh, Juan Fernando López Aguilar, Josef Weidenholzer, Tanja Fajon, Emilian Pavel

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), **and**

Amendment

(b) the transfer is **strictly** necessary for the purposes of this Directive specified in Article 1(2).

Or. en

Amendment 570

Sylvie Guillaume

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and

Amendment

b) the transfer is **strictly** necessary for the purposes of this Directive specified in Article 1(2), and

Or. fr

Amendment 571

Sophia in 't Veld

Proposal for a directive

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the transfer is subject to prior judicial authorisation from a court or judicial body of the requested Member State.

Or. en

Justification

Amendment 572

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the transfer is necessary and proportionate for the prevention, investigation, detection, prosecution of terrorist offences and serious transnational crime; and

Or. en

Amendment 573

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the Union has concluded an international agreement with that third country or is party, together with that third country, to an international convention which provides for safeguards relating to the fundamental rights of passengers, which are compatible with the requirements of this Directive,

Or. it

Amendment 574

Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

Amendment

(bb) 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),

Or. it

Amendment 575
Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

Amendment

(bc) the third country allows Union citizens the same rights of access, rectification, erasure and compensation with regard to the PNR data as apply in the Union, and

Or. it

Amendment 576
Sophia in 't Veld

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.

deleted

Or. en

Amendment 577
Cornelia Ernst

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. *deleted*

Or. en

Amendment 578
Jan Philipp Albrecht

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. *deleted*

Or. en

Amendment 579
Birgit Sippel, Josef Weidenholzer, Tanja Fajon, Emilian Pavel

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.

deleted

Or. en

Justification

The third country receiving the data shall agree not to transfer the PNR data and the results of the processing of PNR data to another country. This condition is listed in Article 8 - paragraph 1 a (new).

Amendment 580
Kristina Winberg

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 that third country to another third country shall be prohibited.

Or. en

Amendment 581
Emil Radev

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

Text proposed by the Commission

Amendment

(c) the third country agrees to transfer the

(c) The third country receiving the data

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.

shall transfer the data to another third country only where it is necessary for the purposes of this Directive **as** specified in Article 1(2) and only **when the following conditions are met:**

(i) the transfer is necessary for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties

(ii) the receiving authority in the other third country or receiving international body is responsible for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties

(iii) the Member State from which the data were obtained has given its consent prior to the transfer

(iv) the other third country or international body concerned ensures an adequate level of protection for the intended data processing.

Or. en

Justification

It is important that transfers from one third country to another third country meet high data protection standards.

Amendment 582

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

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(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

Amendment

(c) the third country **receiving the data** 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

Member State.

authorisation of the Member State.

Or. en

Amendment 583

Ana Gomes, Marju Lauristin

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(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.

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, ***ensuring the required level of protection of the data and its processing, according to Directive 95/46/EC***.

Or. en

Amendment 584

Sylvie Guillaume

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

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***.

Amendment

c) the third country agrees ***in writing not*** to transfer the data to another third country.

Or. fr

Amendment 585
Kristina Winberg

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

Text proposed by the Commission

Amendment

(ca) the third country allows Union citizens, without excessive delay or expense, the same rights of access, rectification, erasure and compensation with regard to the PNR data as apply in the Union,

Or. en

Amendment 586
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

(ca) the third country allows Union citizens, without excessive delay or expense, the same rights of access, rectification, erasure and compensation with regard to the PNR data as apply in the Union;

Or. en

Amendment 587
Sylvie Guillaume

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

Text proposed by the Commission

Amendment

ca) a court or independent administrative authority shall verify, in a timely manner,

that all the conditions set out in paragraphs (a), (b) and (c) are fulfilled.

Or. fr

Amendment 588
Kristina Winberg

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

Text proposed by the Commission

Amendment

(cb) the third country ensures an adequate and comparable level of protection for PNR data.

Or. en

Amendment 589
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

(cb) the third country ensures an adequate and comparable level of protection for PNR data; and

Or. en

Amendment 590
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

(cc) all the conditions set out in Article 7 are met, mutatis mutandis.

Or. en

Amendment 591
Sophia in 't Veld, Nathalie Griesbeck

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

Text proposed by the Commission

Amendment

Member States may not transfer PNR data to third countries.

Or. en

Amendment 592
Kashetu Kyenge, Miltiadis Kyrkos

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

Text proposed by the Commission

Amendment

A Member State may transfer PNR data and the results of the processing of PNR to a third country if:

(a) the third country submits a duly reasoned request to a competent authority referred to in Article 5 of the Member State concerned;

(b) all conditions set out in Paragraph 1 are fulfilled;

(c) the reasoned request sets out reasonable grounds to consider that the transmission of PNR data or the results of the processing of PNR data will substantially contribute to the prevention,

detection, investigation or prosecution of the criminal offence in question;

(d) a court or an independent administrative body verified, in a timely manner, that all conditions set out in subparagraphs (a) and (b) are fulfilled.

Or. en

Amendment 593

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

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Applications for third country transfers may be addressed directly to the one-stop shop provided for in Article 7 of this directive.

Or. fr

Amendment 594

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

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall transfer PNR to competent government authorities of third countries only under terms consistent with this Directive and only upon ascertaining that the use that the recipient intends to make of the PNR is consistent with those terms.

Or. en

Amendment 595
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

Transfer by a third country to another third country shall be prohibited.

Or. en

Amendment 596
Birgit Sippel, Juan Fernando López Aguilar, Josef Weidenholzer, Caterina Chinnici, Tanja Fajon, Emilian Pavel

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

Text proposed by the Commission

Amendment

A Member State may transfer PNR data and the results of the processing of PNR data to a third country only if:

(a) the third country receiving the data agrees not to transfer the PNR data and the results of the processing of PNR data to another country.

(b) the third country submits a duly reasoned request to a competent authority referred to in Article 5 of the Member State concerned;

(c) the reasoned request sets out reasonable grounds to consider that the transmission of the PNR data or the results of the processing of the PNR data will substantially contribute to the prevention, detection, investigation or prosecution of the terrorist offence or a serious transnational crime in question; and

(d) a court verified, in a timely manner, that all conditions set out in paragraphs

(a) and (e) are fulfilled.

Or. en

Amendment 597

Sophia in 't Veld, Nathalie Griesbeck

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Passenger Information Unit may transfer the results of the processing of PNR data to a third country, only on a case-by-case basis and if an agreement between the European Union and the third country for the transfer of these data has been concluded under Article 218(6)(a).

Or. en

Justification

Connected with the change to a Regulation.

Amendment 598

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

In an exceptional case of urgency where there is a need to prevent imminent danger associated with a terrorist offence or serious transnational crime, a Member State may transfer PNR data or the results of the processing of PNR data immediately upon receipt of a request by a third country if all conditions set out in

Subparagraphs 1a(a) and (b) are fulfilled. In such an exceptional case of urgency, a court or an independent administrative body may only verify ex-post whether all the conditions set out in Subparagraphs 1a(a) and (b) are fulfilled, including whether an exceptional case of urgency actually existed. The ex-post verification shall take place without undue delay after the processing of the request.

Or. en

Amendment 599

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

Proposal for a directive

Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Any such transfer of data from one third country to another shall take place pursuant to an express understanding incorporating data privacy protections comparable to those applied to PNR by Member States as provided for in this Directive.

Or. en

Amendment 600

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Where an ex-post verification in accordance with paragraph 3 determines that the transfer of PNR data or the results of the processing of PNR data was not justified, the third country shall be

*requested to erase the information
communicated by the Member State.*

Or. en

Amendment 601

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

Proposal for a directive

Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Where a Member State is aware that PNR data relating to a citizen or a resident of a Member State are being transferred to a third country, the competent authorities of the Member State concerned shall be informed of the matter at the earliest appropriate opportunity.

Or. en

Amendment 602

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 8 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

The Data Protection Officer shall be informed each time a Member State transfers PNR data pursuant to this Article. The Data Protection Officer shall inform, on a regular basis, the Supervisory Authority concerning the transmission of data pursuant to this Article.

Or. en

Amendment 603

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

Proposal for a directive

Article 8 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

When PNR data is being transferred to a third country pursuant to this Directive, the safeguards set out in paragraphs 1 to 1c shall be complied with.

Or. en

Amendment 604

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

Proposal for a directive

Article 8 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

Transfer of PNR data to the country of origin of persons who have requested or who were found to be in need of international protection shall be prohibited.

Or. en

Amendment 605

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Josef Weidenholzer, Péter Niedermüller, Tanja Fajon, Emilian Pavel

Proposal for a directive

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Derogations

1. Where an international agreement

between the Union and a third country exists, PNR data may not be transferred to the third country in question if, in the case in question, the legitimate interests of the data subject in preventing any such transfer outweigh the public interest in transferring such data.

2. By way of derogation from Article 8, Member States shall provide that a transfer of personal data to a third country, where no international agreement exists, may take place only on condition that:

(a) the transfer is necessary in order to protect the vital interests of the data subject or another person; or

(b) the transfer of the data is essential for the prevention of an immediate and serious threat to public security of a Member State or a third country.

3. Any transfers of PNR data and the results of the processing of PNR data to a third country on the basis of this Article may take place only on condition that:

(a) the third country submits a duly reasoned request to a competent authority referred to in Article 5 of the Member State concerned;

(b) the reasoned request sets out reasonable grounds to consider that the transmission of the PNR data or the results of the processing of the PNR data will fulfil the condition set out in paragraph 2; and

(c) a court verified, in a timely manner, that all conditions set out in paragraph 2 and subparagraphs 3(a) and 3(b) are fulfilled.

4. The decision for transfers pursuant to this Article shall be made by the Head of Passenger Information Unit to which the request was made. The Data Protection Officer shall be informed each time a transfer is made pursuant to this Article

and he/she shall inform the supervisory authority of such transfers.

5. All transfers pursuant to this Article shall be documented and the documentation shall be made available to the supervisory authority on request, including the date and time of the transfer, information about the recipient authority, the justification for the transfer and the data transferred.

Or. en