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2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2011/0023(COD)

20.4.2015

AMENDMENTS

606 - 836

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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PE554.744v02-00

EN

United in diversity

EN

Amendment 606
Cornelia Ernst

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

Period of data retention

PNR data requests

Or. en

Amendment 607
Jan Philipp Albrecht

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

Period of data retention

Lawfulness of PNR data requests

Or. en

Amendment 608
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph -1 b (new)

Text proposed by the Commission

Amendment

-1b. A request pursuant paragraph -1 shall be subject to prior authorisation by a court and to judicial redress by every concerned person.

Or. en

Amendment 609
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. A request pursuant paragraph 1 shall be valid only to the extent it is strictly necessary 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) and in any case be limited for a maximum period of six month.

Or. en

Amendment 610
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. 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') PNR data of individual passengers, which may be identified by name, payment information, address and contact information, linked to a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious transnational crime;
or

(b) transfer ('push') PNR data of all passengers on specific flights where a risk assessment of the Passenger Information Unit in accordance with Article 4a has proven 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.

Or. en

Amendment 611

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are ***retained in a database at the Passenger Information Unit for a period of 30 days after their transfer to the Passenger Information Unit*** of the ***first*** Member State ***on whose territory the international flight is landing or departing.***

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are ***masked-out as soon as the data subject has entered the territory*** of the Member State ***concerned.***

Or. en

Amendment 612

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, Anna Maria Corazza Bildt, Monica Macovei, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of ***30 days*** after their transfer to the Passenger Information Unit

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers ***and non-carrier economic operators*** to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of ***6 months*** after their

of the first Member State on whose territory the international flight is landing or departing.

transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Or. en

Amendment 613

Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Péter Niedermüller, Tanja Fajon

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **30** days after their transfer to the Passenger Information Unit ***of the first Member State on whose territory the international flight is landing or departing.***

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers, ***pursuant to Article 4(1), subparagraphs (b) and (c),*** to the Passenger Information Unit, are retained in a database at the Passenger Information Unit for a period of **2** days after their ***first*** transfer to the Passenger Information Unit.

Or. en

Amendment 614

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **30** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **7** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing

or departing.

or departing.

Or. it

Amendment 615
Kashetu Kyenge

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **30** days after their transfer *to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.*

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **7** days after their transfer.

Or. en

Amendment 616
Cornelia Ernst

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **30** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **10** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Or. en

Amendment 617
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of 30 days after their transfer to *the* Passenger Information Unit *of the first Member State on whose territory the international flight is landing or departing.*

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit, are retained in a database at the Passenger Information Unit for a period of 30 days after their *first* transfer to *any* Passenger Information Unit.

Or. en

Amendment 618
Marju Lauristin

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **30** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **7** days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Or. en

Amendment 619
Ana Gomes, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar,

Anna Hedh, Emilian Pavel, Tanja Fajon

**Proposal for a directive
Article 9 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of 30 days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Amendment

1. Member States shall ensure that the PNR data provided by the air carriers **and other non-commercial flight operators** to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of 30 days after their transfer to the Passenger Information Unit of the first Member State on whose territory the international flight is landing or departing.

Or. en

**Amendment 620
Cornelia Ernst**

**Proposal for a directive
Article 9 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall adopt the necessary measures to ensure that their Passenger Information Unit may only request air carriers in accordance with Article 6 to:

***(a) transfer ('push') PNR data of individual passengers linked to a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious transnational crime;
or***

(b) transfer ('push') PNR data of all passengers on specific pre-selected flights following an assessment of the Passenger Information Unit which has proven 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.

Or. en

Amendment 621
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall ensure that the PNR data provided by the air carriers to the Passenger Information Unit are masked-out as soon as the data subject has entered or left the territory of the first Member State where the international flight is landing or departing.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 622
Cornelia Ernst

Proposal for a directive
Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. A request pursuant to paragraph 1 shall be subject to judicial redress by every natural person concerned.

Or. en

Amendment 623
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

Upon expiry of the period of **10** days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be **deleted unless it is strictly necessary 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). In any case all PNR data has to be deleted no later than two years after the first transfer of the PNR data to any Passenger Information Unit. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or prosecutions, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.**

As long as data are retained, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such **masked out** PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data. Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. en

Amendment 624

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

After the **PNR data has been masked-out** by the Passenger Information Unit, the data shall be retained at the Passenger Information Unit for a further period of **30 days, after which the data will be permanently deleted. The masked-out** PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit.

Or. en

Amendment 625

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon expiry of the period of **30** days after

Amendment

Upon expiry of the period of **7** days after

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

the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **two** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be **anonymised**. Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a **serious**, specific, and **immediate** threat or a specific investigation.

Or. it

Amendment 626

Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Péter Niedermüller, Tanja Fajon

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Upon expiry of the period of **2** days after the **first** transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **one year**. During this period, all data elements which could serve to identify the passenger to whom PNR data **relates** shall be **depersonalised through masking out in accordance with**

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

Article 9a (new).

Or. en

Amendment 627
Marju Lauristin

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

Text proposed by the Commission

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

Amendment

Upon expiry of the period of **7** days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **two** years. During this period, all data elements which could serve to identify the passenger to whom PNR data *relates* shall be **depersonalised through masking out in accordance with Article 9a (new)**.

threat or risk or a specific investigation or prosecution.

Or. en

Amendment 628

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

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Upon expiry of the period of **6 months** after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **seven** years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such **masked out** PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Or. en

Amendment 629
Brice Hortefeux, Nadine Morano

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 630
Sylvie Guillaume

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

Text proposed by the Commission

Upon expiry of the period of 30 days after the transfer of the PNR data to the

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the

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

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

Or. fr

Amendment 631
Kashetu Kyenge

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

Text proposed by the Commission

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

Amendment

Upon expiry of the period of **7** days after the transfer of the PNR data to the Passenger Information Unit, the data shall be retained at the Passenger Information Unit for a further period of five years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be *depersonalised through masking in accordance with Article 9a.*

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

Or. en

Amendment 632
Ana Gomes

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

Text proposed by the Commission

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

Amendment

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

Amendment 633
Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

Upon expiry of the period of 30 days after the *first* transfer of the PNR data to *any* Passenger Information Unit, the data shall be *deleted. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or prosecutions, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.*

Amendment 634

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, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Re-identification of masked out PNR data and access to the full PNR data shall be permitted only by the Data Protection Officer for the purposes of Article 4(2)(b) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk related to terrorist offences or a specific investigation or prosecution related to a crime listed in Article 2.1 or the prevention of an immediate and serious threat to public security.

Or. en

Amendment 635
Sophia in 't Veld

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of this Regulation, the data elements which could serve to identify the passenger to whom PNR data relate and which should be filtered and masked out are:

Or. en

Justification

Connected with the change to a Regulation.

Amendment 636
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 637
Marju Lauristin

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

Text proposed by the Commission

Amendment

For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which should be filtered and masked out are:

deleted

- Name (s), including the names of other passengers on PNR and number of travellers on PNR travelling together;*
- Address and contact information;*
- General remarks to the extent that it contains any information which could serve to identify the passenger to whom*

PNR relate; and

– Any collected Advance Passenger Information.

Or. en

Amendment 638

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which should be filtered and masked out are:

deleted

– Name (s), including the names of other passengers on PNR and number of travellers on PNR travelling together;

– Address and contact information;

– General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and

– Any collected Advance Passenger Information.

Or. en

Justification

The list of data elements which shall be depersonalised should be moved to Article 9 a (new) (Depersonalisation of data).

Amendment 639

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which should be filtered and **masked out** are:

Amendment

For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which should be filtered **out** and **anonymised** are:

Or. it

Amendment 640

Marju Lauristin

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 1

Text proposed by the Commission

– Name (s), including the names of other passengers on PNR and number of travellers on PNR travelling together; **deleted**

Amendment

Or. en

Amendment 641

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 1

Text proposed by the Commission

– Name (s), including the names of other passengers on PNR and number of travellers on PNR travelling together; **deleted**

Amendment

Or. en

Amendment 642
Marju Lauristin

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

Text proposed by the Commission

Amendment

– Address and contact information; **deleted**

Or. en

Amendment 643
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

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

Text proposed by the Commission

Amendment

– Address and contact information; **deleted**

Or. en

Amendment 644
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

– Address and contact information; **– Contact information and address, including invoice address;**

Or. en

Amendment 645
Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

– Address and contact information;

Amendment

– Address and contact information,
including the email address, the credit card number and the billing address, frequent flyer cards, and the IP address from which access was effected;

Or. it

Amendment 646
Cornelia Ernst

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- All forms of payment information, including billing address;

Or. en

Amendment 647
Emil Radev

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- All forms of payment information, including billing address;

Or. en

Amendment 648
Emil Radev

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 2 b (new)

Text proposed by the Commission

Amendment

- Frequent flyer information;

Or. en

Amendment 649
Sylvie Guillaume

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

–General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and ***deleted***

Or. fr

Amendment 650
Marju Lauristin

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

– General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and ***deleted***

Or. en

Amendment 651
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

– **General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and**

deleted

Or. en

Amendment 652
Cornelia Ernst

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

– General remarks **to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and**

– General remarks; and

Or. en

Amendment 653
Emil Radev

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

– General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and

– General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate **or any other person; and**

Or. en

Amendment 654
Sophia in 't Veld

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

- Frequent flyer information;

Or. en

Amendment 655
Marju Lauristin

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

Text proposed by the Commission

Amendment

– Any collected Advance Passenger Information. **deleted**

Or. en

Amendment 656
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

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

Text proposed by the Commission

Amendment

– Any collected Advance Passenger Information. **deleted**

Or. en

Amendment 657
Emil Radev

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

Text proposed by the Commission

Amendment

- All historical changes to the PNR listed above

Or. en

Amendment 658
Cornelia Ernst

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 659

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Traian Ungureanu, Alessandra Mussolini, Csaba Sógor, Jeroen Lenaers, Elissavet Vozemberg, Brice Hortefeux, Nadine Morano, Rachida Dati, Heinz K. Becker, Tomáš Zdechovský, Michał Boni, Artis Pabriks, 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 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that the PNR

3. Member States shall ensure that the PNR

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

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

Or. en

Amendment 660
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 661
Sophia in 't Veld

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

Connected with the change to a Regulation.

Amendment 662
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. 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 663
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall bear the costs of use, retention and exchange of PNR data.

Or. en

Amendment 664
Cornelia Ernst

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 665
Jan Philipp Albrecht

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 666
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The result of matching referred to in Article 4(2)(a) shall be kept by the Passenger Information Unit only as long as **strictly** necessary to inform the competent authorities **without delay** of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, it shall, however, be stored so as to avoid future ‘false’ positive matches for a maximum period of **one year** unless the underlying data have not yet been deleted in accordance with paragraph 3 at the expiry

log shall be kept until the underlying data are deleted.

of **two** years, in which case the log shall be kept until the underlying data are deleted.

Or. it

Amendment 667

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 668

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Péter Niedermüller, Tanja Fajon

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

4. The result of matching referred to in Article 4(2)(a) and (b) shall be kept by the Passenger Information Unit only as long as

Amendment

4. The result of matching referred to in Article 4(2)(a) and (b) shall be kept by the Passenger Information Unit only as long as

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

necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, ***subject to human intervention by a member of the Passenger Information Unit***, proven to be negative, it shall, however, be stored so as to avoid future 'false' positive matches for a maximum period of ***one year*** unless the underlying data have not yet been deleted in accordance with paragraph 3 at the expiry of ***one year***, in which case the log shall be kept until the underlying data are deleted.

Or. en

Amendment 669

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

Proposal for a directive

Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The result of the processing referred to in Article 4(2)(a) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated processing has, further to individual review by non-automated means as referred to in Article 4(2)(a) last subparagraph, proven to be negative, it may, however, be stored so as to avoid future 'false' positive matches for as long as the underlying data have not yet been deleted in accordance with paragraph 1.

Or. en

Amendment 670

Sylvie Guillaume

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

Text proposed by the Commission

Amendment

4a. The result of the processing referred to in Article 4(2)(a) shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of automated processing has, further to individual review by a member of the Passenger Information Unit as referred to in Article 4(2)(a), proven to be negative, it shall be stored so as to avoid future ‘false’ positive matches for as long as the underlying data have not yet been deleted in accordance with paragraph 1.

Or. fr

Amendment 671
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Depersonalisation of data

1. Upon expiry of the period specified in Article 9(2), all data elements which could serve to identify the passenger to whom PNR data relate shall be depersonalised through masking at the user interface. For the purpose of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which shall be filtered and depersonalised are:

- Name (s), including the names of other passengers on PNR and number of travellers on PNR travelling together;

- *Address and contact information;*
- *General remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate; and*
- *Any collected Advance Passenger information.*

2. The obligation to depersonalise data through masking upon in accordance with paragraph 1 shall be without prejudice to cases where the processing of PNR data in accordance with Article 4(2)(a) and Article 4(2)(b) resulted in a positive match, in which case such data shall not be depersonalised through masking until it is individually reviewed by a member of the Passenger information Unit in order to verify whether a competent authority referred to in Article 5 needs to take action.

3. PNR data depersonalised through masking in accordance with Paragraph 1 shall only be accessible to a limited number of personnel of the Passenger information Unit specifically authorised to carry out analysis of PNR data. This depersonalised PNR data shall only be accessible for the purpose of:

- *reviewing positive matches resulting from the automated processing of PNR data in accordance with Article 4(2)(a) or Article 4(2)(b) through searches in depersonalised PNR data in order to verify whether the competent authority referred to in Article 5 needs to take action;*
- *developing assessment criteria in accordance with Article 4(2)(d);*
- *responding to a duly reasoned request for the transmission of PNR data submitted by a competent authorities in accordance with Article 4bis;*
- *responding to a duly reasoned request for the transmission of PNR data*

submitted by Europol in accordance with Article 7bis(a).

4. In a specific case of prevention, detection, investigation or prosecution of terrorism or serious transnational crime, the limited number of personnel of the Passenger Information Unit referred to in Paragraph 3 may conduct searches in PNR data depersonalised through masking in accordance with Paragraph 1 on the basis of any one or a combination of the data elements listed in Annex I.

5. Access to the full PNR data shall be permitted only by the Head of the Passenger information Unit, and where it could be reasonably believed that it is strictly necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

6. Prior to access to the full PNR data, a court or an independent administrative body shall verify, in a timely manner, whether all the conditions set out in paragraph 5 are fulfilled.

7. In an exceptional case of urgency where there is a need to prevent imminent danger associated with terrorist offence or serious transnational crime, the Head of the Passenger information Unit may immediately permit access to the full PNR data. In such an exceptional case of urgency, a court or an independent administrative body only verify ex-post whether all the conditions set out in paragraph 5 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.

8. Where an ex-post verification in accordance with paragraph 6 determines that the access to full PNR data was not justified, all the authorities that have received such data shall erase the

information.

9. As regards the purposes of prevention, detection, investigation and prosecution of serious transnational crime, access to the full PNR data may only be permitted for a period of up to four years.

10. The Data Protection Officer shall be informed each time the Head of the Passenger information Unit permits access to the full PNR data pursuant to this Article. The Data Protection Officer shall inform, on a regular basis, the Supervisory Authority concerning the access to the full PNR data pursuant to this Article.

Or. en

Amendment 672
Marju Lauristin

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Depersonalisation of data

1. Upon expiry of the period of 7 days, specified in Article 9, all data elements which could serve to identify the passenger to whom PNR data relate, shall be depersonalised through masking at the user interphase. For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which shall be filtered and depersonalised are:

(a) names(s), including the names of other passengers on the PNR and number of travellers on the PNR travelling together;

(b) address and contact information,

including the IP address;

(c) general remarks to the extent that it contains any information which could serve to identify the passenger to whom the PNR relate; and

(d) any collected Advance Passenger Information.

2. The obligation to depersonalise data through masking upon in accordance with paragraph 1 shall be without prejudice to cases where the processing of PNR data in accordance with Article 4(2)(a) and (b) resulted in a positive match, in which case such data shall not be depersonalised through masking until it has been subject to human intervention by a member of the Passenger Information Unit in order to verify whether a competent authority referred to in Article 5 needs to take action.

3. PNR data depersonalised through masking in accordance with paragraph 1 shall only be accessible to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data. This depersonalised PNR data shall only be accessible for the purposes of:

(a) reviewing positive matches resulting from the automated processing of PNR data in accordance with Article 4(2)(a) and (b) through searches in depersonalised PNR data in order to verify whether the competent authority referred to in Article 5 needs to take action;

(b) responding to a duly reasoned request for the transmission of PNR data submitted by a competent authority in accordance with Article 4a(new).

4. In a specific case of prevention, detection, investigation or prosecution of a terrorist offence or a certain type of serious transnational crime, the limited number of personnel of the Passenger

Information Unit referred to in paragraph 3, may conduct searches in PNR data depersonalised through masking in accordance with paragraph 1 on the basis of any one or a combination of the data elements listed in the Annex.

5. Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit, and where it could reasonably be believed that it is strictly necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

6. Prior to access to the full PNR data, a court shall verify, in a timely manner, whether all the conditions set out in paragraph 5 are fulfilled.

7. In an exceptional case of urgency where there is a need to prevent an immediate and serious threat to public security associated with a terrorist offence or a type of serious transnational crime, the Head of the Passenger Information Unit may immediately permit access to the full PNR data. In such an exceptional case of urgency, a court may only verify ex-post whether all the conditions set out in paragraph 5 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.

8. Where an ex-post verification in accordance with paragraph 6 determines that the access to full PNR data was not justified, all the authorities that have received such data shall erase the information.

9. The Data Protection Officer shall be informed each time the Head of the Passenger Information Unit permits access to the full PNR data pursuant to this Article and he/she shall inform the supervisory authority of such access.

Amendment 673

Birgit Sippel, Jörg Leichtfried, Josef Weidenholzer, Péter Niedermüller, Tanja Fajon

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Depersonalisation of data

1. Upon expiry of the period of 2 days, specified in Article 9, all data elements which could serve to identify the passenger to whom PNR data relate, shall be depersonalised through masking at the user interface. For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which shall be filtered and depersonalised are:

(a) name(s), including the names of other passengers on the PNR and number of travellers on the PNR travelling together;

(b) address and contact information, including the IP address;

(c) general remarks to the extent that it contains any information which could serve to identify the passenger to whom the PNR relate; and

(d) any collected Advance Passenger Information.

2. The obligation to depersonalise data through masking in accordance with paragraph 1 shall be without prejudice to cases where the processing of PNR data in accordance with Article 4(2)(a) and (b) resulted in a positive match, in which case such data shall not be depersonalised through masking until it has been subject to human intervention by a member of the Passenger Information Unit in order to

verify whether a competent authority referred to in Article 5 needs to take action.

3. PNR data depersonalised through masking in accordance with paragraph 1 shall only be accessible to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data. This depersonalised PNR data shall only be accessible for the purposes of:

(a) reviewing positive matches resulting from the automated processing of PNR data in accordance with Article 4(2)(a) and (b) through searches in depersonalised PNR data in order to verify whether the competent authority referred to in Article 5 needs to take action;

(b) responding to a duly reasoned request for the transmission of PNR data submitted by a competent authority in accordance with Article 4a (new);

4. In a specific case of prevention, detection, investigation or prosecution of a terrorist offence or a certain type of serious transnational crime, the limited number of personnel of the Passenger Information Unit referred to in paragraph 3, may conduct searches in PNR data depersonalised through masking in accordance with paragraph 1 on the basis of any one or a combination of the data elements listed in the Annex.

5. Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit, and where it could be reasonably believed that it is strictly necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

6. Prior to access to the full PNR data, a court shall verify, in a timely manner, whether all the conditions set out in

paragraph 5 are fulfilled.

7. In an exceptional case of urgency where there is a need to prevent an immediate and serious threat to public security associated with a terrorist offence or a type of serious transnational crime, the Head of the Passenger Information Unit may immediately permit access to the full PNR data. In such an exceptional case of urgency, a court may only verify ex-post whether all the conditions set out in paragraph 5 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.

8. Where an ex-post verification in accordance with paragraph 6 determines that the access to full PNR data was not justified, all the authorities that have received such data shall erase the information.

9. The Data Protection Officer shall be informed each time the Head of the Passenger Information Unit permits access to the full PNR data pursuant to this Article and he/she shall inform the supervisory authority of such access.

Or. en

Amendment 674
Emilian Pavel

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Depersonalisation of data

1. Upon expiry of the period of 30 days, specified in Article 9, all data elements which could serve to identify the

passenger to whom PNR data relate, shall be depersonalised through masking at the user interphase. For the purposes of this Directive, the data elements which could serve to identify the passenger to whom PNR data relate and which shall be filtered and depersonalised are:

(a) name(s), including the names of other passengers on the PNR and number of travellers on the PNR travelling together;

(b) address and contact information, including the IP address;

(c) general remarks to the extent that it contains any information which could serve to identify the passenger to whom the PNR relate; and

(d) any collected Advance Passenger Information.

2. The obligation to depersonalise data through masking in accordance with paragraph 1 shall be without prejudice to cases where the processing of PNR data in accordance with Article 4(2)(a) and (b) resulted in a positive match, in which case such data shall not be depersonalised through masking until it has been subject to human intervention by a member of the Passenger Information Unit in order to verify whether a competent authority needs to take action.

Or. en

Amendment 675

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 10 – title**

Text proposed by the Commission

Amendment

Penalties against air carriers

Penalties against air carriers ***and non-carrier economic operators***

Or. en

Amendment 676

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

Proposal for a directive

Article 10 – title

Text proposed by the Commission

Amendment

Penalties against air carriers

Penalties against air carriers ***and non-commercial flight operators***

Or. en

Amendment 677

Caterina Chinnici

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

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

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers which, do not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format, ***or do not handle and process the data in accordance with the data protection rules laid down in this Directive and in other relevant legally binding Union acts***, or otherwise infringe the national provisions adopted pursuant to

this Directive.

Or. en

Justification

Dissuasive, effective and proportionate penalties should be provided also against air carriers which do not handle and process the data in accordance with the data protection rules laid down both in this Directive and in other relevant legally binding Union acts (including any future relevant acts, as, in particular, those contained in the data protection package).

Amendment 678

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

The penalties laid down in Article 4 of Directive 2004/82/EC of 29 April 2004 shall apply for the purposes of this Directive.

Or. it

Amendment 679

Axel Voss, Monika Hohlmeier, Esteban González Pons, Agustín Díaz de Mera García Consuegra, Jeroen Lenaers, Traian Ungureanu, Csaba Sógor, Alessandra Mussolini, 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

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

Text proposed by the Commission

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

Amendment

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

Or. en

**Amendment 680
Jan Philipp Albrecht**

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

Text proposed by the Commission

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

Amendment

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

Amendment 681

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

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 682

Sophia in 't Veld

Proposal for a directive

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

pursuant to this Regulation.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 683

Jan Philipp Albrecht

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Each Member State shall provide that, *in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA. The provisions of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA shall therefore be applicable.*

Amendment

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

Or. en

Amendment 684

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Each Member State shall provide that, in respect of all processing of personal data

Amendment

1. Each Member State shall provide that, in respect of all processing of personal data

pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of **Articles 17, 18, 19 and 20** of the Council **Framework Decision 2008/977/JHA**. **The provisions of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA** shall therefore be applicable.

pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of **the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data**, shall therefore be applicable.

Or. en

Amendment 685
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Each Member State shall provide that, in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under **national law in implementation of Articles 17, 18, 19 and 20** of the **Council Framework Decision 2008/977/JHA**. **The provisions of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA shall therefore be applicable.**

Amendment

1. Each Member State shall provide that, in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to **protection of their personal data, right to** access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those **laid out in this Directive and** adopted under **Union law**. **Member States shall ensure that the rights of the data subject laid down in Articles 11 a (new) to 11 m (new) of this Directive are fully respected.**

Or. en

Amendment 686

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Each Member State shall provide that, in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA. The provisions of Articles 17, 18, 19 **and 20** of the Council Framework Decision 2008/977/JHA shall therefore be applicable.

Amendment

1. Each Member State shall provide that, in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress as those adopted under national law in implementation of Articles 17, 18, 19 and 20 of the Council Framework Decision 2008/977/JHA. The provisions of Articles 17, 18, 19, **20 and 25** of the Council Framework Decision 2008/977/JHA shall therefore be applicable.

Or. en

Amendment 687

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, Mariya Gabriel, Michał Boni, Emil Radev, Frank Engel, Monica Macovei, Roberta Metsola, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Passenger Information Unit shall appoint a Data Protection Officer in order to ensure compliance with existing national and Union data protection law and fundamental rights; that person shall be trained and qualified to a high standard in data protection law.

Amendment 688
Sophia in 't Veld

Proposal for a directive
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In respect of all processing of personal data pursuant to this Regulation, every passenger shall have the same right to access, the right to rectification, erasure and blocking, the right to compensation and the right to judicial redress in line with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 689

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

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall provide that

2. Each Member State shall provide that

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

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

Or. en

Amendment 690
Sophia in 't Veld

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Each Member State shall provide that the provisions adopted under national law in implementation of ***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***, regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive.

Or. en

Amendment 691
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 692
Sophia in 't Veld

Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The provisions adopted under national law in implementation of the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Regulation.

Or. en

Amendment 693
Jan Philipp Albrecht

Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where provisions adopted under national law in implementation of Directive 95/46/EC provide the passenger with greater rights of access, rectification, erasure and blocking of the data, of compensation, of judicial redress, of confidentiality of processing and of data security than the provisions referred to in paragraphs 1 and 2, these provisions shall apply.

Or. en

Amendment 694
Sylvie Guillaume

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

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

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. ***It shall be prohibited for airlines to communicate PNR data incorporating such information.*** In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately. ***To this end, members of the Passenger Information Unit shall perform manual checks to identify PNR data containing such information and, if they find any, to delete them before any manual processing of PNR data and any transfer of PNR data to the competent authorities under Article 4(2), to the Passenger Information Unit of another Member State under Article 7 or***

to any third country under Article 8.

Or. fr

Amendment 695

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Any processing of PNR data revealing a person's race or ethnic **or social** origin, **genetic features, language, religion** or **personal beliefs**, political **or any other opinions, membership of a national minority, property, birth, disabilities, sexual preferences, or** trade union membership, **or of data concerning that person's** health or sexual life, shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Or. it

Amendment 696

Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted **without delay. To that**

end, upon the receipt of PNR data from air carriers, Member States shall apply automated and manual controls to identify and delete sensitive data from PNR data obtained. In order to identify and delete sensitive data from PNR data retained, members of the Passenger Information Unit shall undertake manual checks before any further manual processing and prior to any transfer of PNR data to competent authorities in accordance with Article 4(2), to the Passenger Information Unit of another Member State in accordance with Article 7, or to a third country in accordance with Article 8.

Or. en

Amendment 697

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

Proposal for a directive Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Any processing of PNR data revealing a *person's 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* shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

Or. en

Amendment 698

Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Any processing of PNR data revealing a person's ***sex, race, colour,*** ethnic ***or social*** origin, ***genetic features, language,*** religious or philosophical belief, political opinion, trade union membership, ***membership of a national minority, property, disability, age,*** health or sexual ***orientation*** shall be prohibited, ***as laid down in Article 21 of Charter of Fundamental Rights of the European Union.*** In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately ***and permanently.***

Or. en

Justification

Connected with the change to a Regulation.

Amendment 699
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

3. ***In accordance with Article 11 a (new), Member States shall prohibit the*** processing of PNR data revealing race or ethnic origin, ***political opinions, religion*** or philosophical ***beliefs, sexual orientation or gender identity, trade-union membership or activities, and the*** ***processing of biometric data or of data concerning health or sex life.***

Or. en

Amendment 700

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 701

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

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

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

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

Or. it

Amendment 702

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

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 703

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

4. All processing of PNR data by air carriers, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until **5 years after** the underlying data **have been** deleted.

Or. en

Amendment 704

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, Mariya Gabriel, Michał Boni, Emil Radev, 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 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Those persons who operate security

controls, who access and analyse the PNR data, and who operate the data logs, must be security cleared and security trained.

Or. en

Amendment 705
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 706
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

4a. A particularly high security standard

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

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

- ensures that data-processing systems cannot be used by unauthorised persons;

- ensures that authorised users of a data-processing system can access no data other than those to which their access right refers, and that personal data cannot be read, copied, changed or removed without authorisation when being processed or used and after retention;

- ensures that personal data cannot be read, copied, changed or removed without authorisation when being electronically transmitted or during transport or saving to a storage medium, and ensures that it is possible to check and establish to which locations personal data are to be transferred by data transmission facilities.

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

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

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

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

Amendment 707
Sylvie Guillaume

Proposal for a directive
Article 11 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 708
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 11 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers of international flights at

Amendment

5. Member States shall ensure that air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers of international flights at

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

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

Or. it

Amendment 709
Jan Philipp Albrecht

Proposal for a directive
Article 11 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Member States to the public.

Or. en

Amendment 710

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall ensure that the Passenger Information Unit *provides the data subject with at least the information laid down in Article 11 b (new).*

Or. en

Amendment 711

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 11 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that air

Amendment

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

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

Or. en

Justification

Already covered by the communication of the purpose of processing.

Amendment 712
Caterina Chinnici

Proposal for a directive
Article 11 – paragraph 6

Text proposed by the Commission

6. Any transfer of PNR data ***by Passenger Information Units and competent authorities*** to private parties in Member States or in third countries shall be prohibited.

Amendment

6. Any transfer of PNR data to private parties in Member States or in third countries shall be prohibited.

Or. en

Justification

The amendment aims to make clear that the prohibition to transfer PNR data to private

concerns not only Passenger Information Units and competent authorities, but also any other entity, including air carriers.

Amendment 713

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, Mariya Gabriel, Michal Boni, Emil Radev, 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 11 – paragraph 6

Text proposed by the Commission

6. Any transfer of PNR data by Passenger Information Units and competent authorities to private parties in Member States or in third countries shall be prohibited.

Amendment

6. Any transfer of PNR data by Passenger Information Units and competent authorities to private parties in Member States or in third countries shall be prohibited. ***Any wrong conduct should be sanctioned.***

Or. en

Amendment 714

Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Article 11 – paragraph 6

Text proposed by the Commission

6. Any transfer of PNR data ***by Passenger Information Units and competent authorities*** to private parties in Member States or in third countries shall be prohibited.

Amendment

6. Any transfer of PNR data to private parties in Member States or in third countries shall be prohibited.

Or. en

Amendment 715

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

Proposal for a directive

Article 11 – paragraph 7

Text proposed by the Commission

7. Without prejudice to Article 10, Member States shall adopt suitable measures to ensure the full implementation of the provisions of this Directive and shall in particular lay down effective, proportionate and dissuasive penalties to be imposed in case of infringements of the provisions adopted pursuant to this Directive.

Amendment

7. Without prejudice to Article 10, Member States shall adopt suitable measures to ensure the full implementation of the provisions of this Directive and shall in particular lay down effective, proportionate and dissuasive penalties to be imposed in case of infringements of the provisions adopted pursuant to this Directive, ***whether these infringements were voluntary or the result of negligent or reckless acts.***

Or. en

Amendment 716

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

Proposal for a directive

Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. PNR data must be monitored, sampled and audited in line with a single European statutory code of practice applicable in all Member States, which must be developed jointly by the Member States' supervisory authorities, ensuring tight controls of the work of operators and the practical implementation of this Directive, and will form part of each Member State's review process.

Or. en

Amendment 717

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

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

Proposal for a directive

Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. All PNR data shall be held in a secure location within the territory of the EU or Schengen associated countries, in a secure database.

Or. en

Amendment 718

Marju Lauristin

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Processing of special categories of data

1. Member States shall prohibit the processing of PNR data revealing race or ethnic origin, political opinions, religion or philosophical beliefs, sexual orientation or gender identity, trade-union membership or activities, and the processing of biometric data or of data concerning health or sex life.

2. In the event that PNR data revealing such information are received by the Passenger Information Unit, they shall be deleted without delay. To that end, upon receipt of PNR data from air carriers, Member States shall apply automated and manual controls to identify and delete sensitive data from PNR data obtained.

Amendment 719

Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Processing of special categories of data

1. Member States shall prohibit the processing of PNR data revealing race or ethnic origin, political opinions, religion or philosophical beliefs, sexual orientation or gender identity, trade-union membership or activities, and the processing of biometric data or of data concerning health or sex life.

2. In the event that PNR data revealing such information are received by the Passenger Information Unit, they shall be deleted without delay. To that end, upon the receipt of PNR data from air carriers, Member States shall apply automated and manual controls to identify and delete sensitive data from PNR data obtained.

3. In order to identify and delete any sensitive data from PNR data retained, members of the Passenger Information Unit shall undertake manual checks before any further manual processing and prior to any transfer of PNR data to competent authorities in accordance with Article 4(2), to the Passenger Information Unit or another Member State in accordance with Article 7, or to a third country in accordance with Article 8.

Amendment 720
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Judicial Remedy

Every decision by a competent authority to deny boarding or to impose other restrictive measures on a passenger, based on the processing of PNR data according to this Directive, shall be open to a judicial remedy before a regular court of law.

Or. en

Amendment 721
Marju Lauristin

Proposal for a directive
Article 11 b (new)

Text proposed by the Commission

Amendment

Article 11b

Security of processing

Member States shall provide that the Passenger Information Unit implements appropriate technical and organisational measures and procedures to ensure the highest level of security appropriate to the risks represented by the processing and the nature of the PNR data.

Or. en

Amendment 722
Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg

Proposal for a directive
Article 11 b (new)

Text proposed by the Commission

Amendment

Article 11b

Information to the data subject

1. When PNR data relating to a data subject are collected, Member States shall ensure that the Passenger Information Unit provides the data subject with at least the following information:

(a) the identity and the contact details of the data protection officer;

(b) the legal basis and the purposes of the processing for which the PNR data are intended;

(c) the period for which the PNR data will be stored;

(d) the existence of the right to request from the controller access to and rectification, erasure or restriction of processing of the PNR data concerning the data subject;

(e) the right to lodge a complaint with the supervisory authority referred to in Article 12 and the contact details of the supervisory authority;

(f) the recipients of the personal data, including in third countries, and who is authorised to access this data under the laws of that third country;

(g) information regarding security measures taken to protect personal data;

(h) any further information in so far as such further information is necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are processed.

2. The information referred to in paragraph 1 shall be provided at the time when the PNR data are obtained from the data subject, through relevant websites and notices that may be incorporated into contract of carriage by air carriers.

3. Member States shall ensure a publication of a guide for exercising the right of access with all the necessary contact information and details. The same information shall be made available by the Member States to the public.

Or. en

Amendment 723
Marju Lauristin

Proposal for a directive
Article 11 c (new)

Text proposed by the Commission

Amendment

Article 11c

Notification of a personal data breach to the supervisory authority

1. Member States shall provide that in the case of a personal data breach, the Passenger Information Unit, without undue delay and, where feasible not later than 24 hours, will notify the personal data breach to the supervisory authority.

2. The notification referred to in paragraph 1 shall at least describe the nature of the personal data breach including the categories and number of data subjects concerned and the categories and number of data records concerned.

3. Member States shall provide that the Passenger Information Unit documents any personal data breaches, comprising the facts surrounding the breach, its effects and the remedial action taken.

This documentation must be sufficient to enable the supervisory authority to verify compliance with this Article. The documentation shall only include the information necessary for that purpose.

4. The supervisory authority shall keep a public register of the types of breaches notified.

Or. en

Amendment 724

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja Fajon, Vilija Blinkevičiūtė

**Proposal for a directive
Article 11 c (new)**

Text proposed by the Commission

Amendment

Article 11c

Right of access for the data subject

Member States shall provide for the right of the data subject to obtain from the Passenger Information Unit a copy of the PNR data undergoing processing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.

Or. en

Amendment 725

Marju Lauristin

**Proposal for a directive
Article 11 d (new)**

Article 11d

Communication of a personal data breach to the data subject

1. Member States shall provide that when the personal data breach is likely to adversely affect the protection of the personal data and/or the privacy of the data subject, the Passenger Information Unit shall, after the notification referred to in Article 11c (new), communicate the personal data breach to the data subject without undue delay.

2. The communication of a personal data breach to the data subject shall not be required if the Passenger Information Unit demonstrates to the satisfaction of the supervisory authority that it has implemented appropriate technological protection measures, and that those measures were applied to the PNR data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

3. The communication to the data subject may be delayed or restricted, in a specific case, to the extent that such a delay or restriction constitutes a necessary and proportionate measure:

(a) to avoid obstructing official or legal inquiries, investigations or procedures;

(b) to protect public security;

(c) to protect the rights and freedoms of others.

Or. en

Amendment 726

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja

Fajon, Vilija Blinkevičiūtė

**Proposal for a directive
Article 11 d (new)**

Text proposed by the Commission

Amendment

Article 11d

Right to rectification and completion

- 1. Member States shall provide for the right of the data subject to obtain from the Passenger Information Unit the rectification or the completion of personal data relating to him or her which are inaccurate or incomplete, in particular by way of a completing or corrective statement.***
- 2. Member States shall provide that the Passenger Information Unit informs the data subject in writing, with a reasoned justification, of any refusal of rectification or completion, on the reasons for the refusal and on the possibilities of lodging a complaint with the supervisory authority and seeking a judicial remedy.***
- 3. Member States shall provide that the Passenger Information Unit shall communicate any rectification carried out to each recipient to whom the data have been disclosed, unless to do so proves impossible or involves a disproportionate effort.***
- 4. Member States shall provide that the Passenger Information Unit communicates the rectification of inaccurate personal data to the third party from whom the inaccurate personal data originate.***

Or. en

Amendment 727

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja

Text proposed by the Commission

Amendment

Article 11e

Right to erasure

1. Member States shall provide for the right of the data subject to obtain from the Passenger Information Unit the erasure of personal data relating to him or her where the processing does not comply with the provisions adopted pursuant to Article 4 of this Directive.

2. The Passenger Information Unit shall carry out the erasure without delay. The Passenger Information Unit shall also abstain from further dissemination of such data.

3. Instead of erasure, the Passenger Information Unit shall restrict the processing of the personal data where:

(a) their accuracy is contested by the data subject, for a period enabling the Passenger Information Unit to verify the accuracy of the data;

(b) the personal data have to be maintained for purposes of proof or for the protection of vital interests of the data subject or another person.

4. Member States shall provide that the Passenger Information Unit informs the data subject in writing, with a reasoned justification, of any refusal of erasure or restriction of the processing, on reasons for the refusal and on the possibilities of lodging a complaint with the supervisory authority and seeking a judicial remedy.

5. Member States shall provide that the Passenger Information Unit notifies recipients to whom those data have been sent of any erasure or restriction made

pursuant to paragraph 1, unless to do so proves impossible or involves a disproportionate effort.

Or. en

Amendment 728

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Anna Hedh, Marju Lauristin, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 11 f (new)

Text proposed by the Commission

Amendment

Article 11f

Documentation

- 1. Member States shall provide that the Passenger Information Unit maintains documentation of all processing systems and procedures under their responsibility.**
- 2. The documentation shall contain at least the following information:**
 - (a) the name and contact details of the organisation and personnel in the Passenger Information Unit entrusted with the processing of PNR data, the different levels of access authorisation and the personnel having such authorisations;**
 - (b) a description of the category or categories of data subjects and of the data or categories of data relating to them;**
 - (c) the recipients of the personal data;**
 - (d) all transfers of data to a third country, including the identification of that third country and the legal grounds on which the data are transferred, a substantive explanation shall be given when a transfer is based on Article 8a (new) of this Directive;**

(e) the time limits for retention and erasure of the different categories of data;

(f) the results of the verifications of the measures that the processing of PNR data is performed in compliance with applicable data protection provisions;

(g) an indication of the legal basis of the processing operation for which the data are intended.

3. The Passenger Information Unit shall make all documentation available, on request, to the supervisory authority.

Or. en

Amendment 729

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Anna Hedh, Marju Lauristin, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 11 g (new)

Text proposed by the Commission

Amendment

Article 11g

Keeping of records

1. Member States shall ensure that records are kept of at least the following processing operations: collection, alteration, consultation, disclosure, combination or erasure. The records of consultation and disclosure shall show in particular the purpose, date and time of such operations and as far as possible the identification of the person who consulted or disclosed PNR data, and the identity of the recipients of such data.

2. The records shall be used solely for the purposes of verification of the lawfulness of the data processing, self-monitoring and for ensuring data integrity and data security, or for purposes of auditing,

either by the Data Protection Officer or by the supervisory authority.

3. The Member State shall ensure that the Passenger Information Unit shall make the records available, on request, to the supervisory authority.

Or. en

Amendment 730

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Anna Hedh, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive Article 11 h (new)

Text proposed by the Commission

Amendment

Article 11h

Security of processing

1. Member States shall provide that the Passenger Information Unit implements appropriate technical and organisational measures and procedures to ensure a high level of security appropriate to the risks represented by the processing and the nature of the PNR data to be protected, having regard to the state of the art and the cost of their implementation.

2. In respect of automated data processing, each Member State shall provide that the Passenger Information Unit, following an evaluation of the risks, implements measures designed to:

(a) deny unauthorised persons access to data-processing equipment used for processing PNR data (equipment access control);

(b) prevent the unauthorised reading, copying, modification or removal of data media (data media control);

(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored PNR data (storage control);

(d) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);

(e) ensure that persons authorised to use an automated data-processing system only have access to the data covered by their access authorisation (data access control);

(f) ensure that it is possible to verify and establish to which bodies PNR data have been or may be transmitted or made available using data communication equipment (communication control);

(g) ensure that it is subsequently possible to verify and establish which PNR data have been input into automated data-processing systems and when and by whom the data were input (input control);

(h) prevent the unauthorised reading, copying, modification or deletion of PNR data during transfers of the data or during transportation of the data media (transport control);

(i) ensure that installed systems may, in case of interruption, be restored (recovery);

(j) ensure that the functions of the system perform, that the appearance of faults in the functions is reported (reliability) and that stored PNR data cannot be corrupted by means of a malfunctioning of the system (integrity).

3. Member States shall provide that the Passenger Information Unit observes the requisite technical and organisational measures under paragraph 1.

Or. en

Amendment 731

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Anna Hedh, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 11 i (new)

Text proposed by the Commission

Amendment

Article 11i

Right to judicial remedy

- 1. Without prejudice to any available administrative remedy, including the right to lodge a complaint with a supervisory authority, Member States shall provide for the right of every natural person to a judicial remedy if they consider that that their rights laid down in provisions adopted pursuant to this Directive have been infringed as a result of the processing of their personal data in non-compliance with these provisions.***
- 2. Member States shall ensure that final decisions by the court referred to in this Article will be enforced.***

Or. en

Amendment 732

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Marju Lauristin, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 11 j (new)

Text proposed by the Commission

Amendment

Article 11j

Liability and the right to compensation
Member States shall provide that any

person who has suffered damage, including non-pecuniary damage, as a result of an unlawful processing operation or of an action incompatible with the provisions adopted pursuant to this Directive shall have the right to claim compensation for the damage suffered.

Or. en

Amendment 733

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Tanja Fajon, Vilija Blinkevičiūtė

**Proposal for a directive
Article 11 k (new)**

Text proposed by the Commission

Amendment

Article 11k

Penalties for non-compliance

Member States shall lay down the rules on penalties, applicable to infringements of the provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Or. en

Amendment 734

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

**Proposal for a directive
Article 11 l (new)**

Article 111

Notification of a personal data breach to the supervisory authority

1. Member States shall provide that in the case of a personal data breach, the Passenger Information Unit, without undue delay and, where feasible, not later than 24 hours, the personal data breach to the supervisory authority. The Passenger Information Unit shall provide, on request, to the supervisory authority a reasoned justification in cases of any delay.

2. The notification referred to in paragraph 1 shall at least:

(a) describe the nature of the personal data breach including the categories and number of data subjects concerned and the categories and number of data records concerned;

(b) communicate the identity and contact details of the Data Protection Officer referred to in Article 3a (new) or other contact point where more information can be obtained;

(c) recommend measures to mitigate the possible adverse effects of the personal data breach;

(d) describe the possible consequences of the personal data breach;

(e) describe the measures proposed or taken by the Passenger Information Unit to address the personal data breach and mitigate its effects.

In case all information cannot be provided without undue delay, the Passenger Information Unit can complete the notification in a second phase.

4. Member States shall provide that the Passenger Information Unit documents any personal data breaches, comprising

the facts surrounding the breach, its effects and the remedial action taken. This documentation must be sufficient to enable the supervisory authority to verify compliance with this Article. The documentation shall only include the information necessary for that purpose.

5. The supervisory authority shall keep a public register of the types of breaches notified.

Or. en

Amendment 735

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Jörg Leichtfried, Josef Weidenholzer, Kati Piri, Péter Niedermüller, Hugues Bayet, Emilian Pavel, Tanja Fajon, Vilija Blinkevičiūtė

**Proposal for a directive
Article 11 m (new)**

Text proposed by the Commission

Amendment

Article 11m

Communication of a personal data breach to the data subject

1. Member States shall provide that when the personal data breach is likely to adversely affect the protection of the personal data and/or the privacy of the data subject, the Passenger Information Unit shall, after the notification referred to in Article 11l (new), communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 shall be comprehensive and use clear and plain language. It shall describe the nature of the personal data breach and contain at least the information and the recommendations provided for in points (b), (c) and (d) of Article 11l (new) and information about the rights of the data

subject, including redress.

3. The communication of a personal data breach to the data subject shall not be required if the Passenger Information Unit demonstrates to the satisfaction of the supervisory authority that it has implemented appropriate technological protection measures, and that those measures were applied to the PNR data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

4. The communication to the data subject may be delayed or restricted, in a specific case, to the extent that such a delay or restriction constitutes a necessary and proportionate measure:

(a) to avoid obstructing official or legal inquiries, investigations or procedures;

(b) to protect public security;

(c) to protect the rights and freedoms of others.

Or. en

Amendment 736

Birgit Sippel, Marju Lauristin, Josef Weidenholzer, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 12

Text proposed by the Commission

Each Member State shall provide that *the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA* shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision

Amendment

1. Each Member State shall provide that one or more public authorities are responsible for monitoring the application of the provisions adopted pursuant to this Directive and for contributing to its consistent application throughout the Union, in order to protect the fundamental rights and freedoms of natural persons in relation to the

2008/977/JHA shall be *applicable*.

processing of their personal data.

2. Member States shall ensure that the supervisory authority acts with complete independence in exercising the duties and powers entrusted to it.

3. Each Member State shall provide that the members of the supervisory authority, in the performance of their duties, neither seek nor take instructions from anybody, and maintain complete independence and impartiality.

4. Each Member State shall ensure that the supervisory authority is provided with the adequate human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and powers.

5. Each Member State shall ensure that the supervisory authority must have its own staff which shall be appointed by and subject to the direction of the head of the supervisory authority.

Or. en

Amendment 737
Sylvie Guillaume

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Amendment

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

In particular, the national supervisory authority must:

(a) be consulted about the appointment and dismissal of the Data Protection Officer referred to in Article 3a;

(b) check all cases of illegal communication of data by the Passenger Information Unit to a competent authority under Article 4(4), as reported by the Data Protection Officer, and take the appropriate measures;

(c) regularly review the processing of data by the Passenger Information Unit in accordance with this directive, particularly on the basis of information forwarded by the Passenger Information Unit and on-the-spot visits, in order to ensure appropriate processing of the data in accordance with the directive;

(d) assist the persons concerned in asserting their rights to information, access, correction and deletion;

(e) receive complaints by any person concerned regarding respect for his rights to information, access, correction and deletion, investigate the complaint to the extent necessary and inform the person concerned of the progress and results of the complaint;

(f) conduct inquiries into breaches of data security reported by the Passenger Information Unit.

Or. fr

Amendment 738
Sophia in 't Veld

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall provide that the national supervisory authority established in implementation of **Article 25 of Framework Decision 2008/977/JHA** shall also be responsible for advising on and monitoring the application within its territory of the provisions **adopted** by the Member States pursuant to the present Directive. **The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.**

Amendment

Each Member State shall provide that the national supervisory authority established in implementation of **the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data**, shall also be responsible for advising on and monitoring the application within its territory of the provisions by the Member States pursuant to the present Directive.

Or. en

Amendment 739

Laura Ferrara, Ignazio Corrao

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Amendment

Each Member State shall provide that the national supervisory authority established in implementation of **Article 28 of Directive 46/95/EC and Article 25 of Framework Decision 2008/977/JHA** shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 **of** Framework Decision 2008/977/JHA shall be applicable.

Or. it

Amendment 740
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Amendment

Each Member State shall provide that the national supervisory authority **or authorities** established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Or. en

Amendment 741
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on **and monitoring** the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Amendment

Each Member State shall provide that the national supervisory authority established in implementation of Article 25 of Framework Decision 2008/977/JHA shall also be responsible for advising on, **monitoring and enforcement of** the application within its territory of the provisions adopted by the Member States pursuant to the present Directive. The further provisions of Article 25 Framework Decision 2008/977/JHA shall be applicable.

Or. en

Amendment 742
Sylvie Guillaume

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Group of experts of the Passenger Information Units

1. A group of experts shall be set up, to be jointly coordinated by Europol and the European Data Protection Supervisor, to bring together national experts and the Data Protection Officers of the Passenger Information Units. The group of experts shall meet regularly.

2. The group of experts shall encourage cooperation between Passenger Information Units, particularly by means of exchanges of best practice.

3. If such a measure is indicated, the national supervisory authorities referred to in Article 12 and the Fundamental Rights Agency of the European Union shall be invited to meetings of the group of experts.

4. The Commission shall attend meetings of the group of experts as an observer.

Or. fr

Amendment 743
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In particular, the national supervisory authority shall:

(a) be consulted on the appointment and dismissal of the Data Protection Officer in accordance with Article 3a(1) and (3);

(b) verify any case of unlawful transmission of data by the Passenger Information Unit to a competent authority, as reported by the Data Protection Officer in accordance with Article 4(4), and take appropriate action;

(c) conduct regular reviews on the processing of data by the Passenger Information Unit pursuant to this Directive, including on the basis of logs and documentation received from the Passenger Information Unit and on-site visits, for the control of data protection and for ensuring proper data processing as well as data integrity, security and accountability of data processing;

(d) assist data subject in exercising their rights to information, of access, to rectification, and to erasure in accordance with Article 11;

(e) hear complaints lodged by any data subject in relation to their rights to information, of access, to rectification, and to erasure in accordance with Articles 11, investigates the matter to the extent appropriate, and informs the data subjects of the progress and the outcome of the complaint;

(f) conduct investigations into breaches of data security reported by the Passenger Information Unit in accordance with Article 11.

Or. en

Amendment 744
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 12 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall provide that supervisory authorities provide each other with mutual assistance in order to implement the right of the data subject to exercise their rights to information, of access, to rectification, and to erasure in accordance with Articles 11 through the Supervisor Authority of the Member State in which he/she resides.

Or. en

Amendment 745
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Passenger Information Units expert group

1 An expert group shall be set up under the coordination of Europol to bring together national experts from Passenger Information Units. The expert group shall meet regularly, within the premises of Europol.

2 The expert group shall foster the cooperation between Passenger Information Units, including through the sharing of best practices. This shall include best practices in creating new criteria for carrying out assessments in accordance with Article 4(2)(d).

3 The Commission shall attend the meetings of the expert group as observers.

Or. en

Amendment 746
Sophia in 't Veld

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Supervisory Authority

The European Data Protection Supervisor shall be responsible for advising on and monitoring the application the provisions pursuant to the present Regulation.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 747
Marju Lauristin

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Powers of the national supervisory authority

Member States shall provide that each supervisory authority has the power to notify the Passenger Information Unit of an alleged breach of the provisions governing the processing of PNR data and, where appropriate, order the Passenger Information Unit to remedy that breach, in a specific manner, in order to improve the protection of the data

subject.

Or. en

Amendment 748

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Anna Hedh, Marju Lauristin, Josef Weidenholzer, Tanja Fajon, Vilija Blinkevičiūtė

Proposal for a directive

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Duties of the national supervisory authority

1. Member States shall provide that the supervisory authority:

(a) monitors and ensures the application of the provisions adopted pursuant to this Directive and its implementing measures;

(b) hears complaints lodged by any data subject, investigates, to the extent appropriate, the matter and informs the data subject of the progress and the outcome of the complaint within a reasonable period, in particular where further investigation or coordination with another supervisory authority is necessary;

(c) checks the lawfulness of the data processing;

(d) conducts investigations, inspections and audits, either on its own initiative or on the basis of a complaint, and informs the data subject concerned, if the data subject has addressed a complaint, of the outcome of the investigations within a reasonable period;

(e) monitors relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and

communication technologies;

2. The supervisory authority shall, upon request, advise any data subject in exercising the rights laid down in provisions adopted pursuant to this Directive, and, if appropriate, co-operate with supervisory authorities in other Member States to this end.

3. For complaints referred to in point (b) of paragraph 1, the supervisory authority shall provide a complaint submission form, which can be completed electronically, without excluding other means of communication.

4. Member States shall provide that the performance of the duties of the supervisory authority shall be free of charge for the data subject.

5. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a reasonable fee. Such a fee shall not exceed the costs of taking the action requested. The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Amendment 749
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12b

The Data Protection Officers expert group

1. An expert group shall be set up under the coordination of the European Data Protection Supervisor to bring together

the Data Protection Officers of the Passenger Information Units. The experts group shall meet regularly, within the premises of European Data Protection Supervisor.

2. The expert group shall foster the cooperation between Passenger Information Units, including through the sharing of the best practices. This shall include best practices in reviewing criteria for carrying out assessments in accordance with Article 4(3).

3. When appropriate, the national Supervisory Authorities referred to in Article 12 and the EU Agency for Fundamental Rights shall be invited to the meetings of the expert groups.

4. The Commission shall attend the meetings of the expert group as observers.

Or. en

Amendment 750

Birgit Sippel, Christine Revault D'Allonnes Bonnefoy, Caterina Chinnici, Josef Weidenholzer, Tanja Fajon

**Proposal for a directive
Article 12 b (new)**

Text proposed by the Commission

Amendment

Article 12b

Powers of the national supervisory authority

1. Member States shall provide that each supervisory authority has the power:

(a) to notify the Passenger Information Unit of an alleged breach of the provisions governing the processing of PNR data and, where appropriate, order the Passenger Information Unit to remedy that breach, in a specific manner, in order to improve the protection of the data

subject;

(b) to order the Passenger Information Unit to comply with the data subject's requests to exercise his or her rights under this Directive, including those provided by Articles 11c (new) to 11e (new) where such requests have been refused in breach of those provisions;

(c) to order the Passenger Information Unit to provide information pursuant to Articles 11b (new), 11l (new) and 11m (new);

(e) to warn or admonish the Passenger Information Unit;

(f) to order the rectification, erasure or destruction of all data when they have been processed in breach of the provisions adopted pursuant to this Directive and the notification of such actions to third parties to whom the data have been disclosed;

(g) to impose a temporary or definitive ban on processing of PNR data;

(h) to suspend data flows to a recipient in a third country;

2. Each supervisory authority shall have the investigative power to obtain from the Passenger Information Unit:

(a) access to all PNR and personal data and to all information necessary for the performance of its supervisory duties,

(b) access to any of its premises, including to any data processing equipment and means, in accordance with national law, where there are reasonable grounds for presuming that an activity in violation of the provisions adopted pursuant to this Directive is being carried out there, without prejudice to a judicial authorisation if required by national law.

3. Without prejudice to Article 21 of the Council Framework Decision 2008/977/JHA, Member States shall

provide that no additional secrecy requirements shall be issued at the request of supervisory authorities.

4. Member States may provide that additional security screening in line with national law is required for access to information classified at a level similar to EU CONFIDENTIAL or higher. If no additional security screening is required under the law of the Member State of the relevant supervisory authority, this must be recognised by all other Member States.

5. Each supervisory authority shall have the power to bring breaches of the provisions adopted pursuant to this Directive to the attention of the judicial authorities and to engage in legal proceedings and bring an action to the competent court.

6. Each supervisory authority shall have the power to impose penalties in respect of administrative offences.

Or. en

Amendment 751
Emilian Pavel, Ana Gomes

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. All transfers of PNR data by air carriers to the Passenger Information Units for the purposes of this Directive shall be made by electronic means **or, in** the event of technical failure, by **any** other appropriate means, for a period of one year following the adoption of the common protocols and supported data formats in accordance with Article 14.

Amendment

1. All transfers of PNR data by air carriers, **other commercial operators and non-commercial flight operators** to the Passenger Information Units for the purposes of this Directive, shall be made by electronic means **and carried out via a processor of data that provides sufficient guarantees in respect of the technical security measures and organizational measures governing the processing to be carried out. In** the event of technical failure, **the PNR data shall be transferred**

by other appropriate means *whilst maintaining the same level of security. All transfers of PNR data shall be made* for a period of one year following the adoption of the common protocols and supported data formats in accordance with Article 14.

Or. en

Amendment 752
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. All transfers of PNR data by air carriers to the Passenger Information Units for the purposes of this Directive shall be made by electronic means or, in the event of technical failure, by any other appropriate means, for a period of **one year** following the adoption of the common protocols and supported data formats in accordance with Article 14.

Amendment

1. All transfers of PNR data by air carriers to the Passenger Information Units for the purposes of this Directive shall be made by electronic means or, in the event of technical failure, by any other appropriate means, for a period of **three months** following the adoption of the common protocols and supported data formats in accordance with Article 14.

Or. en

Amendment 753
Sophia in 't Veld

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All transfers of PNR data by air carriers to the Passenger Information Unit for the purposes of this Regulation shall be made by electronic means or, in the event of technical failure, by any other appropriate means, for a period of one year following the adoption of the

*common protocols and supported data
formats in accordance with Article 14.*

Or. en

Justification

Connected with the change to a Regulation.

Amendment 754

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Once the period of *one year* from the date of adoption of the common protocols and supported data formats has elapsed, all transfers of PNR data by air carriers to the Passenger Information Units for the purposes of this Directive shall be made electronically using secure methods in the form of accepted common protocols which shall be common to all transfers to ensure the security of the data during transfer, and in a supported data format to ensure their readability by all parties involved. All air carriers shall be required to select and identify to the Passenger Information Unit the common protocol and data format that they intend to use for their transfers.

Amendment

2. Once the period of *three months* from the date of adoption of the common protocols and supported data formats has elapsed, all transfers of PNR data by air carriers to the Passenger Information Units for the purposes of this Directive shall be made electronically using secure methods in the form of accepted common protocols which shall be common to all transfers to ensure the security of the data during transfer, and in a supported data format to ensure their readability by all parties involved. All air carriers shall be required to select and identify to the Passenger Information Unit the common protocol and data format that they intend to use for their transfers.

Or. en

Amendment 755

Sophia in 't Veld

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once the period of one year from the date of adoption of the common protocols and supported data formats has elapsed, all transfers of PNR data by air carriers to the Passenger Information Unit for the purposes of this Regulation shall be made electronically using secure methods in the form of accepted common protocols which shall be common to all transfers to ensure the security of the data during transfer, and in a supported data format to ensure their readability by all parties involved. All air carriers shall be required to select and identify to the Passenger Information Unit the common protocol and data format that they intend to use for their transfers.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 756

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. Each Member State shall ensure that the necessary technical measures are adopted to be able to use the common protocols and data formats within ***one year*** from the date the common protocols and supported data formats are adopted.

5. Each Member State shall ensure that the necessary technical measures are adopted to be able to use the common protocols and data formats within ***three months*** from the date the common protocols and supported data formats are adopted.

Or. en

Amendment 757
Birgit Sippel, Tanja Fajon

Proposal for a directive
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Committee procedure

1. The Commission shall be assisted by a committee ('the Committee'). That Committee shall be a committee within the meaning of Regulation [.../2011/EU] of 16 February 2011.

2. Where reference is made to this paragraph, Article 4 of Regulation [.../2011/EU] of 16 February 2011 shall apply.

Or. en

Amendment 758
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 14 – title

Text proposed by the Commission

Amendment

Committee procedure

Delegated acts

Or. it

Amendment 759
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by a

1. In accordance with Article 290 TFEU,

committee ('the Committee'). That Committee shall be a committee within the meaning of Regulation [.../2011/EU] of 16 February 2011.

power shall be delegated to the Commission, which, within three months from the entry into force of this Directive, shall accordingly adopt the risk criteria referred to in Article 4 of this Directive and the common protocols and supported data formats applicable to all transfers of PNR data by air carriers to Passenger Information Units.

Or. it

Amendment 760

Laura Ferrara, Ignazio Corrao

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, Article 4 of Regulation [.../2011/EU] of 16 February 2011 shall apply.

deleted

Or. it

Amendment 761

Sophia in 't Veld

Proposal for a directive Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest two years after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

deleted

Justification

Connected with the change to a Regulation.

Amendment 762

Anna Maria Corazza Bildt

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest **two years** after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest **one year** after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment 763

Sophia in 't Veld

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest two years after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment 764
Sophia in 't Veld

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

deleted

Or. en

Justification

Connected with the change to a Regulation.

Amendment 765
Sophia in 't Veld

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Or. en

Amendment 766
Sophia in 't Veld

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

deleted

Or. en

Justification

Connected with the change to a Regulation.

Amendment 767
Sophia in 't Veld

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Or. en

Amendment 768
Cornelia Ernst

Proposal for a directive
Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Transitional provisions

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

Or. en

Justification

Not needed when only data relating to targeted flights are collected.

Amendment 769

Jan Philipp Albrecht

Proposal for a directive

Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Transitional provisions

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

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

Or. en

Amendment 770
Sophia in 't Veld

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Connected with the change to a Regulation.

Amendment 771
Birgit Sippel, Josef Weidenholzer, Tanja Fajon

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 772
Sophia in 't Veld**

**Proposal for a directive
Article 16 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

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

Or. en

Amendment 773
Sophia in 't Veld

Proposal for a directive
Article 17 – paragraph -1 (new)

Text proposed by the Commission

Amendment

The Commission shall:

Or. en

Justification

Connected with the change to a Regulation.

Amendment 774
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 775
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 776

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, Michal Boni, 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 17 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 777

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

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

This Directive shall not foresee the inclusion of intra-European flights in its scope.

Amendment 778
Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

Amendment

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

Or. it

Amendment 779
Sylvie Guillaume

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

Text proposed by the Commission

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

Amendment

(a) review the necessity of ***extending*** the scope of this Directive. The Commission shall submit a report to the European Parliament and the Council within two years after the date mentioned in Article 15(1);

Or. fr

Amendment 780
Sophia in 't Veld

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

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the ***necessity and proportionality of the collection and processing of PNR data for each of the stated purposes,*** the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Or. en

Amendment 781

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, Frank Engel, Anna Maria Corazza Bildt, Monica Macovei, Salvatore Domenico Pogliese, Teresa Jiménez-Becerril Barrio, Nuno Melo, József Nagy

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **four** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **seven** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Or. en

Amendment 782

Jan Philipp Albrecht

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period **and** the

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period, the

quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

quality of the assessments, ***and figures justifying the use of PNR data for each category of crime***. It shall also contain the statistical information gathered pursuant to Article 18.

Or. en

Amendment 783

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

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) ***undertake a review of the operation*** of this Directive ***and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1)***. Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period ***and*** the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) ***review the feasibility, necessity and proportionality*** of this Directive, ***in the light of the experience gained by the Member States***. Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period, the quality of the assessments ***and the effectiveness of the sharing of the data between the Member States***. It shall also contain the statistical information gathered pursuant to Article 18. ***The Commission shall submit a report to the European Parliament and the Council within two years after the date mentioned in Article 15(1);***

Or. en

Amendment 784

Sylvie Guillaume

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **four** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period **and** the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **two** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period, the quality of the assessments **and avoidance of discrimination**. It shall also contain the statistical information gathered pursuant to Article 18.

Or. fr

Amendment 785

Laura Ferrara, Ignazio Corrao

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **four** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **two** years after the date mentioned in Article 15(1). Such **a** review shall cover all the elements of this Directive, with special attention to the compliance with **the** standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Or. it

Amendment 786

Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **four** years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Amendment

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within **two** years after the date mentioned in Article 15(1). Such **a** review shall cover all the elements of this Directive, with special attention to ***the effectiveness and necessity of PNR data transfer for the purposes of preventing and prosecuting terrorist offences or serious transnational crime and to*** the compliance with ***the*** standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Or. it

Amendment 787
Sophia in 't Veld

Proposal for a directive
Article 17 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) undertake a review of the operation of this Regulation and submit a report to the European Parliament and the Council within three years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

Justification

Connected with the change to a Regulation.

Amendment 788

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 17 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) Member States shall ensure that the implementing legislation pursuant to this Directive provides for the presentation of a review of the necessity and proportionality three years after the entry into force or the prolongment of the implementing legislation, in case the application of this Directive will be annulled. To this effect, Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious transnational crime according to Article 4(2), the number of false positives, the number of subsequent law enforcement actions, including arrests, convictions and declarations of innocence, that were taken involving the use of PNR data per air carrier and destination.

Amendment 789

Jan Philipp Albrecht

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Limitation

This Directive shall lose its effect after a period of seven years. The Commission may ask to extend the effect of this Directive for further seven-year-periods after the consent of the European Parliament and the Council.

Or. en

Amendment 790

Birgit Sippel, Caterina Chinnici, Jörg Leichtfried, Marju Lauristin, Josef Weidenholzer, Kati Piri, Sylvia-Yvonne Kaufmann, Péter Niedermüller, Ana Gomes, Emilian Pavel, Tanja Fajon

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Limitation

This Directive shall lose its effect after a period of seven years. The Commission may propose to extend the effect of this Directive for further seven-year-periods. The decision of extension shall be taken by ordinary legislative procedure after the approval by the European Parliament and the Council.

Or. en

Amendment 791
Sylvie Guillaume

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 792
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the ***total number of persons whose PNR data have been collected and transferred***, the number of identifications of any persons who may be involved in a terrorist offence or serious transnational crime according to Article 4(2), the number of subsequent law enforcement actions that were taken involving the use of PNR data, ***the number of convictions secured with the aid of PNR data, and the total number***

of 'false positives', per air carrier and destination.

Or. it

Amendment 793
Jan Philipp Albrecht

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 794
Sophia in 't Veld

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious crime according to

Amendment

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious **transnational** crime

Article 4(2) **and** the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

according to Article 4(2), **the number of false positives**, the number of subsequent law enforcement actions, **including arrests, convictions and declarations of innocence**, that were taken involving the use of PNR data per air carrier and destination.

Or. en

Amendment 795

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

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 796

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious **transnational** crime according to Article 4(2), the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination, **and the number of criminal convictions following those actions, per offence found to be committed, as well as the quality of the pre-determined criteria used for preselection of flights.**

Or. en

Amendment 797
Sophia in 't Veld

Proposal for a directive
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

Connected with the change to a Regulation.

Amendment 798

Jan Philipp Albrecht

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. These statistics shall not contain any personal data. They shall be transmitted to the Commission on a yearly basis.

Amendment

2. These statistics shall not contain any personal data. They shall be transmitted to the Commission, ***the European Parliament, and the Council*** on a yearly basis.

Or. en

Amendment 799

Birgit Sippel, Caterina Chinnici, Marju Lauristin, Josef Weidenholzer, Péter Niedermüller, Ana Gomes, Tanja Fajon

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. These statistics shall not contain any personal data. They shall be transmitted to the Commission on a yearly basis.

Amendment

2. These statistics shall not contain any personal data. They shall be transmitted to the Commission ***and the European Parliament*** on a yearly basis.

Or. en

Amendment 800

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. These statistics shall not contain any personal data. They shall be ***transmitted to the Commission*** on a yearly basis.

Amendment

2. These statistics shall not contain any personal data. They shall be ***made public*** on a yearly basis.

Or. en

Amendment 801
Sophia in 't Veld

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. These statistics shall not contain any personal data.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 802
Jan Philipp Albrecht

Proposal for a directive
Article 19 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. This Directive applies without prejudice to the Council Framework Decision 2008/977 JHA and any future legislation on the processing of personal data for the purpose of investigation and prevention of criminal offenses.

Or. en

Amendment 803
Sophia in 't Veld

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may continue to apply bilateral or multilateral agreements or arrangements between themselves on exchange of information between competent authorities, in force when this Regulation is adopted, in so far as such agreements or arrangements are compatible with this Regulation

Or. en

Justification

Connected with the change to a Regulation.

Amendment 804
Cornelia Ernst

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. This Directive is without prejudice to any obligations and commitments of the Union by virtue of bilateral and/or multilateral agreements with third countries.

deleted

Or. en

Amendment 805
Emil Radev

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The assessment of the passengers under this Directive shall not jeopardise the right of entry of persons enjoying the right of free movement into the territory of the Member State concerned as laid down in Directive 2004/38/EC and, where applicable, shall comply with Regulation (EC) No 562/2006.

Or. en

Justification

The assessment of the passengers should not result in restrictions regarding the right of persons enjoying the right of free movement to enter the EU as long as the Directive on the free movement of EU citizens and the Regulation on Schengen Border Code are respected.

Amendment 806
Sophia in 't Veld

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation is without prejudice to any obligations and commitments of the Union by virtue of bilateral and/or multilateral agreements with third countries.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 807
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

This Directive shall enter into force the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This Directive shall enter into force the twentieth day following that of its publication in the Official Journal of the European Union.

This Directive shall only be valid for 5 years after the entry into force, after which it shall lose its legal effect. The Commission may present a revised proposal to the European Parliament and Council according to the Ordinary legislation procedure.

Or. en

Amendment 808
Sophia in 't Veld

Proposal for a directive
Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall enter into force 2 years following that of its publication in the Official Journal of the European Union.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 809
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Sunset clause

This Directive shall expire by default four years after entry into force and four years after each prolongation. The Council and European Parliament can decide, following a proposal of the Commission, to prolong the application of this Directive for another four years.

Or. en

Amendment 810
Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Sunset clause

This Directive shall expire in December 2020.

In the light of the review referred to in Article 17 the European Parliament and the Council may extend the period of validity of this Directive.

Or. it

Amendment 811
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 20 b (new)

PE554.744v02-00

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Text proposed by the Commission

Amendment

Article 20b

Member States shall ensure that the implementing legislation pursuant to this Directive expires every four years after the entry into force, in case the application of this Directive would, regardless of the cause, be annulled. In such case, the national legislature can decide to prolong the application of the legislation that had been implemented pursuant to this Directive for another four years.

Or. en

Amendment 812

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 20 c (new)

Text proposed by the Commission

Amendment

Article 20c

This Regulation shall expire by default four years after entry into force and four years after each prolongation. The Council and European Parliament can decide, following a proposal of the Commission, to prolong the application of this Directive for another four years.

Or. en

Justification

Connected with the change to a Regulation.

Amendment 813

Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

**Amendment 814
Laura Ferrara, Ignazio Corrao**

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

Text proposed by the Commission

Amendment

(8) Frequent flyer information *deleted*

Or. it

**Amendment 815
Cornelia Ernst**

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

Text proposed by the Commission

Amendment

(8) Frequent flyer information *deleted*

Or. en

**Amendment 816
Jan Philipp Albrecht**

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

Text proposed by the Commission

Amendment

(8) Frequent flyer information

deleted

Or. en

Amendment 817

Birgit Sippel, Marju Lauristin, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Annex 1 – point 8

Text proposed by the Commission

Amendment

(8) Frequent flyer information

deleted

Or. en

Amendment 818

Jan Philipp Albrecht

Proposal for a directive

Annex 1 – point 9

Text proposed by the Commission

Amendment

(9) Travel agency/travel agent

deleted

Or. en

Amendment 819

Jan Philipp Albrecht

Proposal for a directive

Annex 1 – point 11

Text proposed by the Commission

Amendment

(11) Split/divided PNR information

deleted

Or. en

Amendment 820
Sylvie Guillaume

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 821
Cornelia Ernst

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 822
Laura Ferrara, Ignazio Corrao

**Proposal for a directive
Annex 1 – point 12**

Text proposed by the Commission

Amendment

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

deleted

Or. it

**Amendment 823
Jan Philipp Albrecht**

**Proposal for a directive
Annex 1 – point 12**

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 824
Sophia in 't Veld**

**Proposal for a directive
Annex 1 – point 12**

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 825

Birgit Sippel, Marju Lauristin, Josef Weidenholzer, Tanja Fajon

Proposal for a directive

Annex 1 – point 12

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

"General remarks" is too wide, since it could cover a wide range of personal and potential sensitive information that the air companies collect.

Amendment 826

Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 827
Sophia in 't Veld**

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 828
Jan Philipp Albrecht**

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 829
Birgit Sippel, Marju Lauristin, Josef Weidenholzer, Tanja Fajon**

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

Text proposed by the Commission

Amendment

(14) Seat number *and other seat information*

(14) Seat number

Or. en

**Amendment 830
Sophia in 't Veld**

**Proposal for a directive
Annex 1 – point 15**

Text proposed by the Commission

Amendment

(15) *Code share information*

deleted

Or. en

**Amendment 831
Jan Philipp Albrecht**

**Proposal for a directive
Annex 1 – point 16**

Text proposed by the Commission

Amendment

(16) *All baggage information*

deleted

Or. en

**Amendment 832
Jan Philipp Albrecht**

**Proposal for a directive
Annex 1 – point 17**

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 833
Sophia in 't Veld**

**Proposal for a directive
Annex 1 – point 18**

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 834
Sophia in 't Veld**

**Proposal for a directive
Annex 1 – point 19**

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 835
Jan Philipp Albrecht**

**Proposal for a directive
Annex 1 – point 19**

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 836
Kashetu Kyenge, Miltiadis Kyrkos

Proposal for a directive
Annex II (new)

Text proposed by the Commission

Amendment

Offences:

1 participation in a criminal organisation,

2 trafficking in human beings,

3 sexual exploitation of children and child pornography,

4 illicit trafficking in narcotic drugs and psychotropic substances,

5 illicit trafficking in weapons, munitions and explosives,

6 murder, grievous bodily injury,

7 illicit trade in human organs and tissue

8 kidnapping and hostage-taking,

9 organised or armed robbery,

10 illicit trafficking in nuclear or radioactive materials,

11 rape,

12 unlawful seizure of aircraft/ships,

13 sabotage

14 crimes within the jurisdiction of the International Criminal Court

Or. en

Justification

Listing of all the offences which justify the processing of PNR data.