



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2011/0023(COD)

28.3.2012

AMENDMENTS

204 - 489

Draft report
Timothy Kirkhope
(PE480.855v01-00)

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))

AM\897635EN.doc

PE486.159v01-00

EN

United in diversity

EN

AM_Com_LegReport

Amendment 204
Alexander Alvaro

Proposal for a directive
Article 2

Text proposed by the Commission

Amendment

Article 2

deleted

Definitions

For the purposes of this Directive the following definitions shall apply:

(a) ‘air carrier’ means an air transport undertaking with a valid operating licence or equivalent permitting it to carry out carriage by air of passengers;

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including in both cases any transfer or transit flights;

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

(d) ‘passenger’ means any person, except members of the crew, carried or to be carried in an aircraft with the consent of the carrier;

(e) ‘reservation systems’ means the air carrier’s internal inventory system, in which PNR data are collected for the

handling of reservations;

(f) ‘push method’ means the method whereby air carriers transfer the required PNR data into the database of the authority requesting them;

(g) ‘terrorist offences’ means the offences under national law referred to in Articles 1 to 4 of Council Framework Decision 2002/475/JHA;

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

(i) They are committed in more than one state;

(ii) They are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state;

(iii) They are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state; or

(iv) They are committed in one state but have substantial effects in another state.

Or. en

Amendment 205
Sophia in 't Veld

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

Text proposed by the Commission

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, ***including in both cases any transfer or transit flights;***

Amendment

(b) ‘***targeted*** international flight’ means any scheduled or non-scheduled ***high-risk*** flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, ***excluding*** transit flights;

Or. en

Amendment 206
Hubert Pirker, Frank Engel

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

Text proposed by the Commission

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including in both cases any transfer or transit flights;

Amendment

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including in both cases any transfer or transit flights, ***with the exception of air ambulance flights for the transport of patients and organs;***

Or. de

Amendment 207
Cecilia Wikström, Olle Schmidt

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

Text proposed by the Commission

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, ***including in both cases any transfer or transit flights***;

Amendment

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country;

Or. en

Amendment 208
Véronique Mathieu

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

Text proposed by the Commission

(b) ‘***international*** flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including in both cases any transfer or transit flights;

Amendment

(b) ‘***extra-Union*** flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, including in both cases any transfer or transit flights;

(ba) ‘intra-Union flight’ means any scheduled or non-scheduled flight by an air carrier originating in a Member State with a final destination in another Member State;

Or. fr

Justification

Including intra-Union flights means - in order to avoid confusion - that they have to be defined.

Amendment 209
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

(ba) 'domestic flight' means any scheduled or non-scheduled flight by an air carrier due to land on the territory of a Member State originating in any other Member State with a final destination in a Member State;

Or. en

Amendment 210
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

(bb) 'targeted flight' means any international flight that has been identified by competent national authorities, as likely to be used by passengers who are involved in terrorist offences or serious transnational crime;

Or. en

Amendment 211
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(c) 'Passenger Name Record' or 'PNR

(c) 'Passenger Name Record' or 'PNR

data' means a record of each passenger's travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

data' means a record of each passenger's travel requirements **collected and retained electronically by air carriers in the normal course of their business** which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

Or. en

Amendment 212

Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) 'push method' means the method whereby air carriers transfer **the required** PNR data into the database of the authority requesting them;

Amendment

(f) 'push method' means the method whereby air carriers transfer **their existing** PNR data **listed in the Annex to this Directive** into the database of the authority requesting them;

Or. de

Amendment 213

Martin Ehrenhauser

Proposal for a directive

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) 'push method' means the method whereby air carriers transfer **the required** PNR data into the database of the authority requesting them;

Amendment

(f) 'push method' means the method whereby air carriers transfer **their collected** PNR data **listed in the Annex** into the database of the authority requesting them;

Amendment 214
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Justification

PNR data should only be processed only for the prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes. PNR data shall not be used for other purposes.

Amendment 215
Carmen Romero López, Birgit Sippel

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

Text proposed by the Commission

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a

deleted

custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

Or. en

Amendment 216
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Amendment 217
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Amendment 218

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

deleted

Or. en

Amendment 219

Frank Engel

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a **maximum** period of at least **three years** under the national law of a Member State, **however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;**

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a **minimum** period of at least **five years** under the national law of a Member State;

Or. en

Amendment 220

Birgit Sippel, Carmen Romero López

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States **may** exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the **principle** of proportionality;

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States **shall** exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the **principles** of proportionality **and necessity;**

Amendment 221

Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, ***Member States may exclude*** those minor offences for which, taking into account ***their*** respective criminal justice ***system***, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

Amendment

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State; however, those minor offences for which, taking into account ***Member States’*** respective criminal justice ***systems***, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality ***may be excluded***;

Amendment 222

Carmen Romero López, Birgit Sippel

Proposal for a directive

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

(i) They are committed in more than one

Amendment

deleted

state;

(ii) They are committed in one state but a substantial part of their preparation, planning, direction or control takes place in another state;

(iii) They are committed in one state but involve an organised criminal group that engages in criminal activities in more than one state; or

(iv) They are committed in one state but have substantial effects in another state.

Or. en

Amendment 223
Frank Engel

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **three** years under the national law of a Member State, and if :

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **five** years under the national law of a Member State, and if :

Or. en

Amendment 224
Jan Philipp Albrecht

Proposal for a directive
Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in

(i) ‘serious transnational crime’ means the **following** offences under national law

Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if :

referred to in Article 2(2) of Council Framework Decision 2002/584/JHA: **trafficking in human beings, illicit trafficking in narcotic drugs and illicit trafficking in weapons, munitions and explosives**, if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

Or. en

Amendment 225

Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a **maximum period of at least three years under the national law of a Member State**, and if :

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are **usually** punishable by a **considerable** custodial sentence or a detention order for a **considerable** period, and if :

Or. de

Amendment 226

Martin Ehrenhauser

Proposal for a directive

Article 2 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA **if they** are

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA **which have a**

punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

significant transnational element and are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

Or. en

Amendment 227
Cornelia Ernst

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

Text proposed by the Commission

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **three** years under the national law of a Member State, and if:

Amendment

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **five** years under the national law of a Member State, **however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality**, and if:

Or. en

Amendment 228
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(ia) 'sensitive data' means personal 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, health or sexual orientation, as laid down in Article 21 of the Charter of Fundamental Rights of the European Union, as well as other data defined as sensitive by domestic law.

Or. en

Amendment 229
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

(ia) 'anonymisation' in the sense of the Directive can be defined as the irreversible manipulation of personal data, as defined in Directive 1995/46/EC, whether by the data controller or by any other person such that the data may not be associated with one or a small group of data subjects, taking account of all the means reasonably likely to be used either by the controller or by any other person to identify that person; in particular by reference to an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Or. en

Amendment 230
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

(ia) 'profiling' means the process of discovering patterns from a data set by automated or semi-automated means in order to detect anomalies in the given data set.

Or. en

**Amendment 231
Alexander Alvaro**

**Proposal for a directive
Article 3**

Text proposed by the Commission

Amendment

Article 3

deleted

Passenger Information Unit

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

2. Two or more Member States may establish or designate a single authority to serve as their Passenger Information Unit. Such Passenger Information Unit shall be established in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for

the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

3. Each Member State shall notify the Commission thereof within one month of the establishment of the Passenger Information Unit and may at any time update its declaration. The Commission shall publish this information, including any updates, in the Official Journal of the European Union.

Or. en

Amendment 232
Axel Voss

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. A European authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime shall be established to act as the ‘Passenger Information Unit’ responsible for collecting PNR data from air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5.

Or. de

Justification

Separate jurisdiction - independent of national police authorities’ investigative activities - should not be conferred on the authority. Such jurisdiction comes fully under the sovereign power of Member States.

Amendment 233
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences **and serious crime** or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Or. en

Amendment 234
Martin Ehrenhauser

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment

1. Each Member State shall set up or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and serious **transnational** crime or a branch of such an authority to act as its 'Passenger Information Unit' responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

Amendment 235
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Staff members joining the Passenger Information Units shall be cleared to have the maximum guarantees of competence and integrity for processing the PNR data collected in accordance with this Directive and may be subject to penalties provided for in Article 10a.

Or. en

Amendment 236
Frank Engel

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Two or more Member States may establish or designate a single authority to serve as their Passenger Information Unit. Such Passenger Information Unit shall be established in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

2. Two or more Member States may establish or designate a single authority, ***such as Europol***, to serve as their Passenger Information Unit. Such Passenger Information Unit shall be established in one of the participating Member States, ***or at Europol***, and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

Or. en

Amendment 237

Axel Voss

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

2. ***Two or more Member States may establish or designate a single authority to serve as their Passenger Information Unit. Such*** Passenger Information Unit shall be established ***in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States.*** The *participating* Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

Amendment

2. ***The*** Passenger Information Unit shall be established ***within the territory of a Member State of the European Union.*** The Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this Directive.

Or. de

Amendment 238

Hubert Pirker

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

2. Two or more Member States may establish ***or designate*** a single ***authority*** to serve as their Passenger Information Unit. ***Such*** Passenger Information Unit shall be established in one of the participating Member States and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the Passenger Information Unit and shall respect the requirements laid down in this

Amendment

2. Two or more Member States may establish a single ***body or designate a body, such as Europol, for instance,*** to serve as their Passenger Information Unit. The Passenger Information Unit shall be established in one of the participating Member States ***or at the headquarters of the higher-level body, such as Europol, for instance,*** and shall be considered the national Passenger Information Unit of all such participating Member States. The participating Member States shall agree on the detailed rules for the operation of the

Directive.

Passenger Information Unit and shall respect the requirements laid down in this Directive.

Or. de

Amendment 239

Axel Voss

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A Management Board shall be set up in order to supervise the activities of the Passenger Information Unit. The Management Board shall be composed of one representative of each national competent authority, Europol, the European Data Protection Supervisor and the Commission. The Management Board shall establish its rules of procedure and elect a Chairperson and a Deputy Chairperson from among its members.

Or. de

Justification

A management board should deal with the main non-routine matters. The director would be responsible for day-to-day administration, for staff management and for drafting and implementing the management board's decisions.

Amendment 240

Axel Voss

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Each Member State shall notify the Commission thereof within one month of

deleted

the establishment of the Passenger Information Unit and may at any time update its declaration. The Commission shall publish this information, as well as any updates, in the Official Journal of the European Union.

Or. de

Amendment 241
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

3a. Passenger Information Units shall each appoint a Data Protection Officer.

Or. en

Amendment 242
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

3a. The storage, processing and analysis of PNR data relating to passengers on international flights shall be carried out exclusively within the territory of the Union. The law applicable to these procedures shall therefore be Union law on personal data protection.

Or. en

Amendment 243
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

3b. Member States shall ensure that dissuasive, effective and proportionate penalties, including criminal sanctions, are provided for against persons working in Passenger Information Units in the case of, and responsible for the, misuse or abuse of PNR data or other infringements of the national provisions adopted pursuant to this Directive.

Or. en

Amendment 244
Martin Ehrenhauser

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

The storage, treatment and analysis of PNR data relating to passengers on international flights shall be carried out exclusively within the territory of the EU. The legislation applicable to these procedures shall therefore be the Union legislation on personal data protection.

Or. en

Amendment 245
Alexander Alvaro

Proposal for a directive
Article 4

Article 4

deleted

Processing of PNR data

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

2. The Passenger Information Unit shall process PNR data only for the following purposes:

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

(b) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment the Passenger

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

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

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

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

life.

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

Or. en

Amendment 246
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 247
Axel Voss

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 248
Ioan Enciu

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 249
Martin Ehrenhauser

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 250
Véronique Mathieu

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

This amendment follows on from including all intra-Union flights in the scope of the directive. The terms ‘intra-Union flight’ and ‘extra-Union flight’ are preferable to ‘international flight’ and ‘internal flight’, which are derived from the Schengen Borders Code and are not appropriate in a directive which is to apply to the whole territory of the European Union.

Amendment 251
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 252
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 253
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

1a. Profiling of PNR data shall be prohibited under this Directive.

Or. en

Amendment 254
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Profiling, or the processing of PNR data against pre-determined assessment criteria, must not be allowed in absence of a legal definition of profiling at EU level.

Amendment 255
Jan Philipp Albrecht

PE486.159v01-00

32/166

AM\897635EN.doc

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 256
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

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

deleted

Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Amendment 257
Carmen Romero López, Birgit Sippel

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 258
Ioan Enciu

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

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 259
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

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

Amendment

(a) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious transnational crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment, the Passenger Information Unit may **not** process PNR data against pre-determined criteria. Member States shall ensure that any positive match resulting from **any** automated processing is individually

means in order to verify whether the competent authority referred to in Article 5 needs to take action;

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

Or. en

Amendment 260

Axel Voss

Proposal for a directive

Article 4 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 261

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) carrying out an assessment of the passengers prior to their scheduled arrival

Amendment

deleted

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

Or. en

Amendment 262
Sophia in 't Veld

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

Text proposed by the Commission

(b) *carrying out an assessment* of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such *an assessment* the Passenger Information Unit may compare PNR data against *relevant* databases, including international or national databases or national mirrors of Union databases, where they are

Amendment

(b) *checking the identity* of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious *transnational* crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such *a check* the Passenger Information Unit may compare PNR data against *specifically designed* databases *created for the purposes of preventing, detecting, investigating and prosecuting terrorist offences and serious*

established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

transnational crime, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

Or. en

Amendment 263
Carmen Romero López, Birgit Sippel

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

Text proposed by the Commission

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

Amendment

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

referred to in Article 5 needs to take action;

needs to take action;

Or. en

Amendment 264

Jan Philipp Albrecht

Proposal for a directive

Article 4 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 265

Martin Ehrenhauser

Proposal for a directive

Article 4 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 266
Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

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

such processing; and

the results of such processing; and

Or. en

Amendment 267

Carmen Romero López, Birgit Sippel

Proposal for a directive

Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 268

Martin Ehrenhauser

Proposal for a directive

Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 269
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 270
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 271
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 272
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 273
Carmen Romero López, Birgit Sippel

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

Text proposed by the Commission

Amendment

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

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

Amendment 274
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Justification

Profiling, or the processing of PNR data against pre-determined assessment criteria, must not be allowed in absence of a legal definition of profiling at EU level.

Amendment 275
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 276
Kinga Göncz

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

membership, health or sexual *life*.

membership, health, *disability* or sexual *orientation*.

Or. en

Amendment 277

Tanja Fajon

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 278

Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

3a. The processing of PNR data may be authorised only by order of a competent court or body of a Member State following an application by the Passenger

Information Unit. Only where the Passenger Information Unit identifies danger in delay ('periculum in mora') may it authorise such processing itself.

Or. en

Amendment 279
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

3a. The transmission of PNR data shall be authorised only by order of a court of a Member State following an application by the Passenger Information Unit. Only where the Passenger Information Unit identifies danger in delay ('periculum in mora') may it authorise such processing itself.

Or. en

Amendment 280
Jan Philipp Albrecht

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Amendment 281

Axel Voss

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 282

Ágnes Hankiss

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with points (a) and (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. ***Depending on the outcome of the examination, the findings relating to the person identified must be stored, and this fact must be taken into account in deciding how long to store the data.*** Such transfers shall only be made on a case-by-case basis.

Amendment 283

Tanja Fajon

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 284

Alexander Alvaro

Proposal for a directive

Article 5

Text proposed by the Commission

Article 5

Competent authorities

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

Amendment

deleted

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

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

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

5. Paragraph 4 shall be without prejudice to national law enforcement or judicial powers where other offences, or indications thereof, are detected in the course of enforcement action further to such processing.

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

Or. en

**Amendment 285
Sophia in 't Veld**

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 286
Axel Voss

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 287
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 288

Ioan Enciu

**Proposal for a directive
Article 5 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 289

Martin Ehrenhauser

**Proposal for a directive
Article 5 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 290
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 291
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 292
Martin Ehrenhauser

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 293
Manfred Weber

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 294
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 295
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 296
Martin Ehrenhauser

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. The PNR data of passengers and the

Amendment

4. The PNR data of passengers and the

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

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

Or. en

Amendment 297
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. Paragraph 4 shall be without prejudice to national law enforcement or judicial powers where other offences, or indications thereof, are detected in the course of enforcement action further to such processing.

deleted

Or. en

Amendment 298
Sophia in 't Veld

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

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

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

life.

opinion, trade union membership, ***membership of a national minority, property, disability, age***, health or sexual orientation, as laid down in Article 21 of the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 299
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 300
Tanja Fajon

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated

Amendment

6. The competent authorities shall not take any decision that produces an adverse legal effect on a person or significantly affects a person only by reason of the automated

processing of PNR data. Such decisions shall not be taken on the basis of a person's race or ethnic origin, religious *or philosophical* belief, political opinion, trade union membership, health or sexual life.

processing of PNR data. Such decisions shall not be taken on the basis of a person's race or ethnic origin, religious belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 301
Alexander Alvaro

Proposal for a directive
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations on air carriers

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

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

appropriate means ensuring an appropriate level of data security:

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

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

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

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

Or. en

Amendment 302
Sophia in 't Veld

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 303
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are already collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data to the Passenger Information Units of all the Member States concerned. ***No data revealing a person's sex, age, race, social or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life may be transferred.***

Justification

It is much safer to oblige carriers to only transfer certain data than having the national Passenger Informations Unit delete them.

Amendment 304

Axel Voss

Proposal for a directive**Article 6 – paragraph 1***Text proposed by the Commission*

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

Amendment

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

Or. de

Amendment 305

Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 306
Martin Ehrenhauser

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data *exclusively* to the Passenger Information *Unit* of the Member *State of final arrival*.

Or. en

Amendment 307
Véronique Mathieu

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

This amendment follows on from including all intra-Union flights in the scope of the directive. The terms ‘intra-Union flight’ and ‘extra-Union flight’ are preferable to ‘international flight’ and ‘internal flight’, which are derived from the Schengen Borders Code and are not appropriate in a directive which is to apply to the whole territory of the European Union.

Amendment 308 **Jan Philipp Albrecht**

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

Text proposed by the Commission

Amendment

1 a. 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 309 **Martin Ehrenhauser**

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

Text proposed by the Commission

Amendment

1 a. Member States shall not require air carriers to collect any PNR data that they do not already collect. Air carriers shall not transfer any PNR data other than those defined in Article 2(c) and specified in the Annex. Air carriers shall take every reasonable precaution to ensure that the

data collected from passengers are accurate and correct; where this is found not to be the case, the air carrier may be held liable.

Or. en

Amendment 310
Véronique Mathieu

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

Text proposed by the Commission

Amendment

1a. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where a Community extra-EU flight has one or more stop-overs at airports of different Member States, carriers shall transfer the PNR data of all passengers to the Passenger Information Units of all the Member States concerned. They shall also do so where an intra-Union flight has one or more stop-overs at airports of different Member States.

Or. fr

Justification

This amendment spells out the arrangements for the transfer of PNR data where there are a number of carriers and where a flight includes a stop-over.

Amendment 311
Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 312

Ioan Enciu

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 313

Martin Ehrenhauser

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 314
Véronique Mathieu

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

To ensure a degree of consistency with international standards, it should be pointed out that the protocols and formats to be used will take account of internationally recognised recommendations.

Amendment 315
Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 316
Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 317
Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Amendment 318
Tanja Fajon

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

If the flight does not take off due to force majeure and the cancellation of travel, the PNR data which has have transferred to the Passenger Information Unit, shall be immediately deleted.

Or. en

Amendment 319
Jan Philipp Albrecht

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 320
Axel Voss

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. **Member States** may permit air carriers to limit the transfer referred to in point (b)

3. **The Passenger Information Unit** may permit air carriers to limit the transfer

of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

Or. de

Amendment 321
Martin Ehrenhauser

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 322
Sophia in 't Veld

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 323

Axel Voss

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 324

Jan Philipp Albrecht

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

(This amendment applies throughout the text)

Or. en

Amendment 325
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 326
Martin Ehrenhauser

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 327
Alexander Alvaro

Proposal for a directive
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Exchange of information

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

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

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

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

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

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

Or. en

Amendment 328
Sophia in 't Veld

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 329

Axel Voss

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 330

Carmen Romero López, Birgit Sippel

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

investigation or prosecution of terrorist offences *or serious crime*. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

investigation or prosecution of terrorist offences. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Or. en

Amendment 331
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The personal data of all air passengers should not be exchanged routinely. Data exchange

should be strictly limited, related to a specific case of prevention, detection, investigation or prosecution of terrorist offences and requests should be justified in writing to allow for verification.

Amendment 332
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Such transfers shall be strictly limited to the data necessary in specific cases for the prevention, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Or. en

Amendment 333
Hubert Pirker, Frank Engel

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. With regard to persons identified by a Passenger Information Unit in accordance with Article 4(2)(a) and (b), the result of the processing of PNR data **shall be** transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States, **and, where the conditions of Council Decision 2009/371/JI of 6 April 2009 are met, to Europol irrespective of whether Europol is acting as the Passenger Information Unit within the meaning of Article 3**, where the **first** Passenger Information Unit **comes to the conclusion that** such transfer **is** necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

Or. de

Justification

Europol hat zum Ziel, die Mitgliedstaaten bei der Prävention und Bekämpfung von organisierter Kriminalität, Terrorismus und anderer Formen schwerer Kriminalität zu unterstützen. Um diesem Ziel im Rahmen seiner Zuständigkeiten gemäß dem Beschlusses des Rates 2009/371/JI zur Errichtung des Europäischen Polizeiamts nachkommen zu können, sollte auch Europol die Ergebnisse der Verarbeitung von PNR-Daten im Sinne dieser Richtlinie von der jeweiligen PNR-Zentralstelle zur Verfügung gestellt bekommen, und zwar unabhängig davon, ob die Agentur Zentralstelle im Sinne des Art. 3 ist oder nicht.

Amendment 334
Sophia in 't Veld

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 335

Axel Voss

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The **competent authorities** of a Member State shall have the right to request, if necessary, the Passenger Information Unit **or the competent authority** of any other Member State **which has received data from the Passenger Information Unit in accordance with paragraph 1** to provide it with the result of the processing of those data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the

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

requesting **authority** for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. **Information exchange** shall **take place without delay, as shall communication of** the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Or. de

Amendment 336
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 337
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 338
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member

Amendment

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member

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

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

Or. en

Amendment 339
Hubert Pirker, Frank Engel

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Passenger Information Unit of a Member State **and, where the conditions of Council Decision 2009/371/JI of 6 April 2009 are met, Europol** shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data. The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting **body** for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime.

practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to Article 4(2)(a) and (b).

Or. de

Amendment 340
Sophia in 't Veld

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 341
Axel Voss

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 342
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

prosecution related to terrorist offences *or serious crime*.

prosecution related to terrorist offences.

Or. en

Amendment 343
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 344
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. The Passenger Information Unit of a Member State shall have the right to

Amendment

3. The Passenger Information Unit of a Member State shall have the right to

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

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

Or. en

Amendment 345
Hubert Pirker, Frank Engel

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Passenger Information Unit of a Member State ***and, where the conditions of Council Decision 2009/371/JI of 6 April 2009 are met, Europol*** shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The ***requesting body*** may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

Amendment 346
Tanja Fajon

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 347
Cornelia Ernst

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data

Amendment

deleted

that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious crime and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. en

Amendment 348
Sophia in 't Veld

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 349

Axel Voss

Proposal for a directive

Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 350

Carmen Romero López, Birgit Sippel

Proposal for a directive

Article 7 – paragraph 4

Text proposed by the Commission

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a

Amendment

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a

specific investigation or prosecution of terrorist offences *or serious crime* and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

specific investigation or prosecution of terrorist offences and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

Or. en

Amendment 351
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 352
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 353

Axel Voss

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

deleted

Or. de

Amendment 354
Sophia in 't Veld

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 355
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 356
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to terrorist offences or serious ***transnational*** crime, the Passenger Information Unit of a Member State shall have the right to request the Passenger Information Unit of another Member State to provide it with PNR data of flights landing in or departing from the latter's territory at any time. ***Such requests shall be strictly limited to the data necessary in the specific case for the prevention, detection, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing.***

Or. en

Amendment 357
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

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

a terrorist offence or serious transnational crime and shall be justified in writing.

Or. en

Amendment 358
Axel Voss

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 359
Jan Philipp Albrecht

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

6. Exchange of information under this Article may take place using any existing channels for international law enforcement cooperation. The language used for the request and the exchange of information

Amendment

6. Exchange of information under this Article may take place using any existing channels for ***European and*** international law enforcement cooperation, ***in particular Europol and national units under Article***

shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

8 of Council Decision 2009/371/JHA of 6 April 2009. The language used for the request and the exchange of information shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

Or. en

Amendment 360
Martin Ehrenhauser

Proposal for a directive
Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 361
Alexander Alvaro

Proposal for a directive
Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Transfer of data to third countries

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

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

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

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

Or. en

Amendment 362
Axel Voss

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

Text proposed by the Commission

Amendment

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

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

Or. de

Amendment 363
Jan Philipp Albrecht

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 364
Martin Ehrenhauser

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

Text proposed by the Commission

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

Amendment

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and ***only when expressly authorized by a binding international agreement between the Union and that third country, and*** if:

Or. en

Amendment 365
Ágnes Hankiss

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

Text proposed by the Commission

A Member State may transfer PNR data

Amendment

A Member State may transfer PNR data

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

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

Or. hu

Amendment 366
Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The Directive 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, should be adopted before an EU PNR Directive.

Amendment 367
Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 368
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(ba) the transfer is subject to prior judicial authorisation.

Or. en

Amendment 369
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 370

Axel Voss

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

c) the third country *receiving the PNR data gives a binding undertaking not* to transfer the data *received to any other* third country.

Or. de

Justification

It is not clear why the possibility for a third country to transfer data to another third country needs to be allowed for. Third countries are free, if necessary, to approach the Passenger Information Unit directly.

Amendment 371

Jan Philipp Albrecht

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) the third country *guarantees that it will use* the data only where it is necessary for the purposes of this Directive specified in Article 1(2). *Transfer by that third country to another third country shall be prohibited.*

Or. en

Amendment 372

Martin Ehrenhauser

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

Text proposed by the Commission

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

Amendment

(c) the third country ***guarantees that it will use*** the data only where it is necessary for the purposes of this Directive specified in Article 1(2) and ***delete the data just as soon as it is no longer strictly necessary to retain it. Transfer by the third country to another third country shall be prohibited.***

Or. en

Amendment 373
Cornelia Ernst, Marie-Christine Vergiat

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 374
Ágnes Hankiss

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

Text proposed by the Commission

(c) the third country agrees to transfer the data to another third country only where it is necessary for the purposes of this Directive specified in Article 1(2) and only

Amendment

(c) the third country agrees to transfer the data to another third country only where it is necessary for the purposes of this Directive specified in Article 1(2) and only

with the express authorisation of the Member State.

with the express authorisation of the Member State, *subject to simultaneous compliance with the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA in relation to the other third country.*

Or. hu

Amendment 375
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 376
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 377
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 378
Jan Philipp Albrecht

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 379
Alexander Alvaro

Proposal for a directive
Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Period of data retention

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.

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

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:

- 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*

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.

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.

Or. en

Amendment 380

Axel Voss

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

Amendment 381
Véronique Mathieu

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 **one year** after their transfer to the Passenger Information Unit of the first Member State on whose territory the *intra-Union or extra-Union* flight is landing or departing.

Or. fr

Justification

Too short a data retention period would bring about significant operational difficulties, especially in an emergency, when there is no time to follow the masking-out procedure. It would also deprive investigators of access to the data at key points in an investigation. At the outset of an investigation, they do not necessarily have all the facts at their disposal which would enable them to state that the data are needed.

Amendment 382
Cornelia Ernst, Marie-Christine Vergiat

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 to the Passenger Information Unit are retained in a database at the Passenger Information Unit for a period of **3** days after their transfer to the Passenger Information Unit

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

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

Or. en

Amendment 383
Jan Philipp Albrecht

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

Text proposed by the Commission

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.

deleted

Or. en

Justification

Storing all PNR data for longer periods of time even without any initial suspicion is disproportionate. National constitutional courts in several rulings on telecommunications

data retention as based on directive 2006/24/EC as well as the ECHR in its ruling on retention of DNA samples (S. and Marper vs UK) have made this clear and have also warned that the cumulative effects of retention of several types data may be close to the absolute constitutional threshold. Neither the Legal Service of the Council nor the EU Fundamental Rights Agency have been convinced by the necessity and proportionality of the retention of data about all passengers.

Amendment 384
Martin Ehrenhauser

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

Text proposed by the Commission

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.

deleted

Or. en

Amendment 385
Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **three months after which they will be permanently deleted**. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such **depersonalised** PNR data shall be accessible only to a limited number of **senior level** 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 is necessary to carry out an investigation in response to a specific, **actual** and **imminent** threat or **in case of** a specific investigation or prosecution.

Or. en

Amendment 386
Birgit Sippel, Carmen Romero López

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

Amendment

Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of **three** years. During this period, all data elements which could serve

to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit 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.

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

Or. en

Amendment 387
Véronique Mathieu

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

Amendment

Upon expiry of the period of one year 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 **anonymised**. 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 **a limited number of individually appointed and specifically authorised senior staff members** of the Passenger Information

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.

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. fr

Justification

It should be restated - to avoid confusion - that masking-out of data means anonymisation. So that, furthermore, Passenger Information Units can operate uninterruptedly, around the clock, arrangements for granting access to full PNR data should be extended to include a number of other individuals, since the head of unit may be unavailable at times (because of illness, leave, etc.).

Amendment 388

Cornelia Ernst, Marie-Christine Vergiat

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**

Amendment

Upon expiry of the period of **three days** after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall **only** be retained at the Passenger Information Unit **if it could reasonably be 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**. During this period, **which shall not exceed the time needed to carry out that investigation**, 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. Access to the full PNR data shall be permitted only by the

investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.

Head of the Passenger Information Unit for the purposes of Article 4(2)(c).

Or. en

Justification

Blanket retention of data should be avoided.

Amendment 389

Ioan Enciu

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 – indent 2

Text proposed by the Commission

– *Address and contact* information;

Amendment

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

Or. ro

Amendment 390

Sophia in 't Veld

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 billing address;*

Or. en

Amendment 391

Sophia in 't Veld

Proposal for a directive

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

Text proposed by the Commission

Amendment

- Frequent flyer information;

Or. en

Amendment 392

Carmen Romero López, Birgit Sippel

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 393

Ioan Enciu

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;

– ‘frequent flyer’ profile and general remarks to the extent that it contains any information which could serve to identify the passenger to whom PNR relate;

Or. ro

Amendment 394

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 1. 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 395
Axel Voss

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. *The Passenger Information Unit* 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. de

Amendment 396
Cornelia Ernst, Marie-Christine Vergiat

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 **permanently** 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

Amendment 397
Birgit Sippel, Carmen Romero López

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

Amendment 398
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

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

Amendment 399
Martin Ehrenhauser

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**

Amendment

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

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.*

the data shall be corrected or deleted from the database at the latest at the end of the three-month retention period.

Or. en

Amendment 400
Cornelia Ernst, Marie-Christine Vergiat

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

Or. en

Amendment 401
Alexander Alvaro

Proposal for a directive
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Penalties against air carriers

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.

Or. en

Amendment 402

Jan Philipp Albrecht

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 ***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.***

Or. en

Amendment 403
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Penalties against Passenger Information Units

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate sanctions are provided for against Passengers Information Units which do not collect, use or transmit data in accordance with the provision of this Directive.

Or. en

Amendment 404
Alexander Alvaro

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Protection of personal data

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.

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

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.

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.

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

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.

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.

Or. en

Amendment 405
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*

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*

*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.***

*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 406
Sophia in 't Veld

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 **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.**

Or. en

Justification

The Directive 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, should be adopted before an EU PNR Directive.

Amendment 407

Cornelia Ernst, Marie-Christine Vergiat

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(I), 18, 19 and 20** of the Council Framework Decision 2008/977/JHA. The provisions of **Articles 17(I), 18, 19 and 20** of the Council Framework Decision 2008/977/JHA shall therefore be applicable.

Or. en

Amendment 408

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.

Or. en

Amendment 409

Axel Voss

**Proposal for a directive
Article 11 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 410

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, those provisions shall apply.

Or. en

Amendment 411
Martin Ehrenhauser

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 more rights to access, rectification, erasure and blocking of the data, to compensation, judicial redress, confidentiality of processing and data security than the provisions referred to in paragraphs 1 and 2, those provisions shall apply.

Or. en

Amendment 412
Sophia in 't Veld

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 *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 the 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

Amendment 413
Kinga Göncz

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, **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; **penalties as set out in Article 10 of this Directive shall apply to air carriers processing such data.**

Or. en

Amendment 414
Axel Voss

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

Amendment

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

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.

purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing by **a** national data protection supervisory **authority**. 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. de

Amendment 415
Ágnes Hankiss

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 the underlying data are deleted. ***Those persons who perform security checks and who have access to PNR data and analyse***

them, as well as keeping the logs, shall possess the highest security clearance: they must undergo security screening and security training. Every person must have a profile determining and restricting what data they are permitted access to, in accordance with the nature of the person's work and his role and powers.

Or. hu

Amendment 416
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.

Or. en

Amendment 417
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

4a. State of the art technology shall be used for the protection of all data, taking into account the latest developments in expert discussions on data protection and constantly updated to include new knowledge and insights.

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, altered or removed without authorisation when being processed or used;

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

The possibility of retrospectively checking and establishing whether and by whom personal data have accessed shall be guaranteed.

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

Or. en

Amendment 418
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*

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 Passenger Information *Units*, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious *transnational* crime, the possibility of exchanging and sharing such data and their data protection rights,

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.

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 419
Carmen Romero López, Birgit Sippel

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 *their processing against pre-determined criteria defined by the competent authorities referred to in Article 5*, the possibility of exchanging and sharing such data and their data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Or. en

Amendment 420
Martin Ehrenhauser

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

Or. en

Amendment 421
Cornelia Ernst, Marie-Christine Vergiat

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*

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, the possibility of exchanging and sharing such data and their

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.

data protection rights, in particular the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

Or. en

Amendment 422
Véronique Mathieu

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 *intra-Union and extra-Union* 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.

Or. fr

Justification

This amendment follows on from including all intra-Union flights in the scope of the directive. The terms ‘intra-Union flight’ and ‘extra-Union flight’ are preferable to ‘international flight’

and ‘internal flight’, which are derived from the Schengen Borders Code and are not appropriate in a directive which is to apply to the whole territory of the European Union.

Amendment 423

Axel Voss

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 *the* Passenger Information *Unit* and competent authorities to private parties in Member States or in third countries shall be prohibited.

Or. de

Amendment 424

Birgit Sippel

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

Does not affect English version

Or. de

Amendment 425

Alexander Alvaro

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

National supervisory authority

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.

Or. en

Amendment 426
Sophia in 't Veld

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

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.***

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 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 adopted by the Member States pursuant to the present Directive.

Amendment 427
Martin Ehrenhauser

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

Text proposed by the Commission

Amendment

The Commission shall submit a report on the financial impact of this Directive to the European Parliament and the Council. The report shall focus in particular on the costs incurred by passengers, air carriers and ticket sellers. If appropriate, the report shall be accompanied by a legislative proposal aimed at harmonising the division of the financial burden between public authorities and air carriers across the Union.

Amendment 428
Jan Philipp Albrecht

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

By...* the Commission shall submit a report on the financial impact of this Directive to the European Parliament and the Council. The report shall focus in particular on the costs incurred by passengers, air carriers and ticket sellers. If appropriate, the report shall be accompanied by a legislative proposal aimed at harmonising the division of the financial burden between public

authorities and air carriers across the Union.

** OJ : please insert date: 2 years after the date of entry into force of this Directive.*

Or. en

Justification

The issue of costs should be addressed

Amendment 429
Alexander Alvaro

Proposal for a directive
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Common protocols and supported data formats

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.

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.

3. The list of accepted common protocols and supported data formats shall be drawn up and, if need be, adjusted, by the Commission in accordance with the procedure referred to in Article 14(2).

4. As long as the accepted common protocols and supported data formats referred to in paragraphs 2 and 3 are not available, paragraph 1 shall remain applicable.

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.

Or. en

Amendment 430
Axel Voss

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 *Unit* 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.

Or. de

Amendment 431
Ioan Enciu

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 **secured** 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. ro

Amendment 432
Axel Voss

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

Amendment

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 **Unit** 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.

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. de

Amendment 433
Véronique Mathieu

Proposal for a directive
Article 13 – paragraph 5

Text proposed by the Commission

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.

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, ***taking account of the ICAO guidelines.***

Or. fr

Justification

To ensure a degree of consistency with international standards, it should be pointed out that the technical measures to be adopted will take account of internationally recognised measures.

Amendment 434
Alexander Alvaro

Proposal for a directive
Article 14

Text proposed by the Commission

Article 14

Committee procedure

1. The Commission shall be assisted by a committee ('the Committee'). That

Amendment

deleted

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 435
Alexander Alvaro

Proposal for a directive
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Transposition

1. 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.

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.

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.

Or. en

Amendment 436
Manfred Weber

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 two years after the entry into force of this Directive. **Member States which make first use of PNR data, for the purposes provided for in Article 1(2)(a) and (b), after that period shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest by the time use is made thereof for the first time.** Member States shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. de

Amendment 437
Alexander Alvaro

Proposal for a directive
Article 16

Text proposed by the Commission

Article 16

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

Amendment

deleted

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

Or. en

Amendment 438
Martin Ehrenhauser

Proposal for a directive
Article 16

Text proposed by the Commission

Amendment

Transitional provisions

deleted

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 439
Manfred Weber

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

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

Amendment

Upon the **dates** referred to in Article 15(1), 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 **dates** 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 **dates** referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.

Or. de

Amendment 440
Alexander Alvaro

Proposal for a directive
Article 17

Text proposed by the Commission

Article 17

Review

On the basis of information provided by the Member States, the Commission shall:

(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);

(b) undertake a review of the operation of this Directive and submit a report to the

Amendment

deleted

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.

Or. en

**Amendment 441
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

Justification

The scope of this Directive should be limited to targeted international flights only.

**Amendment 442
Martin Ehrenhauser**

**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 443
Cornelia Ernst, Marie-Christine Vergiat

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 444
Birgit Sippel

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 feasibility and necessity of the scope of this Directive, in the light of the experience gained by those Member States that collect PNR data. 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 445
Carmen Romero López

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 feasibility and necessity of **extending** the scope of this Directive, in the light of the experience **and results** gained by Member States **the collection of** PNR data **and in the light of an evaluation of other EU existing tools and instruments to combat terrorism and organised crime**. 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 446
Manfred Weber

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 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 ***no later than four*** years after the ***entry into force of this Directive***;

Or. de

Amendment 447
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 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 448
Cornelia Ernst, Marie-Christine Vergiat

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

Or. en

Justification

Taking into consideration that the collection of PNR data is an intrusive measure as regards fundamental rights, evaluation should be carried out as early as feasible.

Amendment 449
Manfred Weber

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 **no later than six years** after the **entry into force of this Directive**. 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 450
Alexander Alvaro

Proposal for a directive
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Statistical data

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.

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

Amendment 451
Sophia in 't Veld

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

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

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.

offence or serious **transnational** crime according to Article 4(2), the number of **false positives, 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 effective convictions as a result thereof.**

Or. en

Amendment 452
Birgit Sippel, Carmen Romero López

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

Or. en

Amendment 453
Axel Voss

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

Amendment

1. **The Management Board** shall prepare a set of statistical information on PNR data. **It shall be based on the PNR data**

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.

provided to the Passenger Information **Unit by air carriers and on information from Member States on subsequent law enforcement actions. The** 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.

Or. de

Amendment 454
Carmen Romero López

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, 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 false positive occurred while processing the PNR data concerned.**

Or. en

Amendment 455
Martin Ehrenhauser

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, **the number of persons identified for further scrutiny and the number of persons later found to have been unjustifiably flagged as suspect.**

Or. en

Amendment 456
Alexander Alvaro

Proposal for a directive
Article 19

Text proposed by the Commission

Article 19

Relationship to other instruments

1. 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 Directive is adopted, in so far as such agreements or arrangements are compatible with this Directive.

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.

Amendment

deleted

Amendment 457
Alexander Alvaro

Proposal for a directive
Annex 1

Text proposed by the Commission

Amendment

ANNEX

deleted

***Passenger Name Record data as far as
collected by air carriers***

- (1) PNR record locator***
- (2) Date of reservation/issue of ticket***
- (3) Date(s) of intended travel***
- (4) Name(s)***
- (5) Address and contact information
(telephone number, e-mail address)***
- (6) All forms of payment information,
including billing address***
- (7) Complete travel itinerary for specific
PNR***
- (8) Frequent flyer information***
- (9) Travel agency/travel agent***
- (10) Travel status of passenger, including
confirmations, check-in status, no show
or go show information***
- (11) Split/divided PNR information***
- (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)***
- (13) Ticketing field information,
including ticket number, date of ticket***

issuance and one-way tickets, Automated Ticket Fare Quote fields

(14) Seat number and other seat information

(15) Code share information

(16) All baggage information

(17) Number and other names of travellers on PNR

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

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

Or. en

Amendment 458
Martin Ehrenhauser

Proposal for a directive
Annex 1 – point 5

Text proposed by the Commission

Amendment

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

Or. en

Amendment 459
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 460
Martin Ehrenhauser

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 461
Sophia in 't Veld

Proposal for a directive
Annex 1 – point 8

Text proposed by the Commission

Amendment

(8) Frequent flyer information *deleted*

Or. en

Amendment 462
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 463
Martin Ehrenhauser

Proposal for a directive
Annex 1 – point 8

Text proposed by the Commission *Amendment*
(8) Frequent flyer information *deleted*
Or. en

Amendment 464
Cecilia Wikström, Olle Schmidt

Proposal for a directive
Annex 1 – point 8

Text proposed by the Commission *Amendment*
(8) Frequent flyer information *deleted*
Or. en

Amendment 465
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 466
Martin Ehrenhauser

Proposal for a directive
Annex 1 – point 9

Text proposed by the Commission *Amendment*
(9) Travel agency/travel agent *deleted*
Or. en

Amendment 467
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 468
Martin Ehrenhauser

Proposal for a directive
Annex 1 – point 11

Text proposed by the Commission

Amendment

(11) Split/divided PNR information *deleted*

Or. en

Amendment 469
Cecilia Wikström, Olle Schmidt

Proposal for a directive
Annex 1 – point 11

Text proposed by the Commission

Amendment

(11) Split/divided PNR information *deleted*

Or. en

Amendment 470
Carmen Romero López, Birgit Sippel

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 471
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 472
Martin Ehrenhauser**

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

Text proposed by the Commission

Amendment

(12) General remarks (including all *deleted*

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)

Or. en

Amendment 473
Cecilia Wikström, Olle Schmidt

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

(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)

Amendment

(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 474
Sophia in 't Veld

Proposal for a directive
Annex 1 – point 12

Text proposed by the Commission

(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

Amendment

(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

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)

the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent

Or. en

Amendment 475
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 476
Martin Ehrenhauser

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 477
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 478
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 479
Martin Ehrenhauser**

**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 480
Cecilia Wikström, Olle Schmidt**

**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 481
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 482
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 483
Martin Ehrenhauser

Proposal for a directive
Annex 1 – point 16

Text proposed by the Commission *Amendment*
(16) All baggage information **deleted**

Or. en

Amendment 484
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 485
Martin Ehrenhauser

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 486
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 487
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 488
Martin Ehrenhauser

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 489
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***

(19) All historical changes to the PNR
listed

Or. en