



2017/2065(INI)

02.10.2017

AMENDMENTS

1 - 45

Draft opinion
Angelika Mlinar
(PE610.917v01-00)

Towards a digital trade strategy
(2017/2065(INI))

Amendment 1
Angelika Mlinar

Draft opinion
Citation 1 a (new)

Draft opinion

Amendment

- *having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);*

Or. en

Amendment 2
Angelika Mlinar

Draft opinion
Citation 1 b (new)

Draft opinion

Amendment

- *having regard to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ETS N°108 and its additional Protocol;*

Or. en

Amendment 3
Angelika Mlinar

Draft opinion
Citation 1 c (new)

Draft opinion

Amendment

- *having regard to Resolution*

Amendment 4
Angelika Mlinar

Draft opinion
Citation 1 d (new)

Draft opinion

Amendment

- *having regard to Article 45 of Regulation (EU) 2016/679 which establishes that a third country ensures an adequate level of protection of personal data by reason of its domestic law or the international commitments it has entered into, the rule of law, respect for human rights and the existence and effective functioning of independent supervisory authorities;*

Or. en

Amendment 5
Angelika Mlinar

Draft opinion
Citation 1 e (new)

Draft opinion

Amendment

- *having regard to the judgment of the European Court of Justice in Case C-362/14 (Schrems) which clarified that an adequate level of protection in a third country must be understood to be ‘essentially equivalent’ to that guaranteed within the European Union by virtue of Directive 95/46/EC read in the light of the Charter of Fundamental Rights of the European Union (hereinafter ‘the EU Charter’)*

Amendment 6
Angelika Mlinar

Draft opinion
Citation 1 f (new)

Draft opinion

Amendment

– *having regard to the Report from the Commission to the European Parliaments, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Trade Policy Strategy “Trade for all”, Delivering a Progressive Trade Policy to Harness Globalisation;*

Or. en

Amendment 7
Emil Radev

Draft opinion
Recital A

Draft opinion

Amendment

A. whereas the European Union is bound by the Charter of Fundamental Rights of the European Union, including Article 8 thereof on the right to the protection of personal data, by Article 16 of the Treaty on the Functioning of the European Union (TFEU) on the *same fundamental* right, and by Article 2 of the Treaty on European Union (TEU);

A. whereas the European Union is bound by the Charter of Fundamental Rights of the European Union, including Article 8 thereof on the right to the protection of personal data *and Article 16 on the freedom to conduct a business*, by Article 16 of the Treaty on the Functioning of the European Union (TFEU) on the right *to the protection of personal data*, and by Article 2 of the Treaty on European Union (TEU);

Or. en

Amendment 8
Eleftherios Synadinos

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. whereas data protection concerns all citizens and their fundamental rights and not only consumers or users;

Or. el

Amendment 9
Eleftherios Synadinos

Draft opinion
Recital B

Draft opinion

Amendment

B. whereas the protection of personal data is non-negotiable in trade agreements and data protection has always been excluded from EU trade negotiation mandates;

B. whereas the protection of personal data is ***a universal and non-negotiable element of all procedures, including*** trade agreements and data protection has always been excluded from EU trade negotiation mandates; ***whereas an exception is made for the use of personal data - subject to adequate and suitable safety measures - where necessary for reasons pertaining to the prevention, detection, investigation and prosecution of terrorist offences and serious crime, adopting a balanced approach to increased security and the protection of human rights respectively;***

Or. el

Amendment 10
Emil Radev

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas the free flow of data is integral to the modern economy, allows for the offering of cross-border services thus creating many tangible benefits for users, fosters the global outreach of European companies, including SMEs, and is set to increase even more in the coming years;

Or. en

Amendment 11
Harald Vilimsky, Lorenzo Fontana

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. considering that in the past, European minimum standards on data protection in trade agreements have often been deviated to the detriment of consumers;

Or. en

Amendment 12
Eleftherios Synadinos

Draft opinion
Recital C

Draft opinion

Amendment

C. whereas the EU data protection framework already allows for the ‘free flow’ of data within the EU and with third countries, provided that its requirements are fulfilled;

C. whereas the EU data protection framework already allows for the ‘free flow’ of data within the EU and with third countries, provided that its requirements are fulfilled, ***without the possibility of verifying their implementation, while at the same time placing at odds with***

personal data processing certain provisions regarding the protection of individuals, which must be stepped up and possibly extended;

Or. el

Amendment 13
Angelika Mlinar

Draft opinion
Recital C

Draft opinion

C. whereas the EU data protection framework already allows for the ‘free flow’ of data within the EU and with third countries, provided that its requirements are fulfilled;

Amendment

C. whereas the EU data protection framework already allows for the ‘free flow’ of data within the EU and with third countries, provided that its requirements are fulfilled *so as to ensure that the level of protection of personal data warranted in the Union should not be undermined as a result of the transfer;*

Or. en

Amendment 14
Eleftherios Synadinos

Draft opinion
Recital D

Draft opinion

D. whereas the General Data Protection Regulation (GDPR) not only clarifies the rules for assessing the level of protection of third countries (adequacy decisions), but also codifies one of the tools already used for international transfers (binding corporate rules) and provides two additional options to facilitate transfers of personal data (certifications and codes of conduct);

Amendment

D. whereas the General Data Protection Regulation (GDPR) not only clarifies the rules for assessing the level of protection of third countries (adequacy decisions), but also codifies one of the tools already used for international transfers (binding corporate rules) and provides two additional options to facilitate transfers of personal data (certifications and codes of conduct); *whereas the GDPR should be regularly updated so as to*

ensure that its effectiveness is at least not eroded and, ideally, that it enhances citizens' rights, giving them the necessary protection and better control of their personal data and ensuring that their privacy is still protected in the digital age at a time of shifting data parameters;

Or. el

Amendment 15
Harald Vilimsky, Lorenzo Fontana

Draft opinion
Recital D a (new)

Draft opinion

Amendment

Da. whereas various citizens' initiatives have already expressed their concern considering data protection under the framework of trade agreements and that their demands and concerns will be included in forthcoming negotiations;

Or. en

Amendment 16
Eleftherios Synadinos

Draft opinion
Recital E

Draft opinion

Amendment

E. whereas the protection of personal data is a fundamental right and high standards in this field help to ***build trust in the digital economy and thus foster the development of digital trade***; whereas promoting high data protection standards ***and facilitating*** international trade must go hand in hand in the digital era;

E. whereas the protection of personal data is a fundamental right and high standards in this field help to ***ensure the more effective protection and consistent implementation of this established fundamental right***; whereas, promoting ***specific*** high data protection standards and ***further intervention regarding the rules governing the integrated digital market and*** international trade ***in their present***

form must go hand in hand in the digital era, bearing in mind that we operate in a global society characterised by rapid technological shifts, some of which occur automatically and many of which are conditioned by unregulated artificial intelligence parameters;

Or. el

Amendment 17
Angelika Mlinar

Draft opinion
Recital E

Draft opinion

E. whereas the protection of personal data is a fundamental right and high standards in this field help to build trust in the digital economy and thus foster the development of digital trade; whereas promoting high data protection standards and facilitating international trade must go hand in hand in the digital era;

Amendment

E. whereas the protection of personal data is a fundamental right and high standards in this field help to build trust in the digital economy and thus foster the development of digital trade; whereas promoting high data protection standards and facilitating international trade must go hand in hand in the digital era; ***whereas therefore the General Data Protection Regulation may not be seen as an obstacle to data flows;***

Or. en

Amendment 18
Eleftherios Synadinos

Draft opinion
Recital F

Draft opinion

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, forced data localisation, encryption and intermediary liability in trade agreements

Amendment

F. whereas trade agreements can be a lever to improve digital rights, ***while frequently serving to underpin EU policies in the field of law enforcement, crime prevention strategies and***

can strengthen the protection of freedom of speech in particular;

international relations, for example; whereas the inclusion of provisions on net neutrality, forced data localisation, encryption and intermediary liability in trade agreements *cannot, in the absence of adequate endorsement, ensure a high level of protection where data is still being transferred and processed for commercial and other purposes, while the Member States and the Union still lack the necessary legal instruments and guaranteed terms of reference to verify compliance or to require third parties to respect the stated objectives of these provisions;*

Or. el

Amendment 19
Emil Radev

Draft opinion
Recital F

Draft opinion

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, *forced* data localisation, encryption and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Amendment

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, *conditions for legitimate data localisation requirements, security of data processing and data storage*, encryption and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Or. en

Amendment 20
Angelika Mlinar

Draft opinion
Recital F

Draft opinion

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, forced data localisation, encryption and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Amendment

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, ***prohibition of*** forced data localisation, encryption and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Or. en

Amendment 21
Cornelia Ernst

Draft opinion
Recital F

Draft opinion

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, forced data localisation, ***encryption*** and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Amendment

F. whereas trade agreements can be a lever to improve digital rights; whereas the inclusion of provisions on net neutrality, forced data localisation, ***data security*** and intermediary liability in trade agreements can strengthen the protection of freedom of speech in particular;

Or. en

Amendment 22
Maria Grapini, Miltiadis Kyrkos

Draft opinion
Recital F a (new)

Draft opinion

Fa. whereas the EU Member States must be able to benefit from the digital trade, and this requires close cooperation between the Commission, the Member States and the EU industry;

Amendment

Amendment 23

Maria Grapini, Miltiadis Kyrkos

Draft opinion**Paragraph 1***Draft opinion*

1. Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards;

Amendment

1. Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards; ***collection, storage, processing and transfer of data and the digitization of such data have become an integral part of modern business models, including for manufacturers and they have a leading role in the development of global value chains; regulatory co-operation, mutual recognition and harmonization of standards are the best tools to meet the challenges of the digital economy;***

Or. en

Amendment 24

Jean Lambert, Jan Philipp Albrecht, Viviane Reding, Maria Grapini

Draft opinion**Paragraph 1***Draft opinion*

1. ***Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards;***

Amendment

1. ***Calls on the Commission to ensure that cross-border data transfers are in compliance with the existing and future EU legal framework, in particular through adequacy decisions, and to incorporate in our trade agreements first and foremost a horizontal provision, which fully maintains the right of a Party***

to protect personal data and privacy, with the only condition that it must not be used with the intention to restrict data flows for reasons other than the protection of personal data, accompanied with a second provision, which prevents unjustified requirements for data localisation;

Or. en

Amendment 25
Eleftherios Synadinos

Draft opinion
Paragraph 1

Draft opinion

1. Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards;

Amendment

1. Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards; ***highlights the need for documented justification of the need for data collection and transfer, as well as specific and binding parameters in the form of a restrictive/exhaustive list of the objectives being served;***

Or. el

Amendment 26
Eleftherios Synadinos

Draft opinion
Paragraph 1 a (new)

Draft opinion

1. Stresses that any European digital trade strategy or provisions for cross-border data flows and agreements on a free flow legal provision should fully respect the EU data protection acquis and comply with EU fundamental rights standards;

Amendment

1a. Stresses that it is essential for the general public, as well as contracting parties, to be given ready access to

comprehensible information concerning business, commercial or other models necessitating unrestricted data flows, accompanied by an open and transparent overview of services or benefits provided free of charge thanks to funding generated by data collected or made available; stresses that users must be informed as to how many and which third parties have access to data generated or transferred by them if consent is given;

Or. el

Amendment 27
Emil Radev

Draft opinion
Paragraph 2

Draft opinion

2. Advocates the use of all instruments provided for under the GDPR, while acknowledging the fact that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

Amendment

2. Advocates the use of all instruments provided for under the GDPR *in order to foster exchange of data for business purposes within a predictable and strong legal framework* while acknowledging the fact that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

Or. en

Amendment 28
Eleftherios Synadinos

Draft opinion
Paragraph 2

Draft opinion

2. Advocates the use of all instruments provided for under the GDPR,

Amendment

2. Advocates the use of all instruments provided for under the GDPR,

while acknowledging the fact that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

while acknowledging the fact that EU rules on the transfer of personal data, ***which are still inadequate and not fully satisfactory***, may ***in fact*** prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

Or. el

Amendment 29
Harald Vilimsky

Draft opinion
Paragraph 3

Draft opinion

3. ***Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules;***

Amendment

deleted

Or. en

Amendment 30
Maria Grapini, Miltiadis Kyrkos, Peter Kouroumbashev

Draft opinion
Paragraph 3

Draft opinion

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules;

Amendment

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules; ***draws the attention to the fact that it is essential to ensure that the principle of net neutrality is respected, as an open and neutral internet is key to preventing concentration of market power in the digital economy, ensuring ease of entry to small and medium-sized internet-based business***

owners;

Or. en

Amendment 31
Emil Radev

Draft opinion
Paragraph 3

Draft opinion

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules;

Amendment

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements ***for purposes other than data protection, notably to secure advantages for the domestic economy or to allow for state control of access and information***, as such protectionism ***seriously hampers opportunities for European businesses in third country markets and*** is contrary to the EU's data protection rules;

Or. en

Amendment 32
Eleftherios Synadinos

Draft opinion
Paragraph 3

Draft opinion

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules;

Amendment

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules, ***with the exception of data localisation requirements generally applicable in the EU;***

Or. el

Amendment 33
Daniel Dalton

Draft opinion
Paragraph 3

Draft opinion

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as such protectionism is contrary to the EU's data protection rules;

Amendment

3. Underlines the need to tackle all forms of digital protectionism, including unjustified data localisation requirements, as ***a top priority, as*** such protectionism is contrary to the EU's data protection rules ***and undermines the efficiency benefits of digital trade;***

Or. en

Amendment 34
Harald Vilinsky, Lorenzo Fontana

Draft opinion
Paragraph 3 – point 1 (new)

Draft opinion

Amendment

(1) Opposes the conclusion of trade agreements which are contrary to these principles;

Or. en

Amendment 35
Emil Radev

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Emphasises that any restriction on data flows has to be justified, necessary, proportionate, non-discriminatory,

reasoned, and causing minimum disruption to businesses and international trade;

Or. en

Amendment 36
Cornelia Ernst

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to ***act as the benchmark for setting*** high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Amendment

4. Urges the Commission to ***promote*** high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection. ***Underlines, in this respect, the obligation of the Commission resulting from Paragraph 10 of Article 218 TFEU, that the European Parliament shall be immediately and fully informed at all stages of the procedure.***

Or. en

Amendment 37
Emil Radev

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may

Amendment

4. Urges the Commission ***to propose an ambitious EU strategy on digital trade,*** to act as the benchmark for setting high data protection standards on data flows at international level, ***including within the Council of Europe, the OECD and the WTO,*** and to consult the appropriate EU

potentially impact data protection.

data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Or. en

Amendment 38
Daniel Dalton

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Amendment

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows ***and to prioritise tackling digital non-tariff barriers including unjustified data localisation requirements*** at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Or. en

Amendment 39
Harald Vilimsky, Lorenzo Fontana

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to ***act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.***

Amendment

4. Urges the commission to ***define European data protection, based on agreements by all member States of the EU, as a global standard of the basis of all cooperation in the digital field.***

Amendment 40
Eleftherios Synadinos

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Amendment

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU **and Member State** data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Or. el

Amendment 41
Angelika Mlinar

Draft opinion
Paragraph 4

Draft opinion

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies during the negotiation process of international or trade agreements that may potentially impact data protection.

Amendment

4. Urges the Commission to act as the benchmark for setting high data protection standards on data flows at international level and to consult the appropriate EU data protection institutions and bodies **before and** during the negotiation process of international or trade agreements that may potentially impact data protection.

Or. en

Amendment 42
Angelika Mlinar

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls on the Commission to be cautious in drawing up rules for cross-border data transfers, including through FTAs, as these should be in full compliance with, and without prejudice to, the Charter of Fundamental Rights and the EU's data protection and privacy rules and might contradict a policy approach that should be based upon fostering adequacy between the EU and its trading partners in the area of data protection; calls on the Commission to seek the formal opinion of the EDPS and the forthcoming European Data Protection Board (EDPB) on any of such rules already in the drafting stage;

Or. en

Amendment 43
Maria Grapini, Miltiadis Kyrkos

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Underlines that the fact that commercial policy already contributes to the fight against corruption, for example by increasing the transparency of regulations and award procedures and by simplifying customs procedures; Digital Trade Strategy could continue to be used to combat corruption and ensure the implementation of International conventions and international principles, they should ensure fair competition in the internal market, harmonization of standards and consumer protection and security;

Or. en

Amendment 44
Daniel Dalton

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses the benefits of working at an international level through the WTO on ensuring the free flow of data, and on a bilateral level pursuing data adequacy agreements in new trade agreements and seeking to add data annexes to existing agreements;

Or. en

Amendment 45
Maria Grapini, Miltiadis Kyrkos, Peter Kouroumbashev

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Underlines the fact that even though the Single Digital Market strategy addresses many of the problems facing digital trade, European companies still face significant global obstacles such as non-transparent regulations, government intervention or unjustified data location and data storage; some of the key actions of the Digital Single Market Strategy, such as the European cloud initiative and the copyright reform, have an international dimension that could be addressed in a European Digital Trade Strategy;

Or. en