

6.3.2024

A9-0264/333

Amendment 333

Clare Daly

on behalf of the The Left Group

Report

Sabine Verheyen

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) Considering the preliminary remarks of the European Data Protection Supervisor on modern spyware, spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy, and thus should under no circumstance be considered necessary and proportionate under Union law. It is therefore necessary to prohibit the deployment of spyware in machines or devices used by media service providers. Given the high risk that any spyware acquired by a Member State may be used to undertake surveillance of a media service provider, a source, a family member, or other directly or indirectly linked individuals without their knowledge, and the grave threat posed to fundamental freedoms by such a risk, it is necessary to prohibit the deployment of spyware against any individual residing in the Union, and to further prohibit the acquisition by Member States of spyware, and its importation into the Union.

Or. en

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Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *deploy spyware in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought.* **deleted**

Or. en

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A9-0264/2023

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Prohibition on the use of spyware

Member States, including their national regulatory authorities and bodies, law enforcement authorities and security services, shall not:

(a) deploy spyware in any device or machine used by media service providers or any individual who may have links, whether directly or indirectly, with any media service provider;

(b) purchase or acquire spyware or import spyware into the Union.

Or. en